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State of Wisconsin
Governor Scott Walker



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

FROM: Ed Emmons, Acting Director
Bureau of Working Families
Division of Family and Economic Security
Department of Children and Families

BWF OPERATIONS MEMO

No: 18-13

DATE: 10/12/2018

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: *Implementation of Wisconsin Works (W-2) Refusal to Participate Policy and Automation*

CROSS REFERENCE: [BWF Operations Memo 18-12](#)
[DHCAA Operations Memo 18-40](#)
[W-2 Manual, Section 11.6](#)

EFFECTIVE DATE: October 27, 2018

PURPOSE

This operations memo announces the implementation of Wisconsin Works (W-2) refusal to participate policy and its automation in CARES Worker Web (CWW), and provides an overview of the functionality of the new **W-2 Refusal to Participate** page.

BACKGROUND

2015 Wisconsin Act 55 (Act 55) amended the statutory language in §49.151 (1), Wis. Stats., that defines the criteria for demonstrating a refusal to participate in a W-2 employment position. Act 55 also directed the Department of Children and Families (DCF) to promulgate administrative rule and specify guidelines for determining when a participant, or second parent who is required to work, is demonstrating a refusal to participate.

On September 10, 2018, the Bureau of Working Families (BWF) published [Operations Memo 18-12: Wisconsin Works Refusal to Participate and Notice before Taking Certain Actions](#) to announce enactment of amendments to Administrative Rule DCF 101 that satisfy the statutory rulemaking requirements. The memo released W-2 refusal to participate policies and provided that W-2 agencies may not implement the policies until automation is in place. In the interim, W-2 agencies must develop plans to operationally prepare for policy implementation on October 27, 2018.

POLICY

Effective October 27, 2018, the Financial and Employment Planner (FEP) must close a case when a Trial Employment Match Program (TEMP), Community Service Job (CSJ), or W-2 Transition (W-2 T) participant demonstrates a refusal to participate in the W-2 program without good cause. The FEP must also close a case when a second parent in the participant’s W-2 Group is required to participate in assigned activities because the family is receiving federally funded childcare and refuses to participate without good cause. (W-2 Manual, Section 11.6.1.1)

W-2 refusal to participate policies are attached to [Operations Memo 18-12](#) and will be incorporated into the W-2 Manual with the next manual release. The FEP must follow policies and procedures in W-2 Manual Sections 11.6.2 and 11.6.3 for required actions prior to closing a W-2 case for refusal to participate.

CARES WORKER WEB (CWW)

W-2 REFUSAL TO PARTICIPATE PAGE

Effective October 27, 2018, W-2 agencies must enter occurrences of refusal to participate on the new **W-2 Refusal to Participate** page in CWW. The page is not scheduled in the W-2 driver flow. It is accessible via the CWW navigation menu under the **Individual Non-Financial** section.

FEPs who have access to the office in which the case belongs can create W-2 refusal to participate records and delete existing records. Income Maintenance (IM) workers can view existing records but cannot create or delete records.

