

# **W-2 Manual**

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## **01 Introduction**

This W-2 Manual chapter has not yet been converted to the new online W-2 Manual. Click on the link below to access the information in .pdf format.

[01 Introduction](#)

## **02 Nonfinancial Eligibility Criteria**

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[02 Nonfinancial Eligibility Criteria](#)



## 3.1 General Financial Eligibility

In addition to meeting the nonfinancial eligibility criteria, applicants must also meet financial eligibility criteria to be considered eligible for *W-2 Wisconsin Works* services or a *JAL Job Access Loan*. W-2 financial eligibility is determined by both a gross income and an asset test. There is one exception to this as a *Minor Parent A custodial parent under the age of 18*. is eligible for case management services without regard to income or assets.

## 3.2 Income

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### 3.2.1 115 Percent Gross Income Test

If the total countable income (3.2.8) of the *W-2 Group* *An adult custodial parent, all dependent children with respect to whom the individual is a legal custodial parent and all minor children with respect to whom the adult individual's dependent child is a custodial parent. W-2 group includes any nonmarital co-parent or any spouse of the individual who resides in the same household as the individual and any minor children with respect to whom the spouse or nonmarital co-parent is a custodial parent. W-2 group does not include any person who is receiving cash benefits under a county relief block grant program. This is also referred to as the W-2 Assistance Group (W-2 AG).* at application is less than or equal to 115 percent of the *FPL Federal Poverty Limit* for the size of the W-2 group, the group may be considered for all W-2 services or a *JAL Job Access Loan*.

The FPL changes in February of each year. These figures were effective February 1, 2009.

Size of W-2 Group	115% FPL Monthly	115% FPL Annual	Size of Family Unit	115% FPL Monthly	115% FPL Annual
1	\$1,038	\$12,454	10	\$4,264	\$51,163
2	\$1,396	\$16,755	11	\$4,622	\$55,464
3	\$1,755	\$21,056	12	\$4,980	\$59,765
4	\$2,113	\$25,357	13	\$5,339	\$64,066
5	\$2,472	\$29,685	14	\$5,697	\$68,367
6	\$2,830	\$33,959	15	\$6,056	\$72,668
7	\$3,188	\$38,260	16	\$6,414	\$76,969
8	\$3,547	\$42,561	17	\$6,773	\$81,270
9	\$3,905	\$46,862	18	\$7,131	\$85,571

**EXAMPLE:** Jonathan applies for *W-2 Wisconsin Works* on May 5. Jonathan has a family size of three and the 115% gross income limit for his family size is \$1,755. At the time of the application, his total income equals \$1,802 per month. Jonathan tells his worker that his \$250 *UI Unemployment Insurance* will end

effective June 30. In this example, Jonathan is financially ineligible for W-2 for both May and June and, unless Jonathan's income drops for some other reason, he would not be eligible for W-2 until July.

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### **3.2.2 Prospective Income Eligibility**

Available earned and unearned income is tested prospectively for *W-2 Wisconsin Works* eligibility. The *FEP Financial and Employment Planner* makes a best estimate to determine what income will be received by the participant each month.

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### 3.2.3 Estimating Income

To get the best estimate of monthly earned income for employees paid an hourly rate, a *FEP Financial Employment Planner* must use:

- (hourly rate) x (average hours per week) x (4.3 weeks per month) if paid on a weekly basis;
- (hourly rate) x (average hours biweekly) x (2.15 weeks per month) if paid on a biweekly basis;
- Monthly amount if paid on a monthly basis (this includes self-employment and other averaged income); or
- (Amount) x (2) if paid twice a month

To get the best estimate of monthly unearned income for the *W-2 Group An adult custodial parent, all dependent children with respect to whom the individual is a legal custodial parent and all minor children with respect to whom the adult individual's dependent child is a custodial parent. W-2 group includes any nonmarital co-parent or any spouse of the individual who resides in the same household as the individual and any minor children with respect to whom the spouse or nonmarital co-parent is a custodial parent. W-2 group does not include any person who is receiving cash benefits under a county relief block grant program. This is also referred to as the W-2 Assistance Group (W-2 AG).*, FEPs must use:

- (weekly amount) x (4.3 weeks per month) if received on a weekly basis;
- (biweekly amount) x (2.15 weeks per month) if received on a biweekly basis;
- Monthly amount if paid on a monthly basis; or
- (amount) x (2) if paid twice a month.

The prospective income estimate must not be changed due to missed work or irregular spikes in work hours. A W-2 group must be prospectively ineligible for two consecutive months before the case closes.

The W-2 group's income only affects eligibility and does not affect the amount of the W-2 payment. The payment amount is a flat grant determined solely by the employment position in which the adult is participating.

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### 3.2.4 Income Availability

Only income that is actually available for use may be counted. Income is available when the individual has a legal interest in it and has the legal ability to make it available for support and maintenance. Income is considered unavailable when the individual can reasonably document that it cannot be accessed for 31 or more days.

Unavailability is usually documented by a letter from an agency or the source stating when the person will receive the income. Income is counted beginning in the first month it is received and thereafter. Until the amount and the payment date are known, the income must not be counted.

**EXAMPLE:** Kate has won a lawsuit filed on her behalf due to a car accident. Under the terms of the settlement, Kate will receive monthly payments for up to ten years. Kate has not yet received the first payment of the insurance settlement and she is not sure at this time when she will because the settlement has been appealed by the insurance company. This income must not be counted until Kate knows when she will begin receiving the insurance settlement or when she actually begins to receive it, whichever is first.

A payment received must not be counted as an asset (3.3.1) and income in the same month. Current payments must be counted as income in the month received. Any amount remaining becomes an asset in the following month.

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### 3.2.5 Fluctuating Income

If the amount of regularly-received income varies, the *W-2 Wisconsin Works* agency must use an average. Income that is received on an irregular basis must also be averaged over the period between payments. If neither the amount nor the frequency is consistent or predictable, the income may only be counted for the month in which it is received.

**EXAMPLE:** Bob applied for W-2 services and reports that he works for a local garage between 5 and 20 hours per month. In January, he received a paycheck for \$169, in February he received \$200, and in March he received \$80. To create an average income amount, add together the three months of income ( $169 + 200 + 80 = 449$ ), then divide the total income by the number of months ( $449/3 = \$149.66$ ). Compare the averaged income amount of \$149.66 plus other sources of income against the 115 percent gross income test to determine financial eligibility.

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## 3.2.6 Prorating Income

Income received on a yearly basis or less often may be converted to a monthly amount.

The agency may count only income that is predictable in amount and frequency, such as land contract income or income from a trust fund. Count the prorated income beginning in the month it is received.

**EXAMPLE:** Joan receives \$900 every six months on a land contract. To calculate a monthly amount: divide the \$900 by six months and count \$150/month prorated income.



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### 3.2.7 Changing Estimated Income

Once determined eligible for *W-2 Wisconsin Works*, if the *W-2 Group* *An adult custodial parent, all dependent children with respect to whom the individual is a legal custodial parent and all minor children with respect to whom the adult individual's dependent child is a custodial parent. W-2 group includes any nonmarital co-parent or any spouse of the individual who resides in the same household as the individual and any minor children with respect to whom the spouse or nonmarital co-parent is a custodial parent. W-2 group does not include any person who is receiving cash benefits under a county relief block grant program. This is also referred to as the W-2 Assistance Group (W-2 AG).* has income and it is expected to exceed the 115 percent gross income limit [\(3.2.1\)](#) for at least two consecutive months, the group becomes ineligible for W-2. Participants must report any change in earned or unearned income within 10 calendar days of the occurrence. The *FEP Financial and Employment Planner* must redetermine the best estimate [\(3.2.3\)](#) for all income at each review, or when any change in the income's source, rate of pay, or payment schedule has been reported.

Overpayment claims must be established only for untimely reports of changes.

## 3.2.8 Counting Income

### [3.2.8.1 Qualified Alien Deeming](#)

### [3.2.8.2 Farm & Self-Employment Income](#)

### [3.2.8.3 Child Support Income](#)

### [3.2.8.4 Supplemental Security Income \(SSI\) and Caretaker Supplement \(CTS\) Income](#)

All earned and unearned income of all the *W-2 Group* *An adult custodial parent, all dependent children with respect to whom the individual is a legal custodial parent and all minor children with respect to whom the adult individual's dependent child is a custodial parent. W-2 group includes any nonmarital co-parent or any spouse of the individual who resides in the same household as the individual and any minor children with respect to whom the spouse or nonmarital co-parent is a custodial parent. W-2 group does not include any person who is receiving cash benefits under a county relief block grant program. This is also referred to as the W-2 Assistance Group (W-2 AG).* members is counted in determining the 115 percent gross income test (3.2.1) unless specifically discounted. [See 3.2.9](#) for discounted income.

### 3.2.8.1 Qualified Alien Deeming

*USCIS U.S. Citizenship and Immigration Services* may require certain qualified aliens who are admitted as a permanent resident alien to have a *sponsor* *A sponsor is a person who, or any public or private agency or organization that, executes an affidavit of support or similar agreement for an alien to ensure the alien does not become a public charge. The agreement is a condition of the alien's entry into the U.S.* sign an affidavit of support to ensure the immigrant does not become a public charge. For some sponsored qualified aliens, if the sponsor makes income available to the alien, the sponsor's income can be counted or "deemed" to be available to the sponsored alien when determining *W-2 Wisconsin Works* financial eligibility for that alien.

Certain groups of aliens typically have both an agency sponsor and an individual sponsor such as a church or family member. However, these individuals and agency "sponsors" do not meet the USCIS definition of a sponsor because neither the agency nor individual sponsor have a legal obligation to provide financial support beyond the first month in the United States and they do not have to ensure that the alien does not become a public charge.

Do not deem a sponsor's income for the following groups:

1. Aliens granted asylum (asylees) under section 208 of the Immigration and Naturalization Act (INA);
2. Refugees who are admitted to the United States under section 207 of the INA;

3. Aliens paroled into the United States (parolees) under section 212(d)(5) the INA for a period of at least one year;
4. Aliens whose deportation is being withheld under section 243(h) of the INA;
5. Amerasian Immigrants, as defined in section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988; and
6. Cuban-Haitian entrants.

Even if a member of one of these exempt groups obtains permanent resident alien status, he or she does not have a sponsor for deeming purposes.

A qualified alien (excluding any listed above) admitted as a sponsored permanent resident must have 100% of the sponsor's gross income listed on [USCIS Form I-864](#) and the sponsor's spouse's income (regardless of whether they live together) listed on [USCIS Form I-864A](#), deemed to the qualified alien when determining the alien's W-2 eligibility. The sponsor and spouse's income must be deemed until the alien:

1. Becomes a citizen.
2. Has worked for or can be credited with 40 qualifying work quarters. A qualifying quarter includes a quarter worked by:
  - The qualified alien;
  - The qualified alien's parent while the alien was under 18 years of age, including work performed prior to the minor's birth; and
  - A spouse of an alien during their marriage if the alien remains married to the spouse or the spouse is deceased. Beginning January 1, 1997, a quarter in which the alien received federal means-tested assistance is not counted as a qualifying quarter.
3. Is W-2 eligible as a battered alien.

### **3.2.8.2 Farm & Self-Employment Income**

The W-2 agency must count the gross receipts from farm and self-employment businesses. Gross receipts must not be adjusted based on expenses. Monthly farm and self-employment income must be calculated using IRS tax forms completed for the previous year or, if tax forms were not completed for the previous year, use average monthly anticipated earnings.

### **3.2.8.3 Child Support Income**

Disregard regular collections of current child support, maintenance payments, family support (combination of child support and maintenance) or Child Support *Arrearage A payment for past payments owed*. as income.

Count non-regular collections of arrears as an asset [\(3.3.1\)](#).

#### **3.2.8.4 Supplemental Security Income and Caretaker Supplement Income**

In addition to any *SSI Supplemental Security Income* payments, *CTS Caretaker Supplement Income* payments must also be counted as the SSI parent's income. Treat retroactive CTS payments as income in the month received and any amount remaining becomes an asset in the following month.

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## 3.2.9 Disregarding Income

### [3.2.9.1 Disregarded Income](#)

### [3.2.9.2 Income with Limited Disregards](#)

All earned and unearned income of all the *W-2 Group* *An adult custodial parent, all dependent children with respect to whom the individual is a legal custodial parent and all minor children with respect to whom the adult individual's dependent child is a custodial parent. W-2 group includes any nonmarital co-parent or any spouse of the individual who resides in the same household as the individual and any minor children with respect to whom the spouse or nonmarital co-parent is a custodial parent. W-2 group does not include any person who is receiving cash benefits under a county relief block grant program. This is also referred to as the W-2 Assistance Group (W-2 AG).* members is counted in determining the 115 percent gross income test (3.2.1) with the exception of the income listed in this section. Income listed in this section is disregarded either in whole or under limited circumstances.

### 3.2.9.1 Disregarded Income

The agency must not count the following income in determining the 115 percent gross income test:

1. Earned Income Tax Credit: The agency must not count amounts received under the federal *EITC Earned Income Tax Credit* and state EITC or payments made by an employer under the federal advanced EITC. Any EITC amount remaining after the month in which it was received is treated as an asset (3.3.1).
2. Loans: Loans will be exempt as income unless available for current living expenses. If available for current living expenses, loans must be counted as assets even if there is a repayment schedule.

Reverse Mortgage Loan Proceeds (1993 Wisconsin Act 88): Payments made to a borrower must be treated as proceeds from a loan and not as income. Undisbursed funds must be treated as equity in a borrower's residence and not as proceeds from a loan.

3. W-2 Employment Positions and JAL Job Access Loans: Do not count earnings from a W-2 Trial Job and do not count payments of those in *CSJ Community Service Jobs* and *W-2 T W-2 Transition*.

4. In-Kind Income: The W-2 agency must disregard any gain or benefit that is not in the form of money paid directly to the household such as, meals, clothing, housing and garden produce.

5. Vendor Payments: The W-2 agency must disregard *vendor payments Payments made on behalf of the household by a third party to another source*, such as rent paid by a community organization on the household's behalf.
6. Kinship Care: The W-2 agency must disregard any Kinship Care payment for the needs of a non-legally responsible relative child who is not included in the W-2 group.
7. Foster Care: The W-2 agency must disregard any Foster Care payments for the needs of a foster child who is not included in the W-2 group.
8. Earned Income of a Dependent Child: Disregard income earned by a *dependent child A person who resides with a parent and who is under the age of 18 or, if the person is a full-time student at a secondary school or a vocational or technical equivalent and is reasonably expected to complete the program before attaining the age of 19, is under the age of 19*. in a W-2 group.
9. Federally Funded Benefits: Any income or resources distributed under the following federal laws are required to be disregarded and must not be counted.
  - a. *Agent Orange Settlement Fund*: Disregard payments received from the Agent Orange Settlement Fund or any other fund established in settling "In Re Agent Orange product liability Settlement Fund litigation MDL No. 381 (EDNY)". Apply this disregard retroactively to January 1, 1989, and continue the disregard as long as payments are identified separately.
  - b. *Radiation Exposure Compensation Act*: Disregard payments from any program under the Radiation Exposure Compensation Act (PL 101-426) paid to compensate injury or death resulting from exposure to radiation from nuclear testing (\$50,000) and uranium mining (\$100,000). Apply this disregard retroactively to October 15, 1990. Continue the disregard as long as payments are identified separately.
  - c. *Nazi Persecution Victims*: Disregard as income payments under PL 103-286 to victims of Nazi persecution.
  - d. *Benefits for Children of Vietnam Veterans Who Are Born with Spina Bifida*: Disregard as income payments under PL 104-204 paid to any child of a Vietnam veteran for any disability resulting from spina bifida.
  - e. *Benefits for Children of Vietnam Veterans Born with Birth Defects other than Spina Bifida*: Disregard as income payments received under PL 106-419 for children with birth related disabilities other than spina bifida who were born to women veterans that served in Vietnam during the period February 28, 1961 to May 7, 1975.
  - f. *Crime Victims Fund*: Disregard as income any amount of crime victims compensation received under section 1403 of the Victims Crime Act of 1984 (42 U.S.C. 10602). Benefits include, but are not limited to, those paid under the:
    7. Antiterrorism and Effective Death Penalty Act of 1996
    8. Crime Victims Compensation Program (Chapter 950, Wis. Stat.)

