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State of Wisconsin
Governor Scott Walker



TO: **W-2 Agencies
Training Staff**

FROM: Margaret McMahon, Director
Bureau of Working Families
Division of Family and Economic Security
Department of Children and Families

BWF OPERATIONS MEMO					
No:	16-04	(Amended)			
DATE:	02/29/2016 7/1/2016				
W-2	<input checked="" type="checkbox"/>	EA	<input type="checkbox"/>	CF	<input type="checkbox"/>
JAL	<input type="checkbox"/>	RAP	<input type="checkbox"/>	Other EP	<input type="checkbox"/> *

SUBJECT: Eligibility Denials and Case Closures Related to the Drug Screening, Testing, and Treatment Requirements

CROSS REFERENCE: W-2 Manual Sections [7.3](#), [7.5.1](#)
[Wis. Admin. Code DCF 105](#)
BWF Operations Memo [16-03](#): Wisconsin Works Trial
Employment Match Program and Expanded Noncustodial
Parent Services Pilot

EFFECTIVE DATE: March 1, 2016

PURPOSE

The purpose of this memo is to communicate instructions for denying eligibility and closing cases as a result of a failure or refusal to comply with the drug screening, testing, and treatment requirements for certain work experience programs.

BACKGROUND

Wis. Stat. s. 49.162, as created by 2015 Wisconsin Act 55, requires screening and, if indicated, testing and treatment for use of a controlled substance without a valid prescription as a condition of eligibility for certain Department of Children and Families (DCF) work experience programs. Implementation of the requirements will be expanded to the Case Management for Noncustodial Parents (CMN), Noncustodial Trial Employment Match Program (TEMP) Placement (TNP), and Stipends for Noncustodial Parents (TSP) placements on March 1, 2016.

On November 9, 2015, Administrative Rule DCF 105: Substance Abuse Screening and Testing for Certain Department Work Experience Programs went into effect. The rule provides procedures for determining when an individual has refused to comply with the screening

requirement as well as determining when an individual is ineligible to participate due to failure or refusal of the drug testing and treatment requirements.

DCF 105 provides that an applicant who fails to submit a completed screening questionnaire is not eligible to participate in the work experience program, and the administering agency must deny the application. Completion of the screening questionnaire will be considered an up-front activity requirement. An individual may reapply at any time as long as the application is complete, including a completed questionnaire.

DCF 105 provides that an individual is ineligible to participate in any work experience program administered by the department for a period of 12 months if one of the following events occurs:

- Failure or refusal to re-enter treatment within 30 days of a refusal to participate;
- Second treatment refusal;
- Confirmed positive test for use of a controlled substance after re-entering treatment without evidence of a valid prescription;
- Failure or refusal to test at the completion of treatment; or
- Positive test for use of a controlled substance at the completion of treatment without evidence of a valid prescription.

PROCESS FOR DENYING ELIGIBILITY

UP-FRONT ACTIVITY REQUIREMENTS PAGE

BWF has not made any enhancements to CWW for the purposes of denying eligibility following a refusal of the screening questionnaire. Moving forward, the “Up-front Activity Requirements” page will also be used to track compliance with the requirement to complete the questionnaire.

Are there any pre-eligibility requirements? The worker must enter a <Yes> response for all CMN, TNP, and TSP applicants.

Have the pre-eligibility requirements been met? A <Yes> or <No> response indicates whether the individual has complied with the requirement to complete the screening questionnaire at application.

NOTICE OF ELIGIBILITY

There are no changes to the Notice of Eligibility for failure to comply with up-front activity requirements.

Reason Code 253: You did not complete your assigned Up-front Activity Requirements. Please contact your worker for more information.

PROCESS FOR CLOSING AN ONGOING CASE**PRIOR TO SEPTEMBER 24, 2016**

If closing a case for failure or refusal related to the drug testing or treatment requirements prior to September 24, please contact the W-2 Help Desk for assistance with processing.

ON OR AFTER SEPTEMBER 24, 2016

A new work program reason code (732) will be created and named Failure or Refusal of Drug Testing and Treatment Requirements. Code 732 will be available for use on September 24, 2016. This code must be used when closing a case for any failure or refusal reason related to the drug testing and treatment requirements. The worker must follow current processes for closing a case due to a work program failure.

ACTION REQUIRED

W-2 agencies must discuss the instructions with staff and incorporate the steps into any relevant local agency procedures.

CONTACTS

For W-2 Questions in the Balance of State: Bureau of Regional Operations, W-2 Regional Coordinators

For W-2 Questions in Milwaukee: Milwaukee Operations Section Regional Administrators

For W-2 CARES Processing Questions: W-2 Help Desk

DCF/DFES/BWF/LW