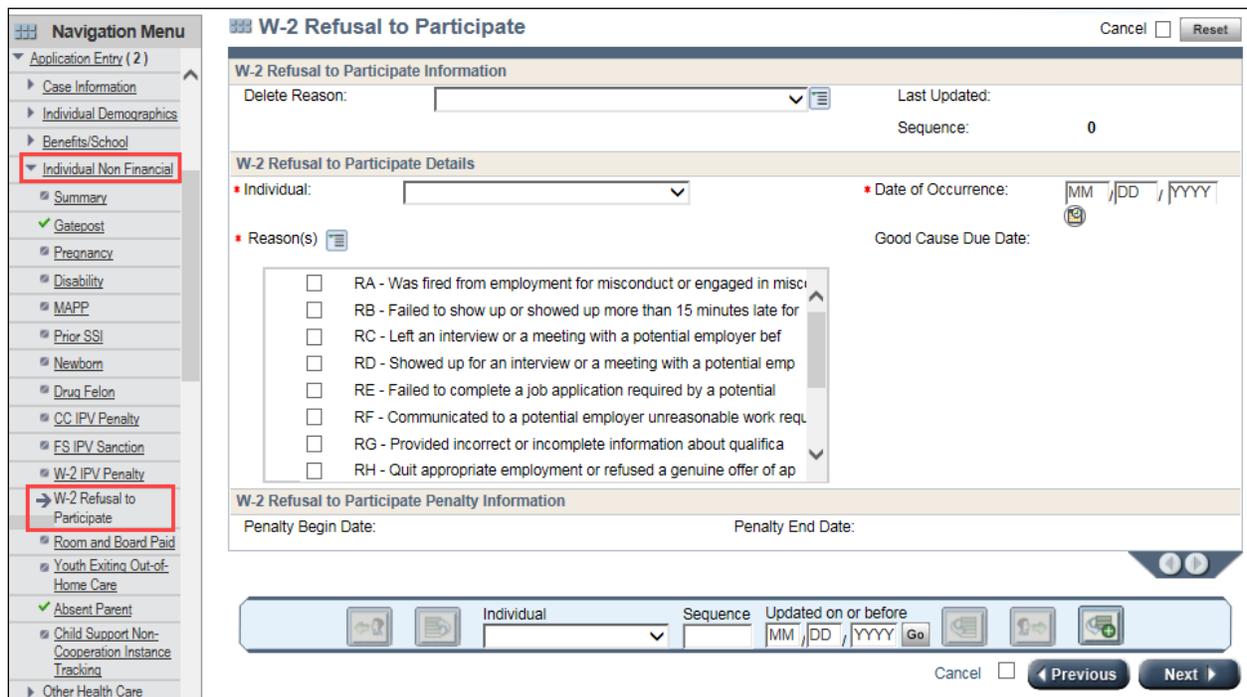


Figure 1 Blank W-2 Refusal to Participate Page

If the FEP determines that a W-2 participant has demonstrated a refusal to participate in W-2, the FEP must create a record of the occurrence in CWW, including the individual who is refusing to participate, the date of occurrence, and the reason(s) for refusal to participate. (See [Operations Memo 18-12](#))

To record an occurrence of refusal to participate in W-2:

1. On the **W-2 Refusal to Participate** page, select the individual from the drop down list. The list displays any individuals on the case who are 18 years of age or older.
2. Enter the date of occurrence. The date must not be a future date or prior to the policy effective date of October 27, 2018. The date also cannot be prior to the W-2 eligibility begin date.
3. Select one or more reasons for refusal to participate. Note that the reason text is shortened on the page. To see the full text, click the reference table icon next to **Reason(s)**.
4. Press <Enter> or click NEXT to save the record.

Primary Person : 32F PP Case: Status: Open Mode: Ongoing 11/05/2018
 Action Items (3) Documents (0) Discrepancies (0) Work Items (0)

W-2 Refusal to Participate Cancel [] Reset

W-2 Refusal to Participate Information

Delete Reason: [] Last Updated: 11/05/2018
 Sequence: 1

W-2 Refusal to Participate Details

* Individual: 33F PP * Date of Occurrence: 11/01/2018
 * Reason(s) Good Cause Due Date: 11/15/2018

RA - Was fired from employment for misconduct or engaged in misc
 RB - Failed to show up or showed up more than 15 minutes late for
 RC - Left an interview or a meeting with a potential employer bef
 RD - Showed up for an interview or a meeting with a potential emp
 RE - Failed to complete a job application required by a potential
 RF - Communicated to a potential employer unreasonable work requ
 RG - Provided incorrect or incomplete information about qualifica
 RH - Quit appropriate employment or refused a genuine offer of ap

W-2 Refusal to Participate Penalty Information

Penalty Begin Date: 11/16/2018 Penalty End Date: 02/13/2019

Figure 2 Completed W-2 Refusal to Participate Record

CWW automatically generates a sequence number for the record and calculates the good cause due date and the penalty begin and end dates. The W-2 Notice of Refusal to Participate (W2RP) letter will be generated via the nightly batch process and mailed to the participant.

- The **Good Cause Due Date** is calculated as 7 working days after the W2RP mailing date.
- The **Penalty Begin Date** is calculated as 7 working days after the W2RP mailing date, plus one calendar day.

- The **Penalty End Date is calculated as** 90 calendar days from the penalty begin date, including the penalty begin date.

The W2RP letter is intended to give the participant one last opportunity to present good cause for refusing to participate. It includes the name of the refusing individual, date of occurrence, refusal to participate reason(s), penalty begin and end dates, and good cause due date. W2RP is viewable in Correspondence History and stored in the participant's Electronic Case File (ECF). ([See Attachment: W-2 Notice of Refusal to Participate](#))

ELIGIBILITY

If Good Cause is Not Provided

If the W-2 participant does not provide good cause by the due date, or the FEP determines that good cause does not exist, the FEP must run eligibility to generate the case closure.