- i. *National Flood Insurance Program*: Disregard as income payments under P.L. 109-64 provided for flood mitigation activities with respect to a property.
- j. *Medicare Prescription Drug, Improvement and Modernization Act*: Disregard as income drug subsidies and drug discounts received as a benefit under this law.
- k. *Nutrition Program Benefits*:
  - 12. National School Lunch Act (PL 79-396)
  - 13. Food Stamp Act of 1977 (PL 88-525)
  - 14. Child Nutrition Act of 1966 (PL 89-642). This program includes the Women, Infants and Children's program (WIC).
- o. *Tribal Settlements*:
  - 16. Indian Tribes; Sub-marginal Lands (PL 94-114)
  - 17. Disbursement of Minor's Share of Judgment Funds (PL 95-433)
  - 18. Lands Held in Trust for the Benefit and Use of the Pueblo of Santa Ana (PL 95-498)
  - 19. Lands Held in Trust for the Benefit and Use of the Pueblo of Zia (PL 95-499)
  - 20. Shoalwater Bay Indian Tribe, Dexter-by-the-Sea Claim Settlement Act (PL 98-432)
  - 21. Chippewas of Lake Superior (PL 99-146)
  - 22. Saginaw Chippewa Indian Tribe of Michigan Distribution of Judgment Funds (PL 99-346)
  - 23. Chippewas of the Mississippi (PL 99-377)
  - 24. Michigan Indian Land Claims Settlement Act (PL 105-143)
  - 25. Section 707, Title VII Miccosukee Settlement (P.L. 105-83)
  - 26. Mississippi Sioux Tribes Judgment Fund Distribution Act of 1998 (P.L. 105-387)
- aa. *Miscellaneous Federal Benefits*:
  - 28. Housing Act of 1949 (PL 81-171)
  - 29. Older Americans Act (PL 89-73), including Title V - Community Service Employment for Older Americans
  - 30. Uniform Relocation Assistance & Real Property Acquisition Policies Act of 1970 (PL 91-646)
  - 31. Robert T. Stafford Disaster Relief & Emergency Act (PL 93-288)
  - 32. Housing & Community Development Amendments of 1978 (PL 95-557); however, wages from the act may be counted as income.
  - 33. Low Income Energy Assistance Act of 1981 (PL 97-35)
  - 34. Old Age Assistance Claims Settlement Act (PL 98-500)
  - 35. Workforce Investment Act (P.L. 105-220)
  - 36. State Department Refugee Resettlement Reception and Placement (R&P) grant cash income (45 CFR 400.66)

10. Educational Aid:

- a. *Scholarships for tuition and books:* Disregard scholarships received for tuition and books, including scholarships from public or private organizations.
- b. *Student Financial Aid:* Disregard any student financial aid received under any state program or federal program. This includes, but is not limited to, aid received under the Higher Education Act of 1965 (PL 89-329). This includes:
  - 3. Basic Educational Opportunity Grants (BEOG or PELL grants)
  - 4. Presidential Access Scholarships (Super PELL grants)
  - 5. Supplemental Educational Opportunity Grants (SEOG)
  - 6. State Student Incentives Grants (SSIG)
  - 7. Federal Direct Student Loan Program (Formerly GSL & FFELP)
    - a. Supplemental loans for students)
    - b. Robert T. Stafford Student Loans
    - c. PLUS loans for parents
    - d. Federal Consolidated Loan Program
  - 6. Federal Work Study Funds.
- 7. TRIO Grants (disadvantaged youth grants)
  - a. Upward Bound
  - b. Student Support Services
  - c. Robert E. McNair Post-Baccalaureate Achievement
- 0. Robert C. Byrd Honors Scholarship Program
- 1. College Assistance Migrant Program (CAMP)
- 2. High School Equivalency Program (HEP)
- 3. National Early Intervention Scholarship and Partnership Program
- 4. Montgomery GI Bill for Active Military, Reserve Military and Veterans
- 5. Veteran's Education Assistance Program (VEAP)
- 6. Carl Perkins Loans (formerly NDSL)
  - a. Indian Vocational Education Program
  - b. Native Hawaiian Vocational Education Program
  - c. State Vocational & Applied Technology Programs which include:
    - 1. State Program & State Leadership Activities
    - 2. Displaced Homemakers, Single Parent and Single Pregnant
    - 3. Women programs
    - 4. Sex Equity Program
    - 5. Programs for Criminal Offenders
    - 6. Secondary School Vocational Education Program
    - 7. Postsecondary & Adult Vocational Education Program



- 8. State Assistance for Vocational Education Support Programs by Community Based Organizations
- 9. Consumer & Homemaking Education Program
- 10. Comprehensive Career Guidance & Counseling Program
- 11. Business-Labor-Education Partnership for Training Program
- d. National Tech-Prep Education Program
- e. State-administered Tech-Prep Education Program
- f. Supplementary State Grants for Facilities & Equipment & Other Program Improvement Activities
- g. Community Education Employment Centers Program
- h. Vocational Education Lighthouse Schools Program
- i. Tribally Controlled Post-secondary Vocational Institutions Program
- j. Vocational Education Research Program
- k. National Network for Curriculum Coordination in Vocational and Technical Education
- l. National Center or Centers for Research in Vocational Education
- m. Materials Development in Telecommunications Programs
- n. Demonstration Centers for the Training of Dislocated Workers Program
- o. Vocational Education Training and Study Grants Program
- p. Vocational Education Leadership Development Awards Program
- q. Vocational Educator Training Fellowships Program
- r. Internships for Gifted and Talented Vocational Education Students Program
- s. Business and Education Standards Program
- t. Blue Ribbon Vocational Education Program
- u. Educational Programs for Federal Correctional Institutions
- v. Vocational Education Dropout Prevention Program
- w. Model Programs of Regional Training for Skilled Trades
- x. Demonstration Projects for the Integration of Vocational and Academic Learning Program
- y. Cooperative Demonstration Programs
- z. Bilingual Vocational Training Program
- aa. Bilingual Vocational Instructor Training Program
- bb. Bilingual Materials, Methods, and Techniques Program

### 3.2.9.2 Income with Limited Disregards

Some income may be counted under limited circumstances:

1. Disregard AmeriCorps\* *VISTA Volunteer Services to America* income unless the VISTA agency director verifies that volunteers are receiving the equivalent of minimum wage. If the VISTA volunteer is receiving minimum wage or more, count the VISTA income in determining gross income.
2. Indian Tribal Judgment Funds Use or Distribution Act (PL 93-134): The W-2 agency must count per capita shares in excess of \$2,000 and income above \$2,000 per year.
3. Rehabilitation Act of 1973 (PL 93-112): The W-2 agency must disregard wages, allowances or reimbursements for transportation or personal assistance services costs paid to reasonably accommodate an employee, such as a vehicle modification made to accommodate a disability or a payment by *DVR Division of Vocational Rehabilitation* to support a rehabilitation plan.

## 3.3 Assets

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### 3.3.1 \$2,500 Gross Asset Test

If the total countable assets of the *W-2 Group* *An adult custodial parent, all dependent children with respect to whom the individual is a legal custodial parent and all minor children with respect to whom the adult individual's dependent child is a custodial parent. W-2 group includes any nonmarital co-parent or any spouse of the individual who resides in the same household as the individual and any minor children with respect to whom the spouse or nonmarital co-parent is a custodial parent. W-2 group does not include any person who is receiving cash benefits under a county relief block grant program. This is also referred to as the W-2 Assistance Group (W-2 AG).* at application are equal to or less than \$2,500 in combined equity value the group may be considered for all W-2 services or a *JAL Job Access Loan*.

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## **3.3.2 Asset Availability**

Only assets that are actually available for use may be counted. An asset is available if the person has a legal interest in it and has the legal ability to make it available for support and maintenance. An asset is unavailable when the individual can reasonably document that it cannot be accessed for 31 or more days. A payment may not be counted as an asset and income in the same month. Count income in the month received and any amount remaining as an asset in the following month.

### **3.3.2.1 Joint Accounts and Property**

Equal shares of jointly held accounts and property should be deemed available to each person whose name is listed as an owner.

### 3.3.3 Changing Estimated Assets

Once eligible for *W-2 Wisconsin Works*, if the *W-2 group* *An adult custodial parent, all dependent children with respect to whom the individual is a legal custodial parent and all minor children with respect to whom the adult individual's dependent child is a custodial parent. W-2 group includes any nonmarital co-parent or any spouse of the individual who resides in the same household as the individual and any minor children with respect to whom the spouse or nonmarital co-parent is a custodial parent. W-2 group does not include any person who is receiving cash benefits under a county relief block grant program. This is also referred to as the W-2 Assistance Group (W-2 AG).*'s assets are expected to exceed \$2,500 for at least two consecutive months, the group becomes ineligible for W-2. Participants must report any change in assets within 10 calendar days of the occurrence. However, the *FEP Financial Employment Planner* must enter only changes in assets over \$100 when notified. At review, the FEP must incorporate all changes in assets.

**EXAMPLE 1:** Maya's father dies and he leaves her his car. The equity value of the car is \$13,000. Maya intends to keep the car as it has sentimental value for her. While \$10,000 of the equity value is disregarded, the remaining \$3,000 equity value puts Maya \$500 over the \$2,500 asset limit. Maya reports taking possession of the car on February 10th. When Maya's worker runs eligibility on February 10th, Maya fails the W-2 asset test for the months of March and April and Maya's case will close effective February 28th.

**EXAMPLE 2:** Carolyn received her tax refund of \$2,505 on April 16th. She expects to use most of the money for past bills and other living expenses. She may continue in her Trial Job employment position as it is not expected that her assets will remain over the \$2,500 limit for two consecutive months. The agency may ask Carolyn to send in her bank statement both months to check if she is over the asset limit for two consecutive months.

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## 3.3.4 Counting Assets

[3.3.4.1 Homestead](#)

[3.3.4.2 Vehicles](#)

[3.3.4.3 Other Assets](#)

[3.3.4.4 Individual Development Accounts](#)

The *equity value* *The wholesale value or a value estimated by a sales representative at a local business minus any encumbrances that are legal debts.* of all assets not specifically disregarded by these instructions must be counted.

**EXAMPLE:** Susan purchased a rare coin collection valued at \$5,000. But she has a legal debt against the collection in the amount of \$3,000, so the value of \$2,000 may be counted for the asset test.

### 3.3.4.1 Homestead

The value of one home that serves as *homestead* *An abode and lands used or operated in connection with it.* for the *W-2 Group* *An adult custodial parent, all dependent children with respect to whom the individual is a legal custodial parent and all minor children with respect to whom the adult individual's dependent child is a custodial parent. W-2 group includes any nonmarital co-parent or any spouse of the individual who resides in the same household as the individual and any minor children with respect to whom the spouse or nonmarital co-parent is a custodial parent. W-2 group does not include any person who is receiving cash benefits under a county relief block grant program. This is also referred to as the W-2 Assistance Group (W-2 AG).* must be disregarded. The W-2 group must be living in the home and using the home as his or her primary residence.

In urban situations, the homestead usually consists of a house and lot. A home can consist of a house and more than one lot, as long as the lots adjoin one another.

In farm situations, the home consists of the house and buildings together with the total acreage property upon which they are located and which is considered part of the farm.

In situations where the land is on both sides of a road, it is still considered a part of the home.

### 3.3.4.2 Vehicles

The first \$10,000 of combined *equity value* *The wholesale value or a value estimated by a sales representative at a local business minus any encumbrances that are legal debts.* of the W-2 group's *vehicles* *A passenger car or other motor vehicle used to transport persons or goods and is owned by someone in the W-2 group.* must be disregarded. Any equity value amount over \$10,000 must be counted as an asset to be tested against the \$2,500 limit for the asset test.

A vehicle's equity value must not be increased by adding value for low mileage or items such as optional equipment or apparatus for the disabled.

**EXAMPLE:** A vehicle has a market value of \$6,700. However, there is a lien recorded on the title for an outstanding amount of \$4,000. The equity value of the vehicle is \$2,700 (6,700 - 4,000 = 2,700).

The vehicles listed below with a "r;No" must not be counted in the asset test (3.3.1).

<b>Common Vehicles</b>	<b>Asset</b>
Nonmotorized Camping Trailer	No
Trailer Home	No
Moped	Yes
Motorized Golf Cart	Yes
Motorized Boat	Yes
Nonmotorized Boat	No
Nonmotorized, Nonfarm Livestock Trailer	No
Junk Car	Yes
Airplane	Yes
Snowmobile	Yes
Motorcycle - any number of wheels	Yes
Motorized Riding Garden Mower	No
Log-skidder	No
Farm Truck, Tractor, or Other Farm Vehicle used directly to produce income	No
Farm Tractor - Nonfarm Use	Yes

### 3.3.4.3 Other Assets

Household and personal effects are exempt unless they are of unusual value.

### 3.3.4.4 Individual Development Accounts

*IDA Individual Development Accounts* are designed to help low-income people accumulate assets which will help them avoid long term poverty. In an IDA program, an eligible individual signs a savings agreement with a participating agency to save earned income for a specified purpose. The participant's savings are put in a segregated bank account and matched with program funds. The savings and match can only be withdrawn and used for purposes specified in the program.

IDAs can be funded by three sources: Office of Community Services under the *AFIA Assets for Independence Act*, *ORR Office of Refugee Resettlement* and using or other *TANF Temporary Assistance for Needy Families* funds.

The match funds reserved for a participant in any IDA account, and the accrued interest for the participant's savings and the match, are not available to the participant and, therefore, are disregarded as assets for W-2 eligibility.

The participant's contributions to an IDA funded by the ORR program are not disregarded as assets for W-2 eligibility. If a W-2 agency uses AFIA, Community Reinvestment or other TANF funds to establish IDAs, the participant's savings in those IDAs are disregarded as an asset for W-2 eligibility.

<b>W-2</b>	<b>AFIA Funded</b>	<b>TANF/CR Funded IDA</b>	<b>ORR Funded IDA</b>
<b>Participant contributions</b>	Disregarded	Disregarded	Not disregarded
<b>Match funds and accrued interest</b>	Disregarded because it is considered not available	Disregarded because it is considered not available	Disregarded because it is considered not available



## **04 Case Processing Requirements**

This W-2 Manual chapter has not yet been converted to the new online W-2 Manual. Click on the link below to access the information in .pdf format.

[04 Case Processing Requirements](#)

## **05 Assessment and Up-Front Job Search**

This W-2 Manual chapter has not yet been converted to the new online W-2 Manual. Click on the link below to access the information in .pdf format.

[05 Assessment and Up-Front Job Search](#)

## **06 Employability Plan**

This W-2 Manual chapter has not yet been converted to the new online W-2 Manual. Click on the link below to access the information in .pdf format.

[06 Employability Plan](#)

## **07 W-2 Employment Ladder Placements**

This W-2 Manual chapter has not yet been converted to the new online W-2 Manual. Click on the link below to access the information in .pdf format.

[07 W-2 Employment Ladder Placements](#)

## **08 Education & Training Provisions Under W-2**

This W-2 Manual chapter has not yet been converted to the new online W-2 Manual. Click on the link below to access the information in .pdf format.

[08 Education & Training Provisions Under W-2](#)

## 9.1 W-2 Work Training Providers/Employers

Sustainable, family-supporting employment is the goal of most *W-2 Wisconsin Works* participants. Work training experience provided by W-2 work training providers/employers can help *TJ Trial Job*, *CSJ Community Service Job*, and *W-2 T W-2 Transition* W-2 participants reach that goal.

When possible, the W-2 work training provider/employer will have the opportunity to interview more than one individual for every available position. Positions can be for government, public or private non-profit, or private for-profit employers. W-2 work training providers/employers should allow the same flexibility in work rules for the W-2 participant that they do for a regular employee. However, they should be sensitive to work and family issues, including single parent households, accommodation for disability related issues, and child care needs.

## 9.2 W-2 Work Training Provider/Employer Guidelines

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### 9.2.1 W-2 Work Training Provider/Employer Guidelines

The following guidelines must be adhered to by both the *W-2 Wisconsin Works* agency and the W-2 work training provider/employer. These guidelines are outlined in the [W-2 Work Training Site Agreement form \(10792\)](#). The W-2 agency must have a signed copy of this form on record for any work training provider/employer at which a W-2 participant has been placed.

1. Comply with and observe all federal, state and local laws, ordinances, and regulations affecting W-2 participants including the Family Medical Leave Act, the Americans with Disabilities Act, and the Civil Rights Act of 1964 prohibiting discrimination of any employee or trainee based upon race, color, sex, age, sexual orientation, handicap, political affiliation or national origin.
2. Provide supervision, structure, performance appraisal, training, materials, and tools normally provided regular employees to assist a W-2 participant to develop good work habits and skills.
3. Provide a safe and healthy work environment in compliance with federal, state and local health and safety standards.
4. Collect and verify accurate time and attendance records.
5. Immediate notification to the W-2 agency of participant injury, problems detrimental to continued success on the job, transfer/termination from the worksite, or tardiness or absence not authorized by the employer/work training provider.
6. Notify the W-2 agency of any work training site requirements such as tuberculosis testing, driver's license, background checks, physical examinations, etc.
7. Timely notification to the W-2 agency of any collective bargaining changes that may have an impact on the W-2 participant(s) or the worksite agreement.
8. Timely notification to the W-2 agency of any changes at the worksite which might necessitate a reevaluation of the worksite agreement.
9. Development of written employer/work training provider expectations for all positions to be filled by W-2 participants. These may include titles, schedules, task descriptions, and skills and abilities necessary for success in that position.
10. Provide appropriate on-site access to W-2 participants by designated W-2 agency personnel as well as access to any participant records.
11. No Wisconsin Works employment position may:
  - Fill a vacancy created by an employer terminating a regular employee or otherwise reducing its workforce for the purpose of hiring an individual in a W-2 employment position;

- Fill a position when any other person is on layoff or strike from the same or a substantially equivalent job within the same or a substantially equivalent job within the same organizational unit; or
  - Fill a position a position when any other person is engaged in a labor dispute regarding the same or a substantially equivalent job within the same organization unit.
12. Agree to follow the provisions of the Wisconsin Works Employee Displacement Grievance Policy to address complaints, by regular employees of the work training site/employer, of displacement in violation of assurances under number 11 above. ([See 9.3.1](#))
  13. Agree to notify regular employees of their right to file a displacement complaint, using one of the required notification methods and agree to inform the agency which notification method is being used. ([See 9.3.3](#))
  14. No W-2 participant may be asked or required to function in any task or activity which promotes or discourages religious, union, or political activity.
  15. Provide work opportunities for no more than the number of participants who can be utilized productively.
  16. Agreement not to disclose information concerning the W-2 participant for any purpose not connected with program administration.
  17. Agreement not to willfully and knowingly provide false information for purposes of securing or ensuring issuance of a W-2 payment either in greater quantity or when there is no eligibility for a payment.

In addition to getting the signed [W-2 Work Training Site Agreement form \(10792\)](#) for each W-2 work training provider/employer, the W-2 agency must:

- Evaluate on an ongoing basis the W-2 participant's progress toward unsubsidized employment;
- Assist in resolving workplace conflicts as they arise; and
- Consult local labor unions to avoid potential disputes.

Trial Job employers must also complete the [Wisconsin Works \(W-2\) Trial Job & Employer Agreement form \(10759\)](#) for each Trial Job participant.



## 9.3 Employee Displacement Grievance Procedure

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### 9.3.1 Grievance Procedure

A regular employee of a *W-2 Wisconsin Works* work-training provider/employer may file a complaint with the local *JCCC Job Center Complaint Coordinator* if the employee believes that s/he or another employee was unlawfully terminated to create a vacancy for a person in a W-2 employment position, i.e., *TJ Trial Job*, *CSJ Community Service Job* or *W-2 T W-2 Transition* placement, or if the employee believes that a person in a W-2 employment position has been unlawfully placed in a vacancy created by a labor dispute.

