



TO: **W-2 Agencies  
Training Staff**  
  
**TJ Contractors and Subcontractors  
TMJ Contractors and Subcontractors**

BWF OPERATIONS MEMO							
No:	22-10						
DATE:	05/26/2022						
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W-2	<input checked="" type="checkbox"/>	EA	<input type="checkbox"/>	CF	<input type="checkbox"/>	JAL	<input checked="" type="checkbox"/>
RAP	<input type="checkbox"/>	TMJ	<input checked="" type="checkbox"/>	TJ	<input checked="" type="checkbox"/>	Other	EP <input type="checkbox"/>

FROM: Patara Horn, Director  
Bureau of Working Families  
Division of Family and Economic Security  
Department of Children and Families

**SUBJECT: *Updates to Remaining COVID-19 Policy Adjustments***

**CROSS REFERENCE:**

- [BWF Work Programs Policy and Automation Adjustments](#)
- [W-2 Manual Activity Codes Appendix](#)
- [W-2 Manual Section 11.3.1 Rectifying 20% Payment Reductions](#)
- [W-2 Manual Section 11.7.1 Drug Felons](#)
- [W-2 Manual Section 11.7.2 Guidelines for W-2 Applicants or Ongoing Participants](#)
- [Wis Stat. 49.162](#)
- [TJ/TMJ Policy Manual 7.3.1 Wage Subsidy](#)
- [TJ/TMJ Policy Manual 7.4 Tracking Hours Worked](#)
- [TJ/TMJ Policy Manual 7.0 Subsidized Employment Phase](#)
- [BWF Operations Memo 22-07: COVID-19 Policy Adjustments Incorporated in Permanent Policy](#)
- [BWF Operations Memo 21-21: Updates to COVID-19 Best Available Information Policy](#)
- [BWF Operations Memo 21-J3: End of Temporary COVID-19 Process to Automatically Grant Good Cause for Noncooperation with the Child Support Agency](#)
- [BWF Operations Memo 21-20: Updates to COVID-19 Policy Adjustments](#)
- [BWF Operations Memo 21-19: Updates to COVID-19 Policy Adjustments: Use of CX Activity Code and CX Good Cause Reason Code](#)
- [W-2 Manual Section 7.3.4 TEMP Employer Requirements](#)
- [W-2 Manual Section 7.3.3.3 Verification of Time Records](#)

**EFFECTIVE DATE:** July 1, 2022

### **PURPOSE**

The purpose of this memo is to announce the reinstatement of program policies that were suspended or modified to allow for additional flexibility during the COVID-19 pandemic. This memo applies to the Wisconsin Works (W-2), Job Access Loans (JAL), and Transitional Jobs/Transform Milwaukee Jobs (TJ/TMJ) programs.

### **BACKGROUND**

The COVID-19 pandemic has impacted many families throughout the state of Wisconsin, including those served by programs administered by the Bureau of Working Families (BWF). During this uncertain and challenging time, BWF adjusted several program policies to encourage social distancing, mitigate the spread of the virus, and allow for additional flexibility with agency processes. With the overall decrease in cases and relaxation of COVID-19 restrictions across the state, effective July 1, 2022, BWF is reinstating the following policies that were suspended or modified during the COVID-19 Public Health Emergency (PHE):

1. Job Skills Training Activity Assignment;
2. Technical College Activity Related Activity Assignment;
3. Rectifying 20% Payment Reduction;
4. Convicted Drug Felon Testing;
5. Drug Screening, Testing, and Treatment;
6. Continuation of Subsidized Employment Wages (subsidized employment programs only);
7. Subsidized Employment Payment Amounts (subsidized employment programs only); and
8. Subsidized Employment Time Limits (TJ/TMJ only).

**NOTE:** This memo includes all remaining COVID-19 policy adjustments that were announced in the [BWF Work Programs Policy and Automation Adjustments Document](#) that have not already been reinstated, made permanent by BWF, or clarified to be only guidance. This effectively ends all COVID-19 policy adjustments as of the effective date of this memo, July 1, 2022.

For information on previous policies that were reinstated or made permanent by BWF see Operations Memos [22-07](#), [21-21](#), [21-J3](#), [21-20](#), and [21-19](#).

An Operations Memo regarding the status of the Best Available Information policy for verification and corresponding C9 code in CARES Worker Web (CWW) is forthcoming Fall 2022.

## *POLICY*

### *JOB SKILLS TRAINING ACTIVITY ASSIGNMENT*

#### Temporary Policy

BWF temporarily waived the requirement found in the [W-2 Manual Activity Codes Appendix](#) that participants enrolled in a short-term job skills training program and assigned to the Job Skills Training activity (JS) complete a minimum of 40 hours of classroom time.

#### Reinstated Policy

Effective July 1, 2022, BWF is reinstating the requirement that job skills trainings assigned under the JS activity code must include a minimum of 40 hours of classroom instruction.

### *TECHNICAL COLLEGE ACTIVITY-RELATED ACTIVITY ASSIGNMENT*

#### Temporary Policy

BWF temporarily waived the requirement that participants assigned the Technical College activity (TC) be assigned work activities that are directly related to the training they are receiving through the technical college.

#### Reinstated Policy

Effective July 1, 2022, BWF is reinstating the requirement that individuals enrolled in technical college under the TC activity code must also be employed or assigned 25 hours of work activities that are directly related to the training the participant is receiving through the technical college. Agencies should follow guidance found in the [W-2 Manual Activity Codes Appendix](#) to ensure participants assigned this activity are meeting requirements.

### *RECTIFYING 20% PAYMENT REDUCTION*

#### Temporary Policy

Individuals whose W-2 payment has been reduced by 20% or more receive a notice giving them the opportunity to provide written verification of good cause in 7 working days to prevent the payment reduction. BWF temporarily extended this timeframe from 7 working days to 30 working days to account for difficulties obtaining verification during COVID-19 related business closures.