The day after the good cause due date, the FEP will receive alert 536 - W-2 REFUSAL, RUN ELIGIBILITY as a reminder to run eligibility. If the FEP does not respond to the alert to run eligibility, CARES will end W-2 eligibility at the next batch eligibility run. CARES will issue the appropriate Notice of Eligibility after eligibility is run.

Regardless of when eligibility is run, CARES will automatically end the W-2 placement and the W-2 episode as of the good cause due date. This process ensures that benefits do not continue and that the period of ineligibility begins on the next calendar day. If the FEP determines that the participant has good cause and the FEP attempts to make a new W-2 placement, the FEP will receive error message 'XE140: Good cause due date lapsed for refusal to participate. A new W-2 placement cannot be made.' The FEP must delete the refusal to participate record prior to making a new W-2 placement.

If Good Cause is Provided

If the W-2 participant provides a valid good cause reason by the good cause due date, the FEP must delete the W-2 refusal to participate record on or before the good cause due date so that W-2 eligibility is not impacted.

To delete a W-2 refusal to participate record:

1. Navigate to the W-2 refusal to participate record for the relevant individual and sequence.
2. In the **W-2 Refusal to Participate Information** section, select the delete reason NI-NEW INFORMATION.
3. Press <Enter> or click NEXT to save.
4. Document the deletion and good cause reason in case comments on CARES screen CMCC.

Once a record is deleted, the sequence number will continue to go up by one increment for any new records created. Workers can use the page record navigator to view historical deleted records.

Note: Per policy, the due date for good cause cannot be extended beyond seven working days. Because CARES will automatically end the W-2 placement as of the seventh working day, the

FEP must act timely and delete the refusal to participate record if a participant provides good cause by the due date.

Impacts to FoodShare Work Registrants

When W-2 is confirmed closed for refusal to participate and the case is open for FoodShare, the IM worker will receive an alert. Per the general FoodShare work requirement policy, refusal to participate in W-2 work requirements without good cause is a sanctionable event (see [DHS OM 18-40: Clarification of FoodShare Policy Regarding Refusal to Participate in a Wisconsin Works Employment Position](#)).

Eligibility During the Penalty Period

During the penalty period, the W-2 assistance group will fail for reason code 748 – INELIGIBLE FOR W-2 FOR 90 DAYS; REFUSAL TO PARTICIPATE.

If the individual under penalty applies for W-2 during the penalty period, the W-2 assistance group will fail. If the W-2 Request Date is after the penalty end date, W-2 will pass, provided other eligibility criteria are met.

If the individual under penalty is added to a different W-2 or FoodShare case during the penalty period, a yellow warning message will display on the **Individual Clearance** page: “AE690: Entered individual has a history of refusal to participate in W-2. Navigate to the W-2 Refusal to Participate page for more information.” If the FEP adds the individual despite the warning, the entire W-2 assistance group will fail for reason code ‘748’. The FEP must inform the primary person on the W-2 case that the entire W-2 Group is ineligible for W-2 because an individual in the W-2 Group is refusing to participate and under penalty.

CASE SUMMARY

The Case Summary PDF will include language in the **W-2 Information** section that describes the W-2 participant’s obligation to participate in assigned activities, the behaviors and actions that demonstrate a refusal to participate, and the penalty for demonstrating a refusal to participate.

ACCESS CHECK MY BENEFITS

W-2 case information is available to W-2 participants in ACCESS Check My Benefits (CMB) for all cases that are not marked as confidential. Information regarding W-2 eligibility is accessible in the W-2 DETAILS tab. The **W-2 Eligibility** section will display the following text for individuals who are ineligible for W-2 for refusal to participate:

“Ineligible for W-2 for 90 days; refusal to participate.”

The *W-2 Notice of Refusal to Participate* letter is available for viewing in the VIEW MY LETTERS tab for cases that are not marked as confidential.

TRAINING

Training on W-2 Refusal to Participate policies is available as a Coach's Corner on the [Partner Training Team \(PTT\) Learning Center](#).

See also [System Help, W-2 Refusal to Participate](#).

AGENCY ACTION

W-2 agencies must familiarize staff with CWW and ACCESS changes and update any relevant standard operating procedures.

ATTACHMENTS

[W-2 Notice of Refusal to Participate \(W2RP\)](#)

CONTACTS

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

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

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

DCF/DFES/BWF/BY