Complaints of displacement must follow the procedure outlined in the [DWS Workforce Programs Guide, Part I: Administration of Workforce Programs Policy and Procedure Manual&mdash;Section III., S: Complaints/Grievances and Appeals.](#)

In addition:

- Employees may initiate a group complaint. In such a case, the complainants shall choose one individual to represent the interests of the group. A group complaint shall be so designated at the first step of the grievance procedure and signed by all employees who are parties to the complaint.
- A work training provider/employer against whom multiple complaints have been lodged may ask that the JCCC or the W-2 Agency consolidate complaints. The JCCC or agency may consolidate complaints where a reasonable basis for consolidation exists.
- No work training provider/employer may retaliate against an employee, his or her representative, or any witness who participates in the grievance procedure, for initiating or participating in the grievance procedure.

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## 9.3.2 Penalties for Engaging in Prohibited Displacement Practices

A *W-2 Wisconsin Works* work training provider/employer found to have engaged in one or more of the prohibited displacement practices is subject to any or all of the following penalties:

- Termination of existing W-2 work training site agreements with that work training provider/employer, after ensuring that all W-2 participants at the site are appropriately reassigned to W-2 employment positions at another site.
- Indefinite prohibition against future W-2 work training site agreements between *DFES Division of Family and Economic Security* or its grantee/contractors and that work training provider/employer.

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### 9.3.3 Notification of Grievance Procedure to Regular Employees

*W-2 Wisconsin Works* work training providers/employers must inform their regular employees of the right to file a grievance under this policy, and of the procedure for doing so. Such notification may take place through such methods as:

- A sign posted in the workplace.
- A notification form signed by new employees during the hiring/orientation process (supplemented by other measures to notify current employees).
- A notification slip periodically included with employee paychecks.
- Any other means mutually agreed upon by the work training provider/employer and the local W-2 agency and approved by the Regional Administrator.

Standard language for all these methods of notification is provided in the [Wisconsin Works Employee Displacement Grievance Policy publication \(13121-P\)](#). Work training providers/employers must inform the W-2 agency of the notification method being used.

# 10 W-2 Payments

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## 10.1 Paid W-2 Employment Positions

*W-2 Wisconsin Works* participants in the following W-2 placement types receive payments:

- **Trial Jobs:** Participants placed into Trial Job positions receive wages directly from the employer. No payment is issued from the W-2 agency to the W-2 participant. However, the W-2 agency will pay a monthly subsidy to the employer for each Trial Job placement. (See Chapter 7)
- **CSJ Community Service Job:** Participants placed into full CSJs receive a monthly payment of \$673.
  - **1/3 CSJ:** Participants placed into 1/3 CSJs receive a payment of \$230 for up to 10 hours of work training and up to 10 hours of education and training per week.
  - **1/2 CSJ:** Participants placed into 1/2 CSJs receive a payment of \$341 for 11 to 15 hours of work training and up to 10 hours of education and training per week.
  - **2/3 CSJ:** Participants placed into 2/3 CSJs receive a payment of \$452 for 16 to 20 hours of work training and up to 10 hours of education and training per week.
- **W-2 T W-2 Transition:** Participants placed into W-2 T receive a monthly payment of \$628.
- **CMC Custodial Parent of an Infant:** Participants placed into CMC receive a monthly payment of \$673.

## 10.2 Understanding W-2 Payment Issuance

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### 10.2.1 W-2 Payment Issuance

In order to understand how *W-2 Wisconsin Works* payments are issued, it is important to understand the *CARES Client Assistance for Reemployment and Economic Support* payment cycles and the W-2 participation period.

There are two CARES payment cycles that generate W-2 payments either at the beginning or the end of the month.

1. *W2P W-2 Pulldown Payment Cycle*: This W-2 payment cycle occurs around the 7th of the month with participants receiving their checks by the 10th of the month.
2. *W2L W-2 Delayed Payment Cycle*: This W-2 payment cycle occurs about five days prior to the end of the month with participants receiving their checks by last day of the month.

These payment cycles run on different days of each month. Specific monthly dates can be viewed on the *TBIC Benefit Issuance Control Table* located in *CWW CARES Worker Web* using the following instructions:

1. Access CWW.
2. On the left-hand side, under Worker Tools, click Reference Tools.
3. Under Reference Tools, click Ref Table Search.
4. In the Table ID box, type TBIC and click Go.
5. In the Reference Table Search Result box, click the magnifying glass located on the right side of the screen next to the table name.

Once you have identified the correct benefit month, the payment cycle dates are located on the right side of the table under the W-2 PULLD DATE and W-2 DELAY DATE column headers.

The timing of the payment depends upon whether the individual receiving the check is a new participant (having just applied and been found eligible) or an ongoing participant.

If it is a new participant, the payment is issued based on what time during the W-2 participation period the person was placed in a W-2 employment position. The W-2 participation period is from the 16th of a month to the 15th of the next month.

W-2 payments include all reductions for missed hours of assigned activities and other penalties imposed during the participation period. (See Chapter 11)

## 10.2.2 Payments to New W-2 Participants

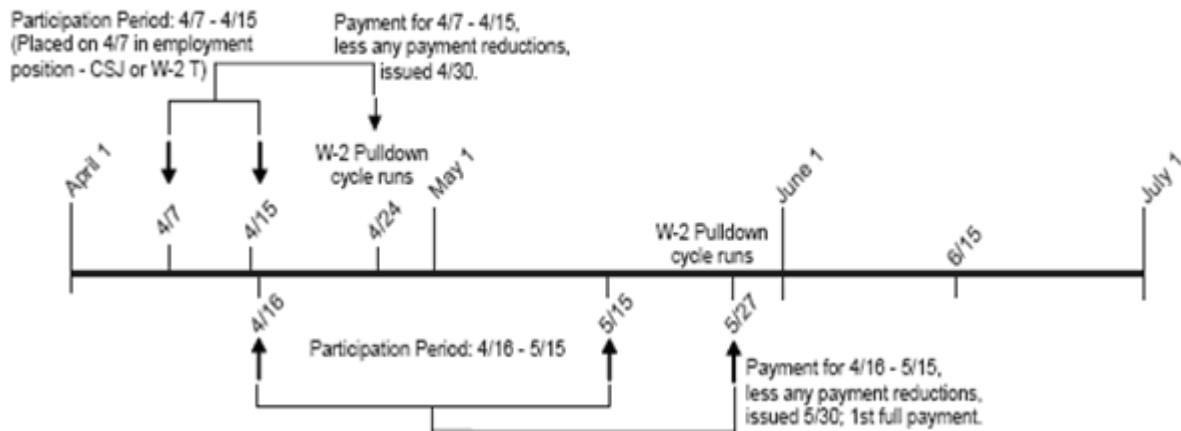
When and how a new participant receives the first few *W-2 Wisconsin Works* payments depends upon when he or she is placed in a W-2 employment position.

If the W-2 Placement Begin Date falls on or between the 1st and the 15th of the month, a prorated initial payment is issued in the monthly *W2P W-2 Pulldown Payment Cycle*.

The second and subsequent payments cover full participation periods and are also issued in W2P at the end of the following month.

### Example:

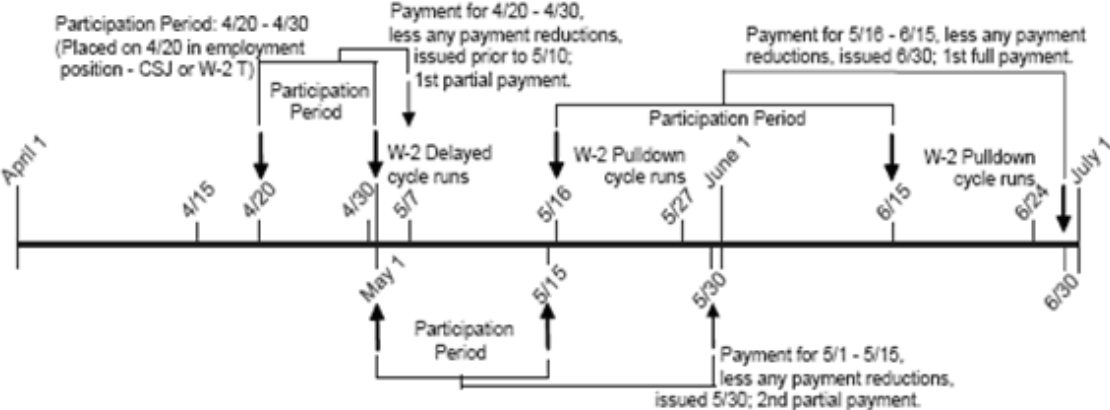
#### 1. Placement between 1st and 15th of the Month



If the W-2 Placement Begin Date falls on or between the 16th and the last day of the month, a prorated initial payment is issued in two parts. The first payment is issued in the monthly *W2L W-2 Delayed Payment Cycle* for participation completed from W-2 Placement Begin Date until the last day of the month. The second payment is issued in W2P for participation completed from the 1st through the 15th of the next month. The third and subsequent payment covers a full participation period and is also issued in W2P.

### Example:

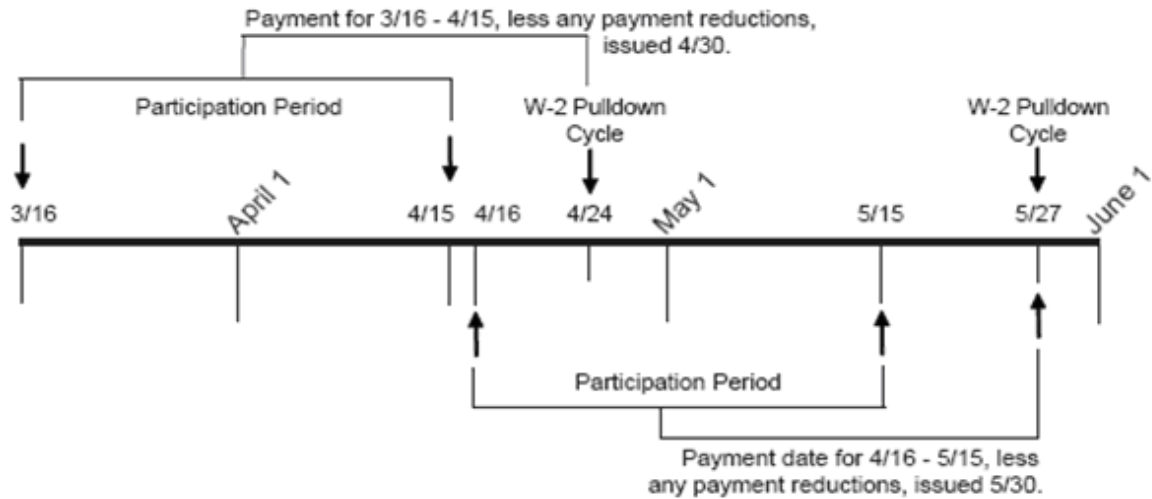
2. Placement between 16th and End of the Month



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### 10.2.3 Payments to Ongoing W-2 Participants

Once *W-2 Wisconsin Works* is open and ongoing, subsequent months payments are issued in *W2P W-2 Pulldown Payment Cycle* at the end of the month in which the participation period ends.



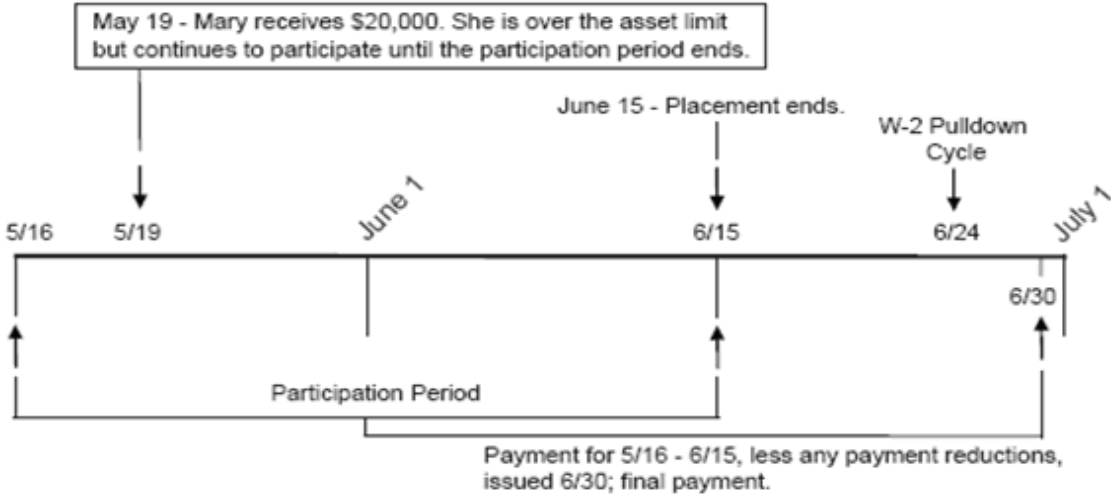


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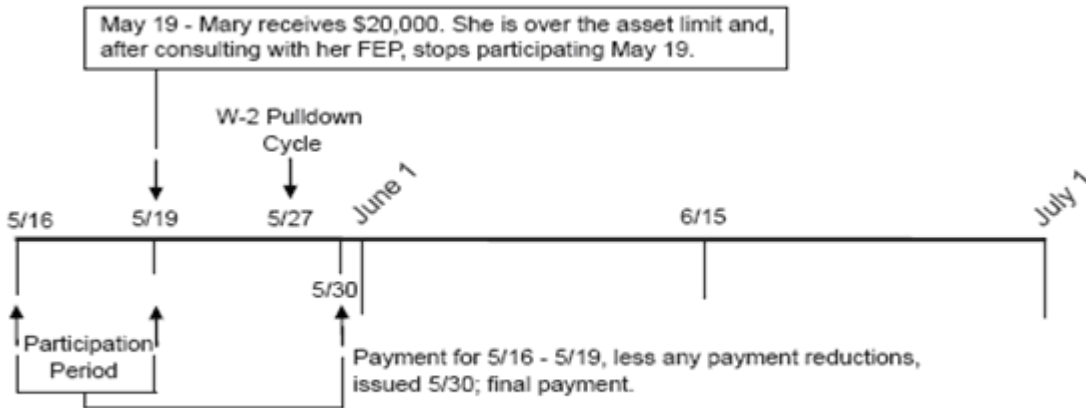
### 10.2.4 Final Payments

As with unsubsidized employment, a final check is issued for the current participation period when an individual leaves a *W-2 Wisconsin Works* employment position. The W-2 agency may terminate a W-2 employment position anytime following a change in circumstance as is reasonable for both the W-2 work training provider/employer and the W-2 participant. Participants who become ineligible for W-2 will receive a prorated final payment for the percentage of the participation period that they were actually in the placement on *CARES Client Assistance for Reemployment and Economic Support* screen WPWW.

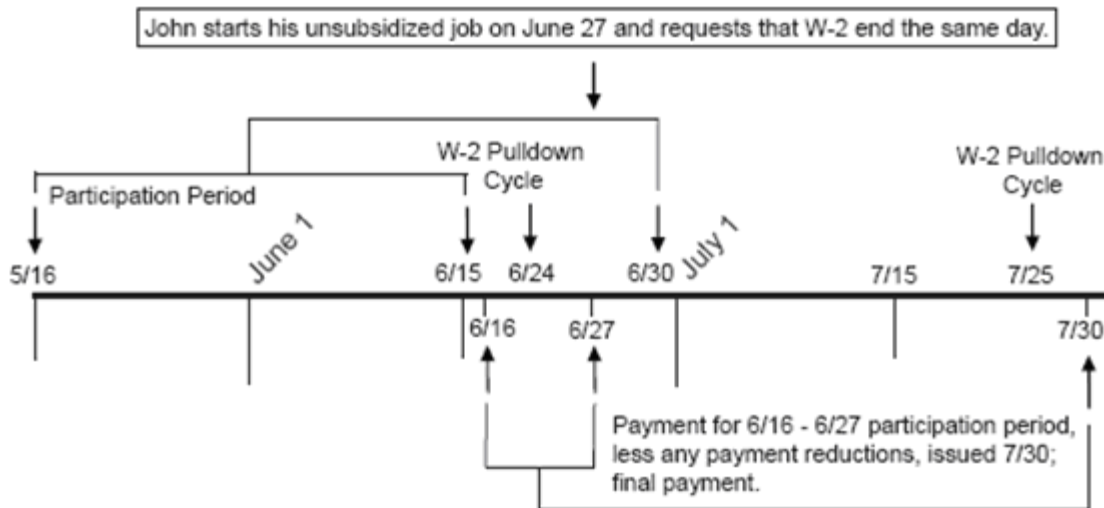
**Example 1, Option 1:** Mary reports on May 19 that she received \$20,000 from a family friend. It will benefit Mary if the *CSJ Community Service Job* provider keeps Mary on-site through the end of the participation period. Mary's W-2 placement end date is June 15th, and she receives final payment at the end of June.



**Example 1, Option 2:** The W-2 agency determines that Mary may end her participation before the end of the participation period. Mary's W-2 placement end date is May 19th, and she receives a final W-2 payment at the end of June for three days of participation.



**Example 2:** John is in a CSJ and reports on June 1 that he found unsubsidized employment that will begin on June 27. The *FEP Financial and Employment Planner* informs him that he may continue to participate in the CSJ until his employment begins, and lets the CSJ work training provider know John will be leaving the position. The FEP verifies John's employment with his new employer and verifies that John will begin on June 27. Any hours missed without good cause up until June 27 will be deducted from the final payment.



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## 10.2.5 Changing W-2 Placements

### [10.2.5.1 Moving Between CSJ and W-2 T Placements](#)

### [10.2.5.2 Moving between Paid and Unpaid Placements or Trial Jobs](#)

When *W-2 Wisconsin Works* participants moves between W-2 placements, their payments may or may not be prorated depending upon the W-2 placement types.