### Reinstated Policy

BWF is reinstating the original 7 working day timeframe to provide written verification of good cause upon receipt of a 20% payment reduction notice, effective July 1, 2022. See [W-2 Manual Section 11.3.1](#) for more information about rectifying 20% payment reductions.

### CONVICTED DRUG FELON TESTING

#### Temporary Policy

BWF temporarily suspended the requirement to drug test reported drug felons as required in W-2 policy found in [W-2 Manual Section 11.7.1](#). The [BWF Work Programs Policy and Automation Adjustments Document](#) outlined the steps Financial and Employment Planners (FEPs) should take in CWW to confirm eligibility without completing the drug test, and instructs FEPs to revisit drug felon testing with individuals who previously reported a drug felony conviction at the first eligibility review following the end of the COVID-19 PHE.

#### Reinstated Policy

Effective July 1, 2022, BWF is reinstating the requirement to drug test reported drug felons. FEPs should review drug testing requirements with individuals who previously reported a drug felony on or after May 26, 2020, the effective date of the suspended requirement, at that individual's next eligibility review and enter the appropriate information in CWW per guidelines for drug felon testing in [W-2 Manual Section 11.7.2](#). Applicants who report a drug felony after July 1, 2022, are required to submit to testing per policy.

Due to the ongoing labor shortage and limited appointment availability of many providers, including drug testing facilities, FEPs are reminded that there is not a timeframe specified in policy for testing. The inability to schedule and attend an appointment timely should be considered a circumstance outside of the participant's control and not a refusal to take the drug test. Additionally, per W-2 Manual Section 11.7.2, if an applicant has agreed to a drug test, they are considered eligible for a full W-2 payment while the worker is waiting for the test results.

### DRUG SCREENING, TESTING, AND TREATMENT

#### Temporary Policy

BWF temporarily suspended the requirements found in [Wis Stat. 49.162](#) for applicants to complete a controlled substance abuse screening, and subsequent testing if the agency has reasonable suspicion that they are abusing a controlled substance.

If the results of the screening questionnaire indicate reasonable suspicion of drug abuse and the individual is unable to be tested due to the COVID-19 PHE, the individual must agree to complete a drug test when the PHE is no longer in effect and providers have resumed testing.

### Reinstated Policy

Effective July 1, 2022, BWF is reinstating the requirement to test individuals whose screening questionnaire indicates reasonable suspicion of abuse of a controlled substance. Individuals who were unable to be tested on or after May 26, 2020, the effective date of the suspended requirement, must agree to complete a drug test or they are not eligible per [Wis. Stat. 49.162 \(2\) \(b\)](#).

Due to the ongoing labor shortage and limited appointment availability of many providers, including drug testing facilities, FEPs are reminded that there is not a timeframe specified in policy for testing. The inability to schedule and attend an appointment timely should be considered a circumstance outside of the participant's control and not a refusal to take the drug test.

## ***POLICY-SUBSIDIZED EMPLOYMENT***

### *CONTINUATION OF SUBSIDIZED EMPLOYMENT WAGES*

#### Temporary Policy

To account for employment changes outside the participant's control, during the pandemic W-2 and TJ/TMJ agencies can continue paying subsidized wages to participants whose jobs are no longer available, have reduced hours due to COVID-19, or who experience COVID-19-related issues that lead to employment changes such as loss of childcare or caring for a sick family member.

#### Reinstated Policy

Effective July 1, 2022, W-2 and TJ/TMJ agencies should only pay subsidized wages for participants currently in subsidized work and pay for actual hours worked per [TJ/TMJ Policy Manual Section 7.3.1](#) and [W-2 Manual Section 7.3.4](#).

### *SUBSIDIZED EMPLOYMENT PAYMENT AMOUNTS*

#### Temporary Policy

For participants with a reduction in hours due to COVID-19, W-2 and TJ/TMJ agencies must pay the subsidized wages up to the number of hours in the participant's subsidized employment agreement, not actual hours worked.

For former subsidized employment participants, agencies must pay subsidized wages at the number of the weekly hours designated in the participant's previous subsidized employment agreement.

## Reinstated Policy

Effective July 1, 2022, W-2 and TJ/TMJ agencies should pay subsidized wages for actual hours worked as verified by attendance records per [W-2 Manual Section 7.3.3.3 Verification of Time Records](#) and [TJ/TMJ Policy Manual Section 7.4](#).

### *SUBSIDIZED EMPLOYMENT TIME LIMITS-TJ/TMJ ONLY*

## Policy Clarification

If a participant is not working or has decreased hours due to COVID-19, non-work hours should not be counted towards the lifetime limit of 1,040 hours actually worked, even if the participant is receiving a subsidy for the non-work hours specified in their current or previous subsidized employment agreement as described in the previous two subsidized employment policy adjustments.

## Reinstated Policy

Per [TJ/TMJ Policy Manual Section 7.0](#), participants may work for a maximum of 1,040 hours in subsidized employment. Only hours actually worked count towards this time limit.

## ***AGENCY ACTION***

W-2 agencies must familiarize staff with these reinstated policies as described in this memo and update any relevant local agency procedures.

## ***ATTACHMENTS***

[BWF Work Programs Policy and Automation Adjustments](#)

## ***CONTACTS***

For W-2, JAL, and TJ/TMJ Policy Questions: [BWF Policy Question SharePoint](#)

For W-2, CARES and WWP Functionality Questions: BWF Work Programs Help Desk  
[BWFworkprogramsHD@wisconsin.gov](mailto:BWFworkprogramsHD@wisconsin.gov)

DCF/DFES/BWF/MO