#### 10.2.5.1 Moving Between CSJ and W-2 T Placements

When a participant moves between a *W-2 T W-2 Transition* and a *CSJ Community Service Job* placement during a participation period, the payment is not prorated. The participant receives the payment of the last assigned employment position for that participation period. The participant's clock ticks based on the last W-2 employment position in a calendar month, not the participation period. (See Chapter 2)

**Example:** Jennifer is in a W-2 T. On August 9th, her *FEP Financial and Employment Planner* places her in a CSJ. Her payment for participation from July 16th through August 15th is at the CSJ amount. Jennifer's W-2 T clock will tick for the month of July and, her CSJ clock will tick for August as long as she is not moved to a Trial Job or W-2 T before the end of the month.

#### 10.2.5.2 Moving between Paid and Unpaid Placements or Trial Jobs

When a participant in a CSJ, W-2 T or *CMC Custodial Parent of an Infant* moves to a Trial Job or an unpaid placement, the participant will receive a final prorated payment for the time that they were actually in the paid placement during the participation period. If the person moves to a Trial Job, he or she will begin receiving wages directly from the employer. In addition, the participant's Trial Job clock will tick for the month that he or she is placed in the Trial Job employment position.

**Example:** Rhonda is in a CSJ. On May 18th, her FEP places her in a Trial Job. Her payment for CSJ participation on May 16th and 17th will be a prorated. Rhonda's Trial Job clock will tick for the month of May.

When moving from an unpaid placement or Trial Job to a paid placement, the participant will be paid similar to a new participant. ([See 10.2.1](#))

**Example:** A W-2 participant is placed in *CMU Case Management Unemployed* in July. The individual loses her job and on August 18, the FEP changes the placement to CSJ based on a reassessment. A prorated initial payment for the participation period 8/18 &ndash; 8/31 is issued on or about the 7th of

September during *W2L W-2 Delayed Payment Cycle*. The next payment is also a prorated payment issued at the end of September for the participation period 9/1 &endash; 9/15. Regular ongoing payments for 9/16 &endash; 10/15 begin at the end of October during *W2P W-2 Pulldown Payment Cycle*.

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## 10.2.6 Issuing Auxiliary Payments

### [10.2.6.1 CARES W-2 Auxiliary Payment Approval Worker](#)

### [10.2.6.2 Monthly Reviews of Auxiliary Payments](#)

While *W-2 Wisconsin Works* payments are generally calculated and issued by *CARES, Client Assistance for Reemployment and Economic Support* there are times when a payment calculation may be incorrect resulting in the issuance of a W-2 payment less than the amount that was intended. In addition to under issuances, there may be situations in which participants were supposed to receive a W-2 payment, but for some reason did not. These situations must be rectified with auxiliary payments created by the W-2 agency and issued through CARES. The auxiliary payment will either supplement a W-2 payment under issuance or replace a W-2 payment that should have been issued, but was not. Auxiliary payments are sometimes referred to as "supplemental payments" or just "supplements."

#### 10.2.6.1 CARES W-2 Auxiliary Payment Approval Worker

There is a two-party W-2 auxiliary payment approval process. Each W-2 agency must have an identified CARES W-2 Auxiliary Payment Approval Worker. The minimum number of approvers for an office is two and the maximum is six. The same worker may be an approver for more than one office. The approval worker CARES logon is displayed on CARES screen BIAW. In order to establish a CARES W-2 Auxiliary Payment Approval Worker, the agency must complete the [W-2 Auxiliary Payment Approval Designation form \(4746-E\)](#).

If CARES W-2 Auxiliary Payment Approval Workers leave their agencies or change job functions, their CARES logon will need to be removed from CARES screen BIAW. W-2 agencies are responsible for keeping their list of designated approval workers up-to-date. When an approval worker is added or deleted from an office, the agency must check screen BIAW to see if another worker will need to be deleted or added at the same time. The W-2 Auxiliary Payment Approval Designation form must be completed with worker addition or deletion changes.

#### 10.2.6.2 Monthly Reviews of Auxiliary Payments

At a minimum, W-2 agencies must perform a monthly review of W-2 auxiliary payment monitoring reports available in *WEBI Web Intelligence*. The data in these reports is updated directly from the CARES Benefit Issuance subsystem into WEBI by the second Monday of every month. The agency must investigate questionable payments or payment discrepancies identified on the reports. Some examples of questionable payments or discrepancies include multiple payments to a case for the same benefit month by one or more workers, or check amounts for a particular month issued to a

case that exceed the monthly W-2 maximum benefit level of \$628 or \$673, depending on the W-2 placement.

If an agency identifies a questionable payment or a payment discrepancy, the W-2 agency must contact the appropriate case worker(s) to confirm that the discrepancy is not an improper or illegal payment.

If an improper payment has been made, the W-2 agency must take appropriate action to recover the payment. If applicable, fraud prevention actions will be implemented in accordance with W-2 contract and state fraud program requirements. Regional *DFES Division of Family and Economic Security* staff identifying any major discrepancies on the reports will contact the W-2 agency to ensure that the agency is investigating the discrepancies and gather the agency's feedback on their findings. Regional staff also determine whether appropriate corrective action has been taken (e.g. benefit recovery, fraud referral, etc.)

## 10.3 W-2 Overpayments

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### 10.3.1 W-2 Overpayments

*W-2 Wisconsin Works* overpayments may occur as a result of an error by either the participant or the W-2 agency. There are three types of overpayments:

1. **Administrative Error:** The W-2 agency commits an error that results in incorrect payments. This type of error is also known as non-client error.
2. **Inadvertent Household Error:** The W-2 participant reports incorrect information or fails to report information due to a misunderstanding or unintended error. This type of error is known as client error (CE).
3. **IPV:** The W-2 participant willfully reports incorrect information or fails to report information and, as a result, is found guilty of IPV by a court or administrative hearing. (See Chapter 11)

W-2 agencies should seek recovery and establish liability for overpayments only from adult members of the *W-2 group*. *An adult custodial parent, all dependent children with respect to whom the individual is a legal custodial parent and all minor children with respect to whom the adult individual's dependent child is a custodial parent. W-2 group includes any nonmarital co-parent or any spouse of the individual who resides in the same household as the individual and any minor children with respect to whom the spouse or nonmarital co-parent is a custodial parent. W-2 group does not include any person who is receiving cash benefits under a county relief block grant program. This is also referred to as the W-2 Assistance Group (W-2 AG).* The adult member must have been an adult member of the W-2 group at the time the overpayment occurred.

Overpaid W-2 payments from paid W-2 employment positions and child care may be recouped from either a *CSJ Community Service Job* or *W-2 T W-2 Transition* payment. Overpayments calculated for persons in Trial Jobs may not exceed the monthly subsidy paid to the employer.

If a W-2 agency issues a W-2 payment in error, the agency must create an overpayment claim. If the agency receives a returned check, the check must be posted as a repayment to the claim.

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## 10.3.2 Deadlines for Establishing Overpayment Claims

[10.3.2.1 Deadline for an Inadvertent Household Error or IPV Overpayment Claim](#)

[10.3.2.2 Deadline for an Administrative Error Overpayment Claim](#)

The deadline for establishing overpayment claims varies depending upon the overpayment type.

### 10.3.2.1 Deadline for an Inadvertent Household Error or IPV Overpayment Claim

A claim for incorrect benefits due to an inadvertent household error or *IPV Intentional Program Violation* that are subject to recovery should be established before the last day of the calendar quarter following the calendar quarter in which the overpayment was discovered. However, this does not bar the establishment of claims due to an inadvertent household error or IPV that fall past this timeframe. Claims for incorrect payments may be established up to six years after the discovery of the error.

**Example 1:** If an overpayment is discovered on June 20th, it must be established by September 30th.

**Example 2:** If an overpayment is discovered on January 2nd, it must be established by June 30th.

### 10.3.2.2 Deadline for an Administrative Error Overpayment Claim

Administrative error claims cannot be established if the end of the overpayment period exceeds 12 months from the date of discovery. The date of discovery is the notification date of the overpayment claim.

The overpayment period for administrative error claims ends with the month the error last occurred and extends back 12 months or when the error first became effective, whichever is most recent. In other words, the overpayment period cannot begin more than 12 months prior to the notification date of the overpayment.



**Example:** A W-2 worker discovers on October 1, 2005, that a W-2 participant incorrectly received W-2 payments beginning in August 2004. If the worker establishes the overpayment on October 1, 2005, the overpayment period cannot begin prior to October 2004. Therefore, the overpayment period would be October 2004 through December 2004.

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### 10.3.3 Recovery of Overpayments for Open CSJ or W-2 T Cases

*W-2 Wisconsin Works* overpayments are recovered (sometimes referred to as recouped) at the rate of 10% per month from *CSJ Community Service Job* and *W-2 T W-2 Transition* payments when resulting from an Inadvertent Household Error or Administrative Error.

W-2 overpayments are recouped at the following rate from CSJ and W-2 T payments when resulting from an *IPV Intentional Program Violation*. If the overpayment is:

- Less than \$300, the recoupment is 10% per month;
- At least \$300 but less than \$1,000, the recoupment is \$75 per month;
- At least \$1,000 but less than \$2,500, the recoupment is \$100 per month; or
- \$2,500 or more, the recoupment is \$200 per month.

For persons in Trial Jobs, where recoupment is not possible, overpayments should be collected in the same manner as for closed cases.

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### 10.3.4 Recovery of Overpayments for Closed Cases, Trial Jobs or Unpaid Placements

Overpayment collections from persons in Trial Jobs, unpaid *W-2 Wisconsin Works* placements and closed cases must be sought by the W-2 agency. *CARES Client Assistance for Reemployment and Economic Support* will automatically send out repayment agreements for new claims and dunning notices. The W-2 agency must negotiate an amount of repayment for each program. Monthly repayments should be negotiated in an amount that will repay the overpayment within a reasonable length of time. In the event of unsuccessful collection efforts by the W-2 agency and after the third dunning notice is sent by CARES, the Department will begin centralized collection efforts. For further information on repayment agreements, see the [Benefits Recovery Accounting Manual](#).

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## 10.3.5 Using Auxiliary Payments to Offset Overpayments

When an auxiliary payment is used to supplement a *W-2 Wisconsin Works* payment made in a past month, the auxiliary payment may be used to offset an overpayment. When an auxiliary payment is needed for the current month, the auxiliary payment cannot be used to offset an overpayment.

**Example:** Jane reports good cause on May 10th for missed hours due to unavailable day care April 6th - 9th. The *FEP Financial and Employment Planner* recalculates the May payment amount and sends an auxiliary payment to Jane for \$68. The FEP does not use the supplement to offset Jane's overpayment because the auxiliary payment is for the current payment month.

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### 10.3.6 Recovery of AFDC Overpayments

A *W-2 Wisconsin Works* participant who has an *AFDC Aid to Families with Dependent Children* overpayment may elect to repay the overpayment in one of four ways:

1. Monthly installments;
2. W-2 payment reduction of 10 percent or \$10 dollars, whichever is greater;
3. W-2 payment reduction greater than 10 percent. The elected percentage must be indicated on the AFDC Repayment Agreement; or
4. Payment in full.

Persons with AFDC overpayments must select and initial at least one of the above repayment options on the *CARES Client Assistance for Reemployment and Economic Support* generated AFDC Repayment Agreement. Failure to complete the repayment agreement may result in additional collection, tax offset, or both. A person selecting the recoupment option from W-2 cash payments (items 2 and 3 above) will have tax offset suspended, along with any other collection action, as long as he or she is receiving a W-2 payment. However, recoupment from W-2 cash payments can occur only if a participant agrees to have his/her W-2 payment reduced. Those selecting monthly installments or payment in full (items 1 and 4 above) must comply with the terms of the agreement. Failure to comply with the agreement will result in additional collection action.

The AFDC Repayment Agreements are generated from CARES screen BVSL.

## 10.4 Electronic Funds Transfer

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### 10.4.1 Electronic Funds Transfer Option

*W-2 Wisconsin Works* agencies must inform applicants and participants that their W-2 payments may be directly deposited into their checking or savings account using *EFT Electronic Funds Transfer*. Although this payment method is currently voluntary, W-2 agencies should encourage all individuals to use this method and assist the participant in opening their checking or savings account, if necessary.

Advantages of EFT include:

- Agency staff will deal less often with phone calls, documentation, completion and mailing of affidavit forms associated with lost, stolen, or destroyed checks.
- EFT payments are much safer and more timely.
- Participants can feel confident that their EFT payments are secure in their bank account on the expected day.
- Participants will receive EFT payments one day earlier than a W-2 check.

## 10.5 W-2 Payment Statement

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### 10.5.1 W-2 Payment Statement

When reductions are applied to the *W-2 WisWisconsin Works* payment, participants receive a *CARES Client Assistance for Reemployment and Economic Support* generated Wisconsin Works Payment Statement (BIL1) prior to payment issuance, indicating the gross payment amount, any reductions due to missed hours, Learnfare reductions, drug felon penalties, recoupments, and the net payment.

## 10.6 W-2 Payment Designations

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### 10.6.1 W-2 Payment Designation

*CSJ Community Service Job* or *W-2 T W-2 Transition* payments must be made payable as appropriate to the:

1. Participant;
2. Spouse of the participant (the spouse must be living in the home unless designated as protective payee or appointed by a court to be legal representative); or
3. Guardian or conservator of the W-2 participant.



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## 10.6.2 Protective and Vendor Payments

If mismanagement of funds is a threat to the health and safety of a *W-2 Wisconsin Works* participant's child as determined by the *FEP Financial and Employment Planner*, all or part of the *CSJ Community Service Job* or *W-2 T W-2 Transition* payment may be a protective payment or vendor payment. Other options would be making part of the CSJ or W-2 T payment a direct payment and part a protective, vendor payment, or both. The agency must investigate reports of mismanagement before initiating protective or vendor payments.

The W-2 agency must document in the case record the reason for the authorization of protective or vendor payments and must show the name of the eligible participant, the name of the protective or vendor payee, and the amount and form of payment authorized.

# 11 W-2 Sanctions

## 11.1 Payment Reductions

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### 11.1 Hourly Payment Reductions

Payments for *CSJ Community Service Job* and *W-2 T W-2 Transition* participants who fail to participate in assigned work training activities or education and training activities are reduced by \$5.15 per hour for hours missed without good cause. (See [11.2.1](#))

*W-2 Wisconsin Works* participants must participate in all assigned hours outlined in the *EP Employability Plan*. The W-2 agency must work with the participant to develop the skills needed to manage issues that arise so participants do not miss assigned activities without good cause. If a W-2 participant is not going to be able to participate in an assigned activity, the agency should encourage the participant to call the *FEP Financial and Employment Planner* prior to the activity start time. This will prepare a participant for workplace expectations. The FEP may not penalize the participant if she or he fails to call the FEP prior to the activity time, however.

In addition, the FEP is responsible for determining if there are any underlying barriers that may be causing nonparticipation. This may mean requesting additional assessments, adjusting activities and providing accommodations that will allow the individual to participate.

Participants, who continuously do not participate without good cause, may lose W-2 eligibility.

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## 11.1.1 Entering Nonparticipation Hours in CARES

When entering nonparticipation hours on *CARES Client Assistance for Reemployment and Economic Support* screen WPNH, the *FEP Financial and Employment Planner* must follow these specific guidelines:

1. Payment reductions for missed hours must be deducted from the payment for the participation period during which hours were missed.
2. The FEP can enter missed hours as they are reported throughout the participation period.
3. FEPs may only post daily nonparticipation. When entering hours of nonparticipation, the date entered in the NON PART DATE field must be the same date entered in the THRU field.
4. The total nonparticipation hours entered in the NP HOURS field must not exceed eight hours per day.
5. Nonparticipation hours must be entered even if a participant has good cause.
6. Nonparticipation must be entered for each assigned activity separately.
7. Nonparticipation cannot be entered if the date of the nonparticipation falls outside of the assigned activity dates in the BEGIN DATE or ACTUAL END DATE fields on CARES screen WPCH.
8. A payment reduction cannot be imposed for failing to participate in activities prior to completing or declining the *BST Barrier Screening Tool* the first time it is offered at application. An edit in CARES prevents this action.
9. A payment reduction cannot be imposed on a participant for declining to complete a formal assessment. An edit in CARES prevents this action.
10. A payment reduction cannot be imposed while a formal assessment is assigned on CARES screen WPCH. An edit in CARES prevents this action while the activity remains without an end-date. A payment reduction cannot be imposed until:
  - The formal assessment has been completed;
  - The assessment activity code has been end-dated on WPCH; and
  - The FEP, in consultation with the participant, has made the necessary adjustments to the participant's Employability Plan.
11. The final date that missed hours can be entered into CARES is the date the W-2 Pulldown payment cycle is scheduled.

Even if an individual moves out of the *W-2 group An adult custodial parent, all dependent children with respect to whom the individual is a legal custodial parent and all minor children with respect to whom the adult individual's dependent child is a custodial parent. W-2 group includes any nonmarital co-parent or any spouse of the individual who resides in the same household as the individual and any minor children with respect to whom the spouse or nonmarital co-parent is a custodial parent. W-2 group does not include any person who is receiving cash benefits under a county relief block grant program. This is also referred to as the W-2 Assistance Group (W-2 AG).*,

any payment reduction for missed hours or penalties associated with that individual during the current participation period are deducted from the next W-2 payment issued to that W-2 group. The reductions are specific to a W-2 group and, therefore, will not follow the individual to a new W-2 group. On the other hand, recovery of overpayments continues to follow an individual from W-2 group to W-2 group.

Participants placed in Trial Jobs will not be subject to hourly reductions because Trial Job participants are paid wages directly by the employer. The Trial Job employer and participant are encouraged to work together to allow for planned absences. However, unplanned and unexcused absences by the participant will be reflected by a decrease in wages, regardless of W-2 good cause criteria.

*CMC Custodial Parent of an Infant* payments are not reduced. (See Chapter 7)

## 11.2 Good Cause

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### 11.2.1 Good Cause Policy

A participant must notify the *FEP Financial and Employment Planner* of good cause within seven working days after an absence from a W-2 assigned activity in order to prevent a payment reduction.

FEPs are responsible for determining if a *W-2 Wisconsin Works* participant had good cause for not participating in W-2 assigned activities. While the good cause policy is meant to model what an employer may allow under its own absence policy, FEPs must consider the fact that participants may face hardships that make completing activities and notifying the agency of missed activities more difficult, e.g., phone availability, reliable transportation, etc.

## 11.2.2 Verifying Good Cause

### [11.2.2.1 Pattern of Absences](#)

A *W-2 Wisconsin Works* participant is not required to submit written documentation verifying good cause for every absence from an assigned W-2 activity. For example it is to be expected that on occasion a participant will need to remain home to care for an ill child who has to miss school or daycare or a participant will need to miss an assigned activity due to an unexpected illness. In addition, written documentation verifying good cause is not necessary if a participant misses assigned activities due to a documented chronic illness, e.g., chronic asthma, panic attacks, etc., or known family circumstance, e.g., disabled child, child with behavioral problems, homelessness, domestic violence, etc.

While a participant is not required to submit written documentation verifying good cause for every absence, a pattern of absences may require written good cause verification.

(See 11.2.2.1) If the *FEP Financial and Employment Planner* determines that a pattern of absence does exist and, after discussing the absences with the participant, the FEP determines that based on the participant's capabilities and the explanation given for the absences, that the participant is misusing the good cause policy, the FEP may find it necessary to request written documentation verifying good cause. Examples of written documentation include a signed medical statement, an update to existing medical information from a licensed physician or some other qualified assessing agency, etc.

When the FEP determines that verification is necessary, the participant must be informed in writing of the verification items required, including the due date and the FEP must document in case comments (CMCC) why the written documentation verifying good cause is necessary.

The FEP must give the participant seven working days from the date the verification request is made to provide the written documentation. If a pattern of absences does exist, but the FEP believes that there is a reasonable explanation given for the absences, even though the absences may meet the defined pattern, written verification is not necessary.

Participants must in no way be penalized when they attempt to obtain the written documentation, and other entities delay their ability to obtain the necessary documents.

If the individual does not have the power to produce verification, or if circumstances exist that make the verification requirements unduly burdensome, the W-2 agency must assist the participant in obtaining the necessary documents and the FEP must extend the verification due date. The verification due date may be extended for up to 30 days from the date of the request for the written documentation. In some instances, the W-2 agency may seek the verification themselves. (See Chapter 4)

### 11.2.2.1 Pattern of Absences

A "pattern of absences" are absences that extend beyond three consecutive days or more than five days in a rolling 30-day period. An absence means being absent from any one activity. For example, if a participant is assigned to work experience and adult basic education on the same day and misses just one of those activities, this is considered an absence. If good cause is accepted for any of the absences, the good cause absences may still be considered as a part of the pattern.

If the person misses beyond three consecutive days or more than five days in a rolling 30-day period, but the absences are for the same reason, e.g., car accident, child has flu, etc., this may be considered a reasonable explanation for missing beyond three consecutive days and written verification may not be necessary. A reasonable explanation would be determined by the FEP on a case-by-case basis in which the FEP's knowledge, experience and familiarity with the case and the community would all be factors.

**Example 1:** A participant misses three consecutive days of her assigned activities and calls in on the fourth day because of the illness of her children and explains that one after the other of her four children were ill with a bad flu. Although the absences constitute a pattern, the FEP does not have reason to believe that the participant is misusing the good cause policy. In this scenario, the FEP would not require written documentation of good cause for the missed activities.

**Example 2:** A participant misses her assigned morning activity three days in a row because she felt sick. She has no chronic health problems and doesn't offer an adequate explanation of what was wrong with her. On the fourth day, the participant again calls and says that she is feeling ill and cannot attend her activities. In this scenario, the FEP may require written documentation of good cause for the missed activities because the participant's absences constitute a pattern and the FEP has reason to believe that the participant may be misusing the good cause policy.

**Example 3:** A participant misses five days in a 30-day period because of school appointments. She brings in written verification for two of the days but not all five days indicating that her child is undergoing an evaluation for suspected learning problems. The participant calls and says that she will miss the next two days for the same reason. Because the participant has missed five days, even though two of the days she was granted good cause, this does constitute a pattern and the FEP has reason to believe that the participant may be misusing the good cause

policy because the participant has a history of not attending activities. In this case the FEP may require written documentation verifying good cause.

**Example 4:** A participant misses two consecutive days of activities because she is ill. These two absences are the first absences the participant has had in several months. Because this does not constitute a pattern, whether or not the FEP believes the participant is misusing the good cause policy, the FEP may not require written documentation verifying the good cause.



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## 11.2.3 Good Cause Reasons

### [11.2.3.1 Child Care Availability](#)

#### [11.2.3.1.1 Determining Availability of Child Care](#)

#### [11.2.3.1.2 Demonstrating an Inability to Obtain Child Care](#)

### [11.2.3.2 Death of An Immediate Family Member](#)

Good cause for failing to comply with the *W-2 Wisconsin Works* assigned activities shall be any of the following circumstances:

1. Any required court appearance including a required court appearance for a victim of domestic abuse.
2. Inability to obtain child care that is necessary for the W-2 participant to participate or accept employment, but is unavailable and the W-2 agency was unable to provide or refer for alternate child care arrangements.
3. Lack of transportation with no reasonable alternative, as determined by the *FEP Financial and Employment Planner*. In determining the reasonableness of transportation alternatives, FEPs should consider factors such as the length of commute, participant safety and cost of transportation in relationship to income.
4. Participant or *W-2 group An adult custodial parent, all dependent children with respect to whom the individual is a legal custodial parent and all minor children with respect to whom the adult individual's dependent child is a custodial parent. W-2 group includes any nonmarital co-parent or any spouse of the individual who resides in the same household as the individual and any minor children with respect to whom the spouse or nonmarital co-parent is a custodial parent. W-2 group does not include any person who is receiving cash benefits under a county relief block grant program. This is also referred to as the W-2 Assistance Group (W-2 AG).* member's illness, injury or disability or incapacity.
5. Accommodations identified in a formal assessment but the accommodations are not available to complete the assigned activity.
6. Conflict with another assigned W-2 activity or job search attempts.
7. Inclement weather that impedes transportation or travel.
8. School emergency.
9. Domestic violence issues as defined in [Wisconsin Administrative Rule DCF 101.15\(3\)](#).
10. Death in immediate family. (See 11.2.3.2)
11. Observance of a religious holiday.
12. Routine medical or school appointments, which cannot be scheduled at times other than during assigned activities.
13. Child's school holiday with the exception of summer break.
14. Any day that the worksite or training site is closed due to a site-specific holiday, e.g., days closed surrounding Christmas, closure the day after Thanksgiving, etc.
15. Other circumstances beyond the control of the participant, but only as determined by the FEP.

Again, a good guideline is to consider what a reasonable employer or even its own W-2 agency as an employer may allow under its own absence policy, keeping in mind that W-2 participants may face hardships that make completing activities and notifying the agency of missed activities more difficult, e.g., phone availability, reliable transportation, etc.

### **11.2.3.1 Child Care Availability**

A single parent placed in a *CSJ Community Service Job* or *W-2 T W-2 Transition* position cannot be assigned work activities during a period of time he or she is unable to obtain child care for a child under the age of thirteen. However, the participant may be assigned to other activities, which may be performed in the home. For example, a participant who does not have child care available at the time the W-2 placement is determined may be assigned to contact a number of child care resources.

FEPs must track participants closely to ensure they are placed in work activities as soon as a child care provider has been located. (See Chapter 2) If child care is only available to the participant during specific hours of the day or days of the week, the W-2 agency must make every effort to assign work activities during those hours.

A Trial Job participant may not have a strike imposed for missing hours of work if the participant was unable to obtain child care for a child under the age of thirteen.

#### **11.2.3.1.1 Determining Availability of Child Care**

Although child care arrangements are ultimately the responsibility of the parent, a W-2 applicant/participant may be unfamiliar with the task of locating a child care provider.

Guidance or referrals from the W-2 agency may reduce the time necessary to locate a provider.

In order to determine if child care is available, a W-2 staff person must discuss child care with each participant at the time of the initial assessment and during the review of the W-2 Participation Agreement.

The W-2 staff person must:

1. Explain to participants their responsibility to obtain any needed child care for the hours of participation in W-2.
2. Determine if informal child care, or formal child care within a reasonable distance from the participant's home, is available. Informal child care arrangements may be discussed, but a participant cannot be required to use an informal child care arrangement. If the other parent is in the home, able and available to care for the child, child care is not needed.
3. Provide information to the participant about eligibility for W-2 child care assistance and the requirement for the provider to, at a minimum, be provisionally certified to qualify for assistance. ([See Child Care Policy Manual](#))

4. If the participant does not currently have child care available, refer the participant to the local **CCRR Child Care Resource and Referral Network**, which is available to help all parents locate safe and affordable child care throughout the state, and other child care resources in the community. If the referrals do not result in the participant locating child care, the W-2 agency may require the participant to demonstrate an inability to obtain child care. (See 11.2.3.1.2)
5. If available, offer the use of the W-2 agency on-site child care to the parent until an ongoing child care arrangement is found. A W-2 on-site child care provider must be regulated in order for the parent to leave the premises.
6. Discuss the availability of backup child care arrangements to ensure the participant is planning ahead for emergency situations when the regular provider is unable to care for the child(ren) or when the child is sick and cannot attend the regular child care program.

#### 11.2.3.1.2 Demonstrating an Inability to Obtain Child Care

An inability to obtain child care must be based on the following reasons:

1. **Formal child care is not available within a reasonable distance from the parent's home or work site.** Formal child care means at least one licensed or certified child care facility with space available for the child for which there is no documentation that the facility would be harmful to the health or safety of the child. This includes a W-2 agency with certified or licensed on-site child care. Participants who place their children into any type of formal arrangement in order to work or participate in W-2 employment activities are eligible for W-2 child care assistance.

Reasonable distance means no more than 60 minutes travel time one-way, using available transportation, from the parent's home to the child care provider's location to the parent's work site. Travel time may be extended up to 90 minutes one-way if there is a good placement opportunity for the participant AND the participant is willing to enter into this arrangement.

and

2. **Informal child care by a relative or under other arrangements is unavailable or unsuitable.** Informal child care is defined as an arrangement in which the child care provider is neither licensed nor certified. ([See Child Care Policy Manual](#)) Participants who use this type of arrangement are not eligible for W-2 child care assistance. Informal child care arrangements may be used by any W-2 participant; however, a participant cannot be required to use informal child care.

If the participant fails to demonstrate an inability to obtain child care, he or she must resume W-2 work activities and face payment reductions, or possibly a strike, for nonparticipation.

An inability to obtain appropriate child care may be indicative of a shortage of child care providers in the community (including sick child care, evening and weekend care, culturally competent child care, and care for disabled children) and W-2 agency management should be alerted to the problem. Each W-2 Community Steering Committee is responsible for working with participants, employers, child care providers and the community to identify child care needs, improve access to child care and expand availability of child care.

### **11.2.3.2 Death of An Immediate Family Member**

A participant may be granted up to three work days of good cause or, if travel for funeral services is required, seven work days not to exceed the week following the death of a member of the participant's immediate family. Immediate family is defined as participant's spouse, nonmarital co-parents, parents, step-parents, grandparents, foster parents, children, step-children, grandchildren, foster children, brothers and their spouses, sisters and their spouses, aunts, uncles, sons-in-law and daughters-in-law, cousins, nieces and nephews of the participant or his or her spouse or nonmarital co-parent and other relatives of the participant or his or her spouse or nonmarital co-parent if these other relatives reside in the same household as the participant.

**Example:** A W-2 participant who is of Hmong ethnicity has a brother who died on Monday, May 8, 2006. Although the funeral is not scheduled until Friday, May 12, 2006, cultural tradition requires the participant to go to the sister-in-law's house to greet and provide comfort to the family up until the start of the funeral on Friday. The funeral then runs through Monday, May 15, 2006. The participant expects to return to assigned activities on Tuesday, May 16, 2006. The FEP may grant good cause for the participant's absence due to the death of an immediate family member.

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## **11.2.4 Denying Good Cause**

A participant must notify the FEP of good cause within seven working days after an absence from a W-2 assigned activity in order to prevent a payment reduction. If the FEP determines that the participant's explanation for the absence or the written verification of the absence does not meet any of the allowable good cause reasons, the FEP must document the reason for denying good cause in case comments.

## 11.3 Notifying W-2 Participants of Payment Reductions

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### 11.3.1 Notifying W-2 Participants of Payment Reductions

Before taking any action against a participant that would result in a reduction of 20 percent or more in the participant's W-2 payment, the W-2 agency must do all of the following:

1. Provide written notice to the W-2 participant of the proposed payment reduction and of the reasons for the proposed payment reduction.
2. Explain to the participant or make reasonable attempts to explain to the participant in person or by phone, the proposed payment reduction and the reasons for the proposed payment reduction.
3. Allow the participant reasonable time to rectify the deficiency, failure or other behavior to avoid the proposed W-2 payment reduction.

A similar notification policy is required prior to the termination of a participant's W-2 eligibility. (See [Operations Memo 05-54](#))

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## 11.3.2 Twenty Percent Reduction Reports

In order to assist the *W-2 Wisconsin Works* agencies in identifying those participants that must be notified of a 20 percent or greater payment reduction, three Web Intelligence (WEBI) reports are located in the "r;Monitoring Reports W-2 & FSET" folder.

The first report is the W-2 Cases with 20% or More Benefit Reduction &ndash;1st of the Month Report, which runs on the 1st of each month. This report identifies those participants who, as of the 1st of the month, appear to be on track to have their W-2 payment reduced by 20 percent or more.

The second report is the W-2 Cases with 20% or More Benefit Reduction &ndash; 16th of the Month Report, which runs on the 16th of each month. This report identifies those participants who, as of the 16th of the month, appear to be on track to have their W-2 payment reduced by 20 percent or more.

The third report is the W-2 Cases with 20% or More Benefit Reduction &ndash; At W-2 Pulldown Report, which runs the same night as *W2P This W-2 payment cycle occurs around the 7th of the month with participants receiving their checks by the 10th of the month.* Those individuals who appear for the first time on the W-2 Pulldown report have had their benefits reduced, but still need to be notified and given a chance to rectify.

There is one major difference between the three reports. On the 1st and 16th of the Month reports, the percent reduction is calculated by multiplying the sanctionable hours (Sctn Hrs) column by the minimum wage (Min Wage) column in order to get the hourly reduction (Hourly Reduction) column. That number is then divided by the gross W-2 payment (Gross W2 Payment) column.

On the W-2 Pulldown report, the percent reduction is calculated by multiplying the applied hours (Applied Hrs) column by the minimum wage (Min Wage) column in order to get the total hourly reduction (Hourly Reduction) column. That number is then divided by the gross W-2 payment (Gross W2 Payment) column.

The reason sanctionable hours are used for the 1st and 16th of the Month reports and applied hours for the W-2 Pulldown report is due to *CARES Client Assistance for Reemployment and Economic support* screen WPMA. On WPMA, while sanctionable hours roll up as nonparticipation hours are entered, applied hours are only calculated during the monthly *W2P W-2 Pulldown Payment Cycle*. For that reason, applied hours (Applied Hrs) will always be 0 on the 1st and 16th of the Month reports.

If the placement type in the placement (Plcm) column is *CMC Custodial Parent of an Infant*, it may indicate that the participant's placement was changed from CMC to

another paid placement type, but the worker did not run eligibility with dates. When these CMCs appear on the report, agency staff must follow-up to correct the mistake.



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### 11.3.3 Written Notification for Payment Reduction

The W-2 agency must notify the participant of the payment reduction no later than one working day following the first time a participant appears on any of the three WEBI reports. The W-2 agency must issue the *CARES Client Assistance for Reemployment and Economic Support* manual letter W-2 20% Payment Reduction Ltr (NWSN) and include in the letter the reasons for the proposed reduction. After the manual letter is issued, the agency must then provide oral notification within five working days after the mailing date on NWSN.

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## 11.3.4 Oral Notification for Payment Reduction

The *W-2 Wisconsin Works* agency must, within five working days after the mailing date of the W-2 manual letter, notify or have had made meaningful attempts to notify the participant of the 20 percent or greater payment reduction and the reason(s) for the proposed reduction using one of the following methods:

- Phone calls with the participant at the participant's home, daycare provider; message phone identified on *CARES Client Assistance for Reemployment and Economic Support* screen WPWI; or worksite; or
- Face-to-face visits to the participant's home, daycare provider, worksite or at the W-2 agency.

Upon contact, the *FEP Financial and Employment Planner* must discuss with the participant:

- The specific dates the participant was absent from the assigned activities. On the *WEBI Web Intelligence* reports, the missed activity codes are identified under the activity code (Act Cd) column and the Nonparticipation hours (NP Hrs) column shows how many hours were missed.
- Any issues that the participant might be experiencing that are preventing participation.
- Potential changes to assigned activities that may assist the participant in successfully completing activities.
- The opportunity to present within seven days good cause for failing to participate. It is not necessary for FEPs to have written documentation verifying all good cause. (See [11.2.2](#))
- The participant's ability to request a Fact Finding review, if necessary.

The FEP must document in case comments the method used for the oral notification or, if oral notification was not made, document that two attempts were made to contact the participant using one or both of the methods described above, e.g., a phone call to the worksite and a phone call home; two phone calls home, etc.

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### 11.3.5 Rectifying the Deficiency, Failure or Other Behavior that Caused the Payment Reduction

The *W-2 Wisconsin Works* agency must then allow the participant seven working days after the oral notification or after the last attempt to make oral notification to rectify the deficiency, failure or other behavior. The W-2 agency is not required to extend this timeframe in keeping with the longer timeframe for providing good cause. The participant had an opportunity to provide good cause at the time of noncooperation.

This is the last opportunity to provide good cause and the seven-day timeframe must be adhered to.

Rectifying the deficiency, failure or other behavior does not necessarily mean that a participant can make up hours missed. There may be instances in which the participant presents good cause for failing to participate or barriers may be identified that prevented the participant from participating, which would also constitute good cause. Therefore, in order to rectify payment reductions, the individual can present good cause for the missed hours or may be allowed to make the hours up if possible within the seven working days, e.g., missed *EP Employability Plan* appointment that could be made up within 7 working days.

For those participants that appear on the 1st and 16th of the Month reports, good cause can be entered on *CARES Client Assistance for Reemployment and Economic Support* screen WPNP in enough time to adjust the final W-2 monthly payment amount.

However, for those participants appearing for the first time on the W-2 Pulldown report, due to the CARES payment issuance cycles, *FEP Financial and Employment Planners* will be unable to change the final W-2 monthly payment amount. Therefore, if the deficiency, failure or other behavior that caused the payment reduction is rectified for those participants appearing for the first time on the W-2 Pulldown report, the FEP must initiate an auxiliary payment in order to supplement the payment amount.

## 11.4 Three Strikes For Employment Positions

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### 11.4.1 Three Strikes for Employment Positions

A *W-2 Wisconsin Works* participant who fails or refuses, without good cause, to participate in a *TJ, Trial Job CSJ Community Service Job* or *W-2 T W-2 Transition* may accumulate "r;strikes." A W-2 participant who receives three strikes while in any one of these W-2 employment positions will be ineligible to participate in that employment position for life. A participant who is ineligible for a particular employment position may be eligible to participate in another employment position in which the participant has not received three strikes, if appropriate.

A participant refuses to participate in a *A Trial Job, Community Service Job or W-2 Transition placement. For Trial Jobs, the W-2 agency pays a monthly subsidy to the employer and the employer pays a wage to the W-2 participant. W-2 paid employment position A Trial Job, Community Service Job or W-2 Transition placement. For Trial Jobs, the W-2 agency pays a monthly subsidy to the employer and the employer pays a wage to the W-2 participant.* and may receive a strike if the participant does any of the following, without good cause:

- Refuses to participate in a W-2 paid employment position (demonstrated by actions, verbally or in writing);
- Fails to appear for an interview with a prospective employer; if the participant is in W-2 T, fails to appear for an assigned activity;
- Voluntarily leaves appropriate employment or training;
- Refuses to accept an offer of bona fide employment; and
- Loses employment or placement as a result of being discharged for cause.

A participant does not accumulate strikes each time an hourly reduction is applied. *FEP Financial and Employment Planners* should use strikes as an employer would use formal suspensions versus a less severe form of discipline such as verbal reprimand or letter of instruction where clarification of policy would suffice. Strikes are a more severe indicator of nonparticipation than an hourly reduction based on the above situations.

Before applying a strike, the FEP must review the participant's actions to ensure that good cause did not exist. If the participant failed to participate due to a barrier not originally identified, such as a drug or alcohol addiction, the FEP should work with the participant to address that barrier instead of applying a strike. When a strike is applied, the reason for the strike must be documented in the case comments. Strikes may be forgiven if the W-2 agency identifies good cause for nonparticipation.

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## 11.4.2 Two-Parent Households

The second parent in a *W-2 group* *An adult custodial parent, all dependent children with respect to whom the individual is a legal custodial parent and all minor children with respect to whom the adult individual's dependent child is a custodial parent. W-2 group includes any nonmarital co-parent or any spouse of the individual who resides in the same household as the individual and any minor children with respect to whom the spouse or nonmarital co-parent is a custodial parent. W-2 group does not include any person who is receiving cash benefits under a county relief block grant program. This is also referred to as the W-2 Assistance Group (W-2 AG).* who is assigned participation activities because the family is receiving federally funded child care may accumulate a strike if they refuse to participate in assigned activities. (See [11.4.1](#))

Both the parent in a W-2 employment position and the second parent may each accumulate three strikes. Therefore strikes earned by each parent must be tracked independently of each other. Once either parent accumulates 3 strikes for nonparticipation, the parent in a *W-2 paid employment position A Trial Job, Community Service Job or W-2 Transition placement. For Trial Jobs, the W-2 agency pays a monthly subsidy to the employer and the employer pays a wage to the W-2 participant.* is ineligible to participate in that employment position for life. (See Chapter 2)

**Example:** Sharon is a *CSJ Community Service Job* participant. Her husband John works part-time at the mall. In addition, John is assigned to four hours per week of work experience so that he can increase his skills and find full-time work. The family is receiving federally funded child care for their two children. John has had a poor history of participation and has earned his third strike. Therefore, Sharon is no longer eligible to participate in her CSJ placement. If John were to leave the W-2 group, Sharon may then be eligible once again for a CSJ. However, John remains ineligible for a CSJ regardless of leaving the group and if he enters another W-2 group, any adult in the new W-2 group would be ineligible for a CSJ placement.

## 11.5 Incarceration

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### 11.5.1 Incarceration

*W-2 Wisconsin Works* participants whose incarceration renders them temporarily unable to participate in work activities or retain care and control of their children will remain eligible for W-2 benefits for up to 30 days, provided they remain otherwise financially and non-financially eligible. Incarcerated W-2 participants who are unable to participate in work activities or retain care and control of their child(ren) for more than 30 consecutive calendar days are not eligible for W-2 benefits. The 30-day timeframe allows for short-term incarceration without having to disenroll and then re-enroll the participant that would disrupt the activities, payments and child care.

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## 11.5.2 Good Cause for Incarcerated Participants

Although incarcerated *W-2 Wisconsin Works* participants may remain eligible to receive W-2 benefits, incarceration will generally not be considered good cause for not participating in required work activities. Hours of work activities missed because of incarceration will result in payment reductions in the same manner as any other hours missed without good cause, unless the W-2 agency finds extenuating circumstances behind the incarceration or determines that the incarceration resulted from a situation beyond the participant's control. The *FEP Financial and Employment Planner* must determine this on a case-by-case basis and document the reason in case comments.

**Example 1:** Amy was arrested for unpaid fines from her Operating While Intoxicated (OWI) conviction. Amy stated she was unable to pay the fines. As a result, Amy served 20 days in jail. Amy's payment was reduced based on the days she was unable to participate.

**Example 2:** Ken was arrested on suspicion of drug possession. After the preliminary hearing, the charges were dropped and he was released. Ken served 14 days while waiting for his hearing. Ken submitted a statement from the court to the FEP. The FEP gave him good cause for the hours because the charges were dropped.

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## 11.5.3 Huber Program

A judge may order an incarcerated *W-2 Wisconsin Works* participant into the Huber Program, allowing for limited release for work and, in some cases, performance of child care responsibilities. An incarcerated W-2 participant's *EP Employability Plan* may be adjusted to reflect the court-specified terms of that participant's Huber Program release and should be otherwise modified as needed to allow continued W-2 participation, provided the participant maintains care, custody and control of his or her child(ren).

**Example:** Elizabeth, a W-2 participant, is ordered into the Huber Program for three months. The judge indicated Elizabeth would be released during the day to care for her children and participate in specified work program activities. Elizabeth's mother is available to stay with the children at night. Elizabeth called her FEP explaining the changes in her family's situation. The FEP altered the EP to reflect the changes in circumstances. Elizabeth's updated EP includes *GED General Educational Development* classes for four hours a week at the Job Center and clerical work site activities at the Job Center for eight hours a week where she can use the onsite child care.

A W-2 participant released under the Huber Program must cooperate with jail staff and rules in order to remain eligible for W-2 services.



## 11.6 Intentional Program Violation

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### 11.6.1 Intentional Program Violation (IPV)

An *IPV Intentional Program Violation* may result when a *W-2 Wisconsin Works* participant willfully reports incorrect information or fails to report information and, as a result, is found guilty of IPV by a court or administrative hearing.

If a court finds or it is determined after an administrative hearing that an individual who is a member of a W-2 group applying for or receiving W-2 payments under [ss.49.141 to 49.161](#), for the purpose of establishing or maintaining eligibility for those payments or for the purpose of increasing the value of those payments, has intentionally violated, on three separate occasions, any provisions within those statutory references or any rule promulgated under those sections, the W-2 agency may permanently deny W-2 payments to the individual, including *JAL Job Access Loans*.

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## 11.6.2 Misrepresentation of Identity or Residence

A *W-2 Wisconsin Works* participant will be prohibited from participating in W-2 for 10 years if convicted in a federal or state court for any of the following reasons:

1. Knowingly and willfully making or causing to be made any false statement or representation of material fact in any application for benefits or payments with respect to his or her identity or place of residence for the purpose of receiving state TANF assistance simultaneously from this state and at least one other state.
2. Fraudulently misstating or misrepresenting his or her identity or place of residence for the purpose of receiving from this state and at least one other state benefits simultaneously under one of the following programs:
  - a. Medical Assistance;
  - b. FoodShare; and
  - c. Supplemental Security Income.

This misrepresentation is an *IPV Intentional Program Violation* and must be counted as such when determining permanent ineligibility for three occurrences of IPV.

The 10 year period will begin on the date of conviction. If the person who has been suspended from participating in W-2 for any of the above reasons is pardoned by the president of the United States for the conduct that caused the suspension, eligibility may be restored beginning on the first day of the first month after the pardon was granted.

## 11.7 Drug Felons

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### 11.7.1 Drug Felons

For *W-2 Wisconsin Works* purposes, the definition of a drug felon is an adult (over 18) who is convicted of a felony, which occurred within the last five years in state or federal court, involving the possession, use or distribution of a controlled substance. As a condition of continuing eligibility, a *CSJ Community Service Job* or *W-2 T W-2 Transition* participant must report if he or she is convicted of a drug-related felony. If the W-2 agency finds out by another means that a participant received a drug felony conviction and that participant did not report the conviction, the participant may be ineligible for W-2.

Participants that report receiving a drug felony conviction must submit to a test for use of a controlled substance. The cost of drug testing must be paid for by the local agency.

Drug tests taken from another credible source may be used if taken within the last 30 days. If a previous drug test result is offered but is older than 30 days, require a new drug test. Examples of credible sources include, but are not limited to, probation officers, employers, *FEP Financial and Employment Planners*, etc.

Only CSJ and W-2 T participants are subject to drug felon penalties.

## 11.7.2 Guidelines for W-2 Applicants or Ongoing Participants

There are three likely scenarios for *W-2 Wisconsin Works* applicants or participants who meet the definition of a drug felon:

1. The applicant or participant will be considered ineligible if he or she refuses to take a drug test. The individual can gain eligibility as long as he or she agrees to take a drug test.
2. The applicant or participant will be eligible for a reduced W-2 payment if he or she takes a drug test, and the test result is positive.
3. The applicant or participant will be eligible for full W-2 payment if he or she takes a drug test, and the test result is negative.

If an applicant has agreed to a drug test, he or she is considered eligible for a full W-2 payment while the worker is waiting for the test results. If the test result is positive, then the next possible payment month is sanctioned. The pre-sanction payment is to be reduced by not more than 15% for no fewer than 12 months, or for the participant's remaining period of participation in a *CSJ Community Service Job* or *W-2 T W-2 Transition*, if less than 12 months. Within these parameters, the sanction period and amount are set at the discretion of the worker. The number of months of the sanction period will be consecutive calendar months that continue irrespective of whether an individual moves between placements, moves on and off W-2, or receives a payment.

**Example 1:** Scott applies for W-2 and reports a drug felony conviction he received three years ago. As he is being placed in a W-2 T, he is required to take a drug test to meet conditions of eligibility. Scott agrees to take the drug test and the results are positive. The worker applies a 10% reduction for 12 months to Scott's W-2 payment starting in the next possible payment month.

**Example 2:** Janet applies for W-2 and reports a drug felony conviction she received six years ago. Janet would not be required to take a drug test or subject to drug felon payment reduction since the conviction did not occur within 5 years of the W-2 application date.

If a participant is moving between a CSJ and W-2 T placement, the sanction period does not stop or start over with a different placement. If a participant is moving from a CSJ or W-2 T to a *CMC Custodial Parent of an Infant* placement, the payment reduction would stop during the CMC placement period but months would continue to be counted towards the sanction period. W-2 payment reduction resumes at the end of the CMC

placement if the 12 month sanction period has not expired while the participant is in the CMC placement.

**Example:** Holly applied for W-2 and received a drug felon sanction for 12 months beginning in January. She has been participating in a CSJ placement with a drug felon payment reduction for 3 months (from January through March). She moves into a CMC slot for months April, May and June. During the CMC placement Holly receives a full W-2 payment. However by the end of June, six months of the sanction period will have lapsed. When she moves back into a CSJ placement in July, the payment reduction will resume until December at which point the sanction period will end if the results of Holly's drug test is negative.

### **11.7.3 Regaining Full W-2 Payment**

The participant will be required to take another drug test at the end of the sanction period to determine whether he or she is eligible for a full *W-2 Wisconsin Works* payment. If, at the end of the sanction period, the individual submits to another drug test and the results are negative, the W-2 agency shall discontinue the drug felon reduction. If, at the end of the sanction period, the individual submits to another drug test and the results are positive, his or her pre-sanction payment will continue to be reduced by not more than 15% for no fewer than 12 months, or for the participant's remaining period of participation in a *CSJ Community Service Job* or *W-2 T W-2 Transition*, if less than 12 months. All subsequent payment reductions and drug test results will be treated in the same manner.

The W-2 agency may require an individual who has a positive drug test to participate in a drug abuse evaluation, assessment and treatment program to meet his or her CSJ or W-2 T participation requirements.

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## 11.7.4 Applicability of Drug Tests for W-2 and Foodshare

The time frame that a drug test is valid for the *W-2 Wisconsin Works* and *FS FoodShare* programs is 30 calendar days. Two basic rules apply on how to regard the applicability of test results from one program to the other program:

1. If an individual has applied for both programs within 30 calendar days of each other a **negative test result** (a passed test) can be used in either program's application.
2. If an individual has applied for both programs within 30 days of each other a **positive test result** (a failed test) cannot be applied across programs. The individual will be able to re-test when applying for the second program. If the first test is positive and the second test is negative this will not make him or her eligible or remove a sanction on the first program. It will only affect eligibility for the application of the second program. The previous sanction will remain in place.

**Example:** Liz applies for W-2 on January 5 and reports a drug felony conviction. She agrees to take the drug test scheduled for January 9 as a condition of her placement in a *CSJ Community Service Job* placement. The test results come back negative so no sanction is applied to her W-2 payment. On January 23 Liz applies for FS. The worker looks on *CARES Client Assistance for Reemployment and Economic Support* screen ANDF and sees that the drug test has been taken within the last 30 days and it is a negative test result. The worker can accept these results and process the application for FS.

## **12 Learnfare**

This W-2 Manual chapter has not yet been converted to the new online W-2 Manual. Click on the link below to access the information in .pdf format.

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## 13 Job Access Loans

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### 13.1 Introduction

*JAL Job Access Loans* are short-term interest-free loans that are intended to meet immediate and discrete expenses that are related to obtaining or maintaining employment. JALs are not to be used in place of *W-2 Wisconsin Works* services or other appropriate financial resources. In order to obtain eligibility for a JAL, the applicant must meet W-2 financial and non-financial eligibility and the additional JAL eligibility criterion listed below. However there is no entitlement to a JAL.

## 13.2 Eligibility Determination

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### 13.2.1 Eligibility Criteria

In order to be determined potentially eligible, an individual must meet each of the following criteria:

- Pass *W-2 Wisconsin Works* non-financial and financial eligibility criteria as defined in W-2 Manual chapters 2 and 3;
- Need the loan to obtain or continue employment;
- Need the loan to address an immediate and discrete financial crisis that is not the result of the individual's failure to accept a bona fide offer of employment or the individual's termination of a job without good cause;
- Not be in default in the repayment of any current *JAL Job Access Loan* or cash assistance overpayment recoupment;
- Not be a migrant worker; and
- Have an acceptable repayment plan as defined below:
  - An acceptable repayment plan demonstrates the ability to repay the loan through a combination of cash and in-kind community service work within the agreed upon repayment timeframe. At least 25% of the loan must be repaid in cash. The initial repayment period may be up to 18 months and may be extended to 24 months at the time of repayment renegotiation. No outstanding balance due can exceed \$1,600 in any 12 month period for any one loan recipient.

If the JAL applicant is a custodial minor teen parent:

- Must turn 18 years of age within two months of applying for the JAL:
- Must live in one of the following supervised, alternative living arrangements:
  1. Kinship care,
  2. foster home,
  3. group home,
  4. an adult supervised independent living arrangement approved by the W-2 agency; and
- Must have a high school diploma or its equivalent.

JAL applicants meeting these eligibility criteria are not entitled to a loan, but may be approved for a loan as long as the intended use of the funds meets a purpose of the JAL program and other resources are not available. Local W-2 agencies must approve or deny JAL applications based upon the eligibility criteria listed above in combination with the intended use of the loan when the proposed use of the loan meets the goal of obtaining or retaining employment. Local agencies may not develop more narrow JAL

eligibility guidelines, but are encouraged to develop local procedures that will expedite JAL eligibility determination and processing.

## 13.3 Uses of JAL Funds

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### 13.3.1 Approved Uses of JAL Funds

*W-2 Wisconsin Works* agencies have the authority to approve or deny proposed uses of *JAL Job Access Loans*. Some examples of acceptable uses of JAL funds are as follows:

- Car loans, including down payments and repairs to provide transportation to work or to look for work;
- Fees for obtaining a driver's license;
- Clothing/uniforms for work;
- Moving expenses only as they relate to obtaining or maintaining employment;
- Rent or security deposits, to prevent eviction and enable the individual to obtain or maintain employment only when all other resources are unavailable and an Emergency Assistance application has been denied or to supplement other resources when they do not cover the full cost of rent and security deposit;
- Under certain conditions, the payment of fines that, if unpaid, may result or have already resulted in the suspension of a person's driver's license or the ability to obtain a driver's license. JALs for this purpose must meet additional parameters.

When using JAL funds to assist the applicant to pay a fine related to obtaining a driver's license, the W-2 agency must:

-Verify in conjunction with the *DMV Department of Motor Vehicles* that payment of the fine will result in the applicant's eligibility for driver's license reinstatement, occupational license, or an initial driver's license.

-Assist the applicant in identifying the fines necessary to obtaining a license. This includes identification of the amount owed, the court in which the fine must be paid, and the existence of any other barriers to obtaining a license. This may be done with the assistance of DMV or other community agencies.

-The JAL check must be payable to the circuit or municipal court to which the fine must be paid, instead of making the check payable to the JAL recipient. More than one check will be needed if the person's fines are owed to more than one court or municipality, however, the sum of the loaned funds for any one individual cannot exceed \$1,600 in a 12 month period.

If insurance is required for before a license can be issued, JAL funds may be used to cover the cost of required insurance for the first six months of coverage or five hundred dollars (\$500.00), whichever is less.

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## 13.3.2 Prohibited Uses of JAL Funds

Some examples of unacceptable uses of *JAL Job Access Loan* funds are as follows:

- Alleviating a financial crisis that is the result of the individual's failure to accept a bona fide offer of employment or the individual's termination of a job without good cause; (See W-2 Manual, [Chapter 11.2.3](#))
- Paying fines incurred for drunk driving (OWI) or operating after revocation (OAR) offenses, traffic violations, penalties, and bail;
- Expenses covered by the Emergency Assistance program;
- Personal needs such as clothing (not work related) household appliances, etc;
- Paying taxes.

On a case by case basis, the *W-2 Wisconsin Works* agency has authority to further identify prohibited uses of JAL funds for purposes similar to those on this list.

### 13.3.3 Self-Employment/Entrepreneurship

There are several federal and state government agencies as well as private financial institutions currently funding programs to promote self-sufficiency through self-employment/ entrepreneurship. *JAL Job Access Loans* are not designed to replace these existing programs, but to provide funds when other sources have been exhausted or are not available.

As a condition of any self-employment/entrepreneurial loan, the *W-2 Wisconsin Works* agency must require a business plan that has been approved by traditional loan institutions, including banks, credit unions, and organizations specializing in entrepreneurial efforts, such as the Wisconsin Women's Business Initiative Corporation or the National Foundation for Training Entrepreneurship.

Also, an individual in a W-2 employment position who is requesting a JAL for self-employment must meet all work training requirements and education and training activities outlined in the Employability Plan. For example, if a *CSJ Community Service Job* participant wants to start a business, the business plan must be completed in addition to the completion of work training and education requirements contained in the Employability Plan.

## 13.4 Loan Requirements

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### 13.4.1 Loan Application and Repayment Agreement

*JAL Job Access Loan* applicants must meet with a *FEP Financial and Employment Planner* to complete the interactive application process and to sign the [JAL Combined Application and Repayment Agreement form \(2482\)](#). Each loan request must be acted upon in a timely manner; agencies are encouraged to develop internal procedures to ensure prompt JAL eligibility determinations. When the JAL request has been in applied status in *CARES Client Assistance for Reemployment and Economic Support* for 30 days, the worker will receive an alert as a reminder to act on the JAL. If after 60 days the agency has not acted upon a JAL request, CARES will automatically deny the request and issue a denial letter to the JAL applicant. The loan applicant must then reapply.

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## 13.4.2 Loan Amounts

The local *W-2 Wisconsin Works* agency can approve a *JAL Job Access Loan* from \$25 up to \$1,600. In any 12-month period the maximum outstanding loan balance for any individual is \$1,600; however, individuals may have more than one open loan.



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### 13.4.3 Loan Issuance

When the loan application has been approved by the local agency's authorized approver, a check will be generated in *CARES Client Assistance for Reemployment and Economic support* that evening and printed the following day. All *JAL Job Access Loan* checks will be mailed to the *W-2 Wisconsin Works* agency for distribution.

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## 13.4.4 Financial Counseling

The *W-2 Wisconsin Works* agency is encouraged to offer budget counseling or arrange for financial counseling from outside resources for all loans. Formal budgeting classes may be applicable for large loans or for loan recipients with a history of budgeting problems.

## 13.5 Repaying the loan

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### 13.5.1 Repayment Agreement

During the application process, the loan recipient and the *FEP Financial and Employment Planner* will develop a repayment agreement. The repayment agreement may include a combination of cash and in-kind community service. However, a minimum of 25% of the loan must be repaid in cash. It is important to note that when the original terms of repayment do not include the option of partial repayment through in-kind, this option cannot be added later.

The loan must be repaid according to the terms of the repayment agreement in order to avoid an intercept of a state tax refund. If the repayment agreement includes a combination of cash and in-kind services, both obligations are required to be met on a monthly basis until the loan has been repaid.

The initial repayment period may be up to 18 months and can be extended an additional 6 months if necessary. Whenever possible loans it is expected that loans are repaid over a 12 month period.

For loans issued between the 1st and the 15th of the month, the first payment is due on or before the 25th of the same month; those issued between the 16th and the end of the month, the first payment is due on or before the 25th of the following month.

All payments must be recorded in *CARES Client Assistance for Reemployment and Economic Support* by the end of the month. Each month CARES will issue a statement summarizing payments made to the account and the balance due. CARES will also issue a reminder each month a payment has not been received.

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## 13.5.2 Repayment by Cash

*JAL Job Access Loan* recipients are encouraged to make monthly electronic transfers from a checking or savings account through the State's free online payment system at <http://dwd.wisconsin.gov/epayment/>. Cash payments in the form of a check or money order may be made at the local *W-2 Wisconsin Works* agency. Cash payments made at the local W-2 agency must be posted into *CARES Client Assistance for Reemployment and Economic Support* within 5 days of receipt.

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### 13.5.3 Repayment through In-Kind Community Service

In-kind community service is valued at the higher of federal or state minimum wage. *JAL Job Access Loan* recipients must provide suitable verification of the in-kind hours worked as required by the *FEP Financial and Employment Planner*. JAL recipients that choose to repay a portion of the loan through in-kind must arrange their own child care and *W-2 Wisconsin Works* agencies may not reimburse for any supportive expenses incurred for in-kind work, including transportation and child care.

Loan recipients repaying a portion of the loan through in-kind service in the community must begin the work as soon as possible. In-kind work hours must be scheduled around any paid work and must be completed and reported in regular monthly increments.

Loan recipients are responsible for finding the in-kind service opportunity. The W-2 agency may approve the in-kind work proposal or require changes to the proposal as a condition for loan approval. The in-kind work must be an organized and supervised activity that benefits the community.

Examples of in-kind repayment opportunities include assisting with child care at the Job Center, helping at a food pantry, helping at a senior meal site, helping to build a home through Habitat for Humanity, or assisting with the supervision of organized youth activities.

Documentation of in-kind work received by a local agency must be entered into *CARES Client Assistance for Reemployment and Economic Support* within 5 days of receipt.

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## 13.5.4 Collections

On a monthly basis *CARES Client Assistance for Reemployment and Economic Support* will issue a loan summary describing the payments received, the outstanding balance, and the next payment due date. If no payment or a partial payment has been recorded in CARES by the 25th of the month, a dunning notice will be mailed.

If a loan recipient moves out of a *W-2 Wisconsin Works* agency's geographic area of responsibility, the W-2 agency must attempt to modify the repayment schedule prior to the move to recover as much of the loan as possible. If the individual relocates before the loan is repaid in full, the originating W-2 agency will continue to collect cash repayment and should require a new in-kind community service plan, if applicable. If the loan recipient has an open W-2 case in the new W-2 agency, the loan recipient may make loan payments at the new W-2 agency.

*JAL Job Access Loans* cannot be written-off in bankruptcy proceedings. If a loan recipient files bankruptcy and has included the JAL, the W-2 agency should submit the bankruptcy notice to the *PACU. Public Assistance Collection Unit*

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## 13.5.5 Overdue Payments

A *JAL Job Access Loan* payment and or in-kind service is considered past due if not received in full and reported in *CARES Client Assistance for Reemployment and Economic Support* by the 25th of the month. CARES will issue a notice to inform the loan recipient of the past due payment. A second past due payment generates a second notice to the participant. After the third missed payment, in conjunction with the CARES generated notice, the *PACU Public Assistance Collection Unit* will process a tax intercept request with the Wisconsin Department of Revenue to recover the outstanding balance. Once the loan has been transferred to the PACU, the entire outstanding balance must be recovered in cash whether or not the repayment agreement included a partial repayment through in-kind services.

## **14 Case Management**

This W-2 Manual chapter has not yet been converted to the new online W-2 Manual. Click on the link below to access the information in .pdf format.

[14 Case Management](#)



## **15 Child Care**

Information regarding Child Care policy can be found in the Child Care Policy Manual located at:

<http://dcf.wisconsin.gov/childcare/wishares/manual.htm>

# 16 Child Support

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## 16.1 Assignment of Child Support

An individual is required by law to assign child support payments to the state as a condition for receiving W-2 payments while in a *W-2 T W-2 Transition*, *CSJ Community Service Job* or a *CMC Custodial Parent of an Infant* placement. The CMC participant is only required to assign child support payments if the CMC participant previously received *AFDC Aid to Families with Dependent Children*, *W-2 Wisconsin Works*, or *CTS SSI Caretaker Supplement* payments or if the CMC participant participates in a subsequent W-2 payment position or receives CTS.

The "assignment" of support means that child support collections can be retained by the state to pay back the federal and state costs of the cash assistance paid to W-2 participants. While the Wisconsin passes through its portion of assigned and collected child support to W-2 participants, the federal portion is not passed through. This results in the W-2 participant receiving approximately 42% (state share) of his or her assigned and collected child support.

Support owed for periods while the children received AFDC remains owed to the state and no portion of the assigned child support is passed through.

W-2 agencies are required to give all W-2 applicants the [Notice of Assignment: Child Support, Family Support, Maintenance, And Medical Support form \(2477\)](#) and a [Good Cause Notice form \(2018\)](#). Those applicants being referred to the local *CSA Child Support Agency* or applicants already receiving services from the local CSA must sign the Notice of Assignment form acknowledging the assignment of child support or at least an understanding of how child support payments are assigned if and when they begin receiving child support payments while receiving W-2 services. If the individual refuses to acknowledge the assignment, the agency representative is to sign the gray shaded box, which indicates the participant's refusal to acknowledge the assignment. In addition, these referred applicants or applicants already receiving child support services must receive the [Guide to W-2, Cash Benefits Programs and Child Support brochure \(16232-P\)](#). (For more information on the Good Cause Notice form, see [16.3.2](#).)

Child Support programs are sometimes called "IV-D" program because they were established under Title IV-D of the Social Security Act in 1975.

## 16.2 Child Support Agency (CSA) Referrals

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### 16.2.1 Referral to **CSA** *Child Support Agency*

The following W-2 applicants must be referred to the local CSA:

1. Unmarried pregnant women, including minors;
2. Families where the natural or adoptive parent is absent from the home (but not cases when the absence is because of military service); and
3. Nonmarital co-parent cases (families where the parents either are not married to each other or were not married to each other when the child was born), and where paternity has not been established by legitimation, court action or paternity acknowledgement. Fathers with children needing paternity establishment are:
  - a. Acknowledged father, non-conclusive: voluntary acknowledgement without an effect of a judgment of paternity (pre May 1, 1998 in Wisconsin);
  - b. Alleged father: named by custodial parent as probable father; or
  - c. Claimed father: father lives with the child, claims to be the father but paternity not established.

Households with fathers in the home with children for whom paternity has been established should not be referred to the CSA. This would include:

1. Acknowledged fathers, conclusive: voluntary acknowledgment with an effect of a judgment of paternity (post May 1, 1998 if a Wisconsin birth) (typically the father will sign the paternity establishment (PATH) form; or
2. Adjudicated fathers: paternity established through a court order

An automated referral is sent via CARES screen APGI when W-2 eligibility is confirmed. When a participant leaves the W-2 program or is determined ineligible, child support services will continue automatically. There will be no new application fee or application process necessary. However, if the individual leaves the W-2 program or is determined ineligible and also requests that his or her child support case be closed and then reapplies for child support services, the individual is subject to the child support fee structure and to court costs.

## 16.3 Child Support Cooperation

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### 16.3.1 Cooperation with the Child Support Agency

In order to be eligible for W-2 services, a **JAL Job Access Loan** or a child care subsidy in a month, an applicant or participant and any other parent in the **W-2 group** *An adult custodial parent, all dependent children with respect to whom the individual is a legal custodial parent and all minor children with respect to whom the adult individual's dependent child is a custodial parent. W-2 group includes any nonmarital co-parent or any spouse of the individual who resides in the same household as the individual and any minor children with respect to whom the spouse or nonmarital co-parent is a custodial parent. W-2 group does not include any person who is receiving cash benefits under a county relief block grant program. This is also referred to as the W-2 Assistance Group (W-2 AG).* including **NCP Noncustodial Parents** must fully cooperate with the local **CSA Child Support Agency**. The CSA makes the determination of whether an applicant is cooperating with child support enforcement services.

A custodial parent must cooperate by:

1. Providing verbal information, written information, or other evidence that the custodial parent knows, possesses, or might reasonably obtain or signing an affidavit declaring a lack of information with regard to identifying and locating an absent parent, establishing paternity or obtaining support payments;
2. Attending interviews and responding to written requests for information by the CSA;
3. Appearing as a witness at hearings or other legal proceedings;
4. Submitting to genetic tests pursuant to judicial or administrative order; and
5. Paying to the Department or its designee any court-ordered child support payments received.

A NCP must cooperate by:

1. Providing verbal information, written information, or other evidence that the non-custodial parent knows, possesses, or might reasonably obtain with regard to establishing paternity of an alleged child or obtaining support payments for which he or she may be responsible;
2. Appearing at hearings or other legal proceedings;
3. Submitting to genetic tests pursuant to judicial order; and
4. Paying court-ordered child support to the **DWD Department of Workforce Development** or its designee.

NCPs who volunteer for W-2 services and who are not part of a W-2 group follow the established policies in Chapter 14.

Once W-2 eligibility is determined, child support cooperation must continue in order for the W-2 group to maintain eligibility.

## 16.3.2 Noncooperation with the Child Support Agency

### [16.3.2.1 Exemption for Pregnant Women or Women with Newborns](#)

### [16.3.2.2 Three Instances of Noncooperation](#)

The **CSA Child Support Agency** makes the determination of whether an applicant is cooperating with child support enforcement services. A participant who is a **custodial parent** *With respect to a dependent child, a parent who resides with that child and, if there has been a determination of legal custody with respect to the dependent child, has legal custody of that child.* is considered to be cooperative if there is an open child support case for the child in question and no indicator of noncooperation noted. **FEP Financial and Employment Planners** who need to see additional information about custodial parents' noncooperation episodes can query **KIDS The Kids Information Data System(KIDS)** *is a system which supports child support agencies and county clerks of court with child support and paternity information. The system also supports the automatic creation of IV-D cases through interfaces with the CARES and HSRS state systems..* If FEPs do not have **FIQY Full Inquiry Access** to KIDS, and need access to KIDS noncooperation screens, the FEP can request FIQY access through their agency security officer. A noncustodial parent's cooperation must be determined by contacting the CSA.

If a W-2 applicant or any other member of the **W-2 group** *An adult custodial parent, all dependent children with respect to whom the individual is a legal custodial parent and all minor children with respect to whom the adult individual's dependent child is a custodial parent. W-2 group includes any nonmarital co-parent or any spouse of the individual who resides in the same household as the individual and any minor children with respect to whom the spouse or nonmarital co-parent is a custodial parent. W-2 group does not include any person who is receiving cash benefits under a county relief block grant program. This is also referred to as the W-2 Assistance Group (W-2 AG).* who is a parent of a child refuses to cooperate with child support without good cause, the entire group is ineligible for W-2 services or **JAL Job Access Loan**. The person in the W-2 group not cooperating has seven working days in which to cooperate.

If the W-2 case closes and the group reapplies, the individual who failed to cooperate with child support should be left in the noncooperation status when referred to the CSA. The group is ineligible until the individual cooperates or establishes good cause.

### 16.3.2.1 Exemption for Pregnant Women or Women with Newborns

A custodial parent with a child under 60 days old is exempt from the penalty for failure to cooperate for that child. A pregnant woman who is not the custodial parent of a

dependent child is also exempt from the penalty for failure to cooperate. If the CSA sends a noncooperation notice, do not impose a sanction, regardless of good cause.

### 16.3.2.2 Three Instances of Noncooperation

A W-2 applicant or participant who fails three times without good cause to cooperate remains ineligible for W-2 services for six months. After six months, the group remains ineligible until all of the members of the W-2 group cooperate. If a child support worker notifies the FEP that the report of noncooperation was in error, the FEP must not count the incident as one of the three times.

**EXAMPLE:** Marissa applies for W-2 in October 2006 and again in November 2006. The first time, she was denied W-2 eligibility because she failed without good cause to provide the local CSA information about her 7-year old child. In November, Marissa was denied W-2 eligibility because while she provides information about her 7-year old, she misses her interview with the CSA despite several attempts to contact her. In June 2007, Marissa again applies for W-2, provides the necessary information, attends her interview with the CSA and is found eligible for W-2. While on W-2, however, Marissa does not attend the necessary legal proceedings to help determine the paternity of her child and, therefore, loses her W-2 eligibility. Because it was her third instance of failing to cooperate with child support without good cause, she is ineligible for W-2 for six months, regardless of whether she chooses to cooperate at this point.

## 16.3.3 Good Cause Claim for Noncooperation with the Child Support Agency

### [16.3.3.1 Good Cause Notice](#)

### [16.3.3.2 Good Cause Exemption Reasons](#)

### [16.3.3.3 Filing a Good Cause Claim](#)

#### [16.3.3.3.1 Types of Corroborating Evidence](#)

When the W-2 agency is notified by the *CSA Child Support Agency* of noncooperation by a *W-2 Wisconsin Works* participant, it is the responsibility of the *FEP Financial and Employment Planner* to determine whether there is good cause for the noncooperation. When the W-2 agency and the *IM Income Maintenance* agency are not the same, an individual may file a good cause claim with both the W-2 and IM agencies. If this happens, the IM worker will typically make the decision on whether to grant good cause, but the IM worker should consult the W-2 worker when making that decision.

### 16.3.3.1 Good Cause Notice

At application, the W-2 agency must provide to all W-2 applicants and participants a [Good Cause Notice form \(2018\)](#) describing the cooperation requirements and the right to good cause as an exception to the cooperation requirements.

The Good Cause Notice form must be provided to W-2 applicants and participants:

1. When they apply for W-2;
2. When a child is added to the W-2 group;
3. When a parent leaves the W-2 group;
4. At a reapplication/review for continued benefits; and
5. If a participant discloses to his or her W-2 worker that the participant is experiencing circumstances that may meet the good cause criteria.

### 16.3.3.2 Good Cause Exemption Reasons

A custodial or non-custodial parent is eligible for a good cause exemption from the cooperation requirements when the W-2 agency determines that any of the following criteria applies:

1. Cooperation is reasonably anticipated to result in either physical or emotional harm to the child, including threats of child kidnapping or domestic abuse;



2. Cooperation is reasonably anticipated to result in either physical or emotional harm to the parent, including domestic abuse;
3. Cooperation with the CSA would make it more difficult for the individual to escape domestic abuse or unfairly penalize the individual who is or has been victimized by such abuse, or is at risk of further domestic abuse;
4. The child was conceived as a result of incest or sexual assault;
5. The parent is considering whether to terminate parental rights and sought the assistance of a public or licensed private social services agency not more than three months ago; or
6. A petition for the adoption of the child has been filed with a court.

### **16.3.3.3 Filing a Good Cause Claim**

A W-2 agency must provide a Good Cause Claim form (2019) to any W-2 applicant or participant upon request. An applicant or participant may file a good cause claim with the W-2 agency at any time. Participants may also ask for and receive the Good Cause Claim form to help them decide whether or not to claim good cause for not cooperating.

An applicant or participant who submits a good cause claim is required to submit at least one document of corroborative evidence and a statement specifying the circumstances that the applicant or participant believes will provide sufficient good cause for not cooperating. The statement is usually written on the claim form.

The applicant or participant must submit corroborative evidence to the W-2 agency within 20 days from the day the claim was signed. A W-2 worker may, with supervisory approval, determine that more time is needed due to difficulty in obtaining corroborative evidence. The W-2 agency must also advise the individual that if assistance is needed in obtaining the evidence, the agency will assist. If the good cause claim is based on domestic abuse and no corroborative evidence is currently available, the W-2 agency may permit the applicant or participant to submit evidence to the W-2 agency within 60 days from the date the claim was signed.

If an individual is cooperating with the W-2 agency in furnishing evidence and information to be used in determining the good cause claim and other eligibility criteria are met, W-2 benefits may not be denied, delayed, reduced, or discontinued pending the determination of a good cause claim.

Upon receipt of the good cause claim, the W-2 agency must notify the CSA within two days that no further action may be taken until it is determined whether good cause exists.

### 16.3.3.3.1 Types of Corroborating Evidence

A good cause claim may be corroborated with any of the following types of evidence:

1. Court, medical, criminal, child protective services, social services, psychological, school, or law enforcement records regarding domestic abuse or physical or emotional harm to the parent or child
2. Medical records or written statements from a mental health professional that pertain to the emotional health history, present emotional health status, or prognosis of the parent or child;
3. Birth certificates, medical records, or law enforcement records that indicate that the child may have been conceived as a result of incest or sexual assault;
4. Court documents or other records that indicate that a petition for the adoption of the child has been filed with a court;
5. A written statement from a public or private social services agency that the parent is being assisted by the agency in deciding whether to terminate parental rights;
6. Written and signed statements from others with knowledge of the circumstances on which the good cause claim is based, including, but not limited to, statements from neighbors, friends, family, or clergy;
7. Identification by the *BST Barrier Screening Tool* as an individual or parent of a child who is or has been a victim of domestic abuse or is at risk of further domestic abuse and the alleged perpetrator is the other parent; or
8. Any other supporting or corroborative evidence.

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## 16.3.4 Good Cause Claim Investigation And Decision

[16.3.4.1 Good Cause Decision Timeline](#)

[16.3.4.2 Decision that Good Cause Does Not Exist](#)

[16.3.4.3 Decision that Good Cause Does Exist](#)

[16.3.4.4 Reviewing Good Cause Claims](#)

If the applicant's or participant's good cause claim is based on anticipated harm and the claim is credible, the *W-2 Wisconsin Works* agency must investigate the claim even if the applicant or participant fails to submit corroborative evidence ([16.3.3.3.1](#)) or evidence is unavailable.

If corroborative evidence is submitted, but the applicant or participant's statement and corroborative evidence does not provide enough information to make a determination, the W-2 agency may investigate any good cause claim.

The W-2 agency must give the *CSA Child Support Agency* the opportunity to review and comment on the agency's findings prior to the final determination on good cause by the W-2 agency. The W-2 agency shall take into consideration the recommendations from the CSA.

### 16.3.4.1 Good Cause Decision Timeline

The W-2 agency must determine whether good cause exists within 45 days from the date the claim was signed, unless an extension to submit evidence was granted to the applicant or participant or more time is necessary for the W-2 agency to obtain evidence. If the W-2 agency allowed up to 60 days to submit evidence for a claim of domestic abuse, the agency must determine whether good cause exists within 85 days from the date the claim was signed.

### 16.3.4.2 Decision that Good Cause Does Not Exist

If the W-2 agency determines that the applicant or participant does not have good cause for failing to cooperate with efforts directed at establishing paternity and obtaining support payments, the W-2 agency shall:

1. Promptly notify the applicant or participant of the determination and their right to a W-2 agency Fact Finding review; and
2. Notify the CSA that it may proceed with child support services and require the cooperation of the applicant or participant. However, the CSA may not proceed with child support services for 10 days from the date of the notice to the applicant or participant to allow the individual the opportunity to withdraw the application, request the case be closed, or request a Fact Finding review of the W-2 agency decision. If the applicant or participant requests a Fact Finding review, the W-2 agency shall instruct the CSA to suspend child support services during the review process.

#### **16.3.4.3 Decision that Good Cause Does Exist**

If the W-2 agency determines that the applicant or participant does have good cause for failing to cooperate with efforts directed at establishing paternity and obtaining support payments, the W-2 agency shall promptly notify the applicant or participant of the determination and the basis for the determination in writing. In addition, the agency will either:

1. Direct the CSA to suspend all further case activities; or
2. If the applicant or participant wants the CSA to proceed without his or her cooperation, notify the CSA that it may proceed with child support services.

If option 2 is chosen and the good cause is granted for items 1 through 4 in [16.3.1](#), the CSA shall send a notice to the individual alleged to have caused harm that states that the agency is proceeding without the cooperation of the applicant or participant.

#### **16.3.4.4 Reviewing Good Cause Claims**

The W-2 agency must review good cause claims that are based on circumstances subject to change at each review of eligibility or upon new evidence. Good cause determinations based on permanent circumstances do not need to be reviewed.

If the W-2 agency determines that good cause for noncooperation no longer exists, the parent is allowed 10 days before cooperation requirements are imposed to request that the case be closed or request an agency Fact Finding review.

Example: Joanne was granted good cause for not cooperating with child support because she was working with Catholic Social Services to complete the adoption process for her son. Joanne met with her FEP three months

later to update her employability plan and the FEP inquired about the adoption services. Joanne told the worker she no longer meets with Catholic Social Services because she decided to keep her baby. The FEP reviewed the Good Cause Claim form with Joanne and explains that good cause no longer exists because of the pending adoption and Joanne has 10 days to file another claim or cooperate with child support.

Example: Ada has a good cause exemption due to domestic abuse. She has been fleeing her former partner for the last 6 years. Her former partner is the father of her 8-year old. The FEP does not review the Good Cause Claim form because of the permanent nature of Ada's family's circumstances.

## 16.4 Child Support Dispute Resolution

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### 16.4.1 Fact Findings For Noncooperation Decisions

Claims of noncooperation by the *CSA Child Support Agency* are subject to a fact finding review in the event the individual disagrees with the CSA's decision. Noncooperation determinations must be reviewed by the CSA. An individual who has been determined noncooperative by a CSA may petition the CSA for a Fact Finding review. The applicant or participant must submit a request for review to the CSA, the CSA will conduct the Fact Finding procedure, and the applicant, participant or representative may appear for the Fact Finding via telephone conference if the CSA is in a different county than the applicant's or participant's current residence.

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## 16.4.2 Fact Findings For Good Cause Decisions

Good cause determinations by the *W-2 Wisconsin Works* agency are subject to a fact finding review [\(19.3.1\)](#) in the event the individual disagrees with the W-2 agency's decision. A W-2 applicant or participant who is denied good cause for child support noncooperation by the W-2 agency may request a Fact Finding review by the W-2 agency. In the event a Fact Finding review for W-2 and a fair hearing for an *IM Income Maintenance* program are based on the same issues and facts, the fair hearing decision shall take precedence.

The *CSA Child Support Agency* must be given reasonable notice of any Fact Finding review that occurs due to a denial of a good cause.

## 16.5 Child Support Confidentiality

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### 16.5.1 Child Support Confidentiality

Neither the *W-2 Wisconsin Works* agency nor the *CSA Child Support Agency* may release information to a person regarding the whereabouts (address, phone number and employer name, location or phone number) of another person including a *custodial parent* *With respect to a dependent child, a parent who resides with that child and, if there has been a determination of legal custody with respect to the dependent child, has legal custody of that child.* or *NCP Noncustodial Parent* if any of the following applies:

1. The person seeking the information is subject to a temporary restraining order or injunction with respect to the person about whom the information is sought and the W-2 agency or CSA has notice of the temporary restraining order or injunction; or
2. The W-2 agency and CSA have reason to believe that releasing the information may result in physical or emotional harm to the person about whom the information is sought.



## 16.6 Children First Program

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### 16.6.1 Children First Program

Children First is a program which promotes the emotional and financial responsibility that an *NCP Noncustodial Parent* has towards his/her child(ren). The NCP who has no current means of meeting a child support obligation and does not work full-time may be ordered by the court into the Children First program. The Children First program provides job search assistance, work experience, education and training opportunities, and case management services designed to enable eligible noncustodial parents to obtain and retain employment. The Children First program is considered successfully completed when a participant makes full child support payments for three consecutive months or completes 16 weeks of employment and training activities. If these goals are not achieved, the participant may be referred to court for appropriate disposition.

A successful Children First program reinforces a parent's responsibility for the continuing growth of the relationship between the child(ren) and the NCP.

# 17 Emergency Assistance

## 17.1 Introduction

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### 17.1.1 EA Overview

*EA Emergency Assistance* provides funding to families with a child(ren) who meet all EA eligibility requirements including experiencing a current emergency due to impending homelessness, homelessness, energy crisis, fire, flood or natural disaster as defined below. EA does not require eligibility for any other public assistance program.

EA is one of many housing and emergency resources programs. *W-2 Wisconsin Works* agencies must provide information to EA applicants regarding all local housing and emergency financial resources. W-2 agencies must make necessary EA determinations by using their professional judgment based on all circumstances of the specific situation.

Note: W-2 agencies must not apply W-2 policy to EA unless the W-2 policy is specifically referenced within this EA policy.

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## 17.1.2 Five-Business-Days Timeframe

The *W-2 Wisconsin Works* agency must complete the following requirements within five business days from the date the W-2 agency receives the complete [Emergency Assistance \(EA\) Application form \(2010\)](#):

1. Process the EA Application (see [17.2.2](#));
2. Have at least one in-person contact with the *EA Emergency Assistance* applicant or his/her representative (see [17.2.2](#));
3. Request and complete all necessary information/verification (see [17.3.1](#));
4. Ask the EA applicant to inform the court of the EA Application and then the outcome of the EA eligibility determination to stay the eviction proceedings in impending homelessness (see [17.4.1.2.2](#));
5. Determine non-financial and financial eligibility (see 17.4 and 17.5);
6. Obtain confirmation from the landlord, bank or local government agreeing to waive any right to proceed with the eviction/foreclosure for non-payment in exchange for the EA payment (for eviction/foreclosure in impending homelessness);
7. Prior to determining EA eligibility for energy crisis, assist the group in completing the pursuit of other payment options for utility expense (see [17.4.6](#) and [17.4.6.1](#));
8. Issue a written notice of eligibility determination to approved and denied EA applicants (see [17.6.1](#));
9. Calculate and issue any EA payment. The five-business-days timeframe may be extended if a Payment Delay Exception applies. (See [17.6.5.1](#)); and
10. Enter an EA approval or denial in *EATS Emergency Assistance Tracking System*.

The five-business-days timeframe also applies to the following optional practice:

As a best practice, provide case management services and referrals to local housing and emergency financial resources (see [17.6.7](#)).

## 17.2 EA Application

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### 17.2.1 EA Application Process

The *W-2 Wisconsin Works* agency must provide an [Emergency Assistance \(EA\) Application form \(2010\)](#) to all persons who request *EA Emergency Assistance*. The EA Application must be completed in the county of residence.

For homelessness, or impending homelessness with relocation, foreclosure, uninhabitable home, or domestic abuse, the EA group may choose to complete an EA Application either in:

1. The county where the group is homeless or impending homeless; or
2. The county where the group has found permanent housing, when the group plans to move to a permanent home in a different county.

The W-2 agency which receives the EA Application must process that application and issue any EA payment.

**Example 1:** A homeless family was staying in a shelter in Dane County and found permanent housing in Rock County. The family chooses to complete an EA Application in Dane County. Dane County is responsible for processing the EA Application and issuing any EA payment for that application.

A person or the person's representative who requests EA must complete the EA Application form. On the same day the person requests or inquires about EA, that person has the right to complete and sign the form in the presence of a W-2 agency staff person.

The W-2 agency must have at least one in-person contact with the EA applicant or his/her representative at a reasonable time within the five-business-days timeframe for EA Application processing.

An EA Application is considered complete on the date it has a legible name, address and signature by the applicant or his/her representative, and is completed to the best of his/her ability. The W-2 agency staff person must initial and date-stamp the EA Application on the date it is received by the agency. The W-2 agency must complete processing of the EA Application within five business days after the agency receives the complete EA Application.

**Example 2:** The W-2 agency received a completed EA Application on Tuesday, November 25th in a week that included a legal holiday on Thursday, November 27th. The first day of the five-business-day timeframe would be Wednesday,

November 26th, the day after the EA Application was received. The legal holiday on Thursday, November 27th would not be counted, and the five-business-days timeframe would end at the close of business on Wednesday, December 3rd.

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## 17.2.2 Month of the EA Application

The month of the emergency is the calendar month in which the *EA Emergency Assistance* group experienced the emergency, i.e. impending homelessness, homelessness, energy crisis, fire, flood or natural disaster. An EA applicant must submit an [Emergency Assistance \(EA\) Application form \(2010\)](#) either in the calendar month of the emergency or in the next calendar month after the emergency.

When the emergency is impending homelessness due to a qualifying financial crisis that resulted in a legal notice to terminate tenancy, and the date of the qualifying financial crisis and the date of the legal notice to terminate tenancy are on different dates, the later date is the date of the emergency. (See [17.4.1.2.1](#)) For example, a person may receive an eviction notice in June that was caused by a financial crisis in the previous February. That person may apply for EA in either June (the month of the eviction notice and the emergency) or July (the month after the emergency).

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### 17.2.3 EA Application Form Instructions

The applicant must complete the first three pages of the [Emergency Assistance \(EA\) Application form \(2010\)](#) form to the best of his/her ability.

Within the five-business-days timeframe, the agency is required to have at least one in-person (i.e. face-to-face) contact with each *EA Emergency Assistance* applicant or his/her representative as part of the application process.

An agency staff person must review each of the assurance statements on page 3 of the EA Application form with the EA applicant to ensure that the applicant has an opportunity to ask for clarification of each item. The EA applicant must initial each statement to verify that he or she understands each statement. If the EA applicant already initialed the statements, then the EA applicant may initial each statement again.

An agency staff person must complete page 4 and any missing information from other pages of the EA Application form with information provided by the applicant.

## 17.3 Verification

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### 17.3.1 Verification Overview

The *W-2 Wisconsin Works* agency must verify:

- The emergency occurred (see [17.3.2](#));
- The *EA Emergency Assistance* group information (see [17.3.3](#));
- Receipt of EA after the 12-month EA payment limit (see [17.3.4](#)); and
- Any questionable or inconsistent information (see [17.3.5](#)).

The W-2 agency must complete verification of financial and nonfinancial information during the five-business-days timeframe.

The agency must request any necessary verification from the EA applicant as quickly as possible in order to allow the EA applicant sufficient time to obtain and provide the requested information, and also to allow the agency enough time within the five-business-days timeframe to complete the agency's required actions.

If the EA applicant requests assistance in obtaining the verification information, the W-2 agency must provide assistance. If the information can not be obtained with the assistance of the agency, the agency must consider the importance of the information in the determination of eligibility and issuance of any EA payment. If the information is not crucial to the determination of eligibility, or calculation and issuance of an EA payment, the W-2 agency must proceed without it. However, if the information is crucial and has not been obtained by the agency, the agency must deny the EA application and communicate to the EA applicant that the group may reapply at any time.

Verification ideally consists of a reliable report from an independent source (i.e. third-party) or the agency's direct observation. Written verification is preferable to oral verification. When verification is not possible, the agency may accept a sworn statement from the EA applicant or his/her representative.



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## 17.3.2 Verifying Emergency Information

The *W-2 Wisconsin Works* agency must verify that the emergency has occurred. This verification information will differ depending upon the type of emergency.

The verification of a permanent living arrangement may include the *EA Emergency Assistance* group's lease (rent/security deposit) agreement, which may contain all household members, or other documentation such as title to the home.

The agency's verification of a financial crisis for impending homelessness may include but is not limited to:

1. Employer's documentation of income reduction;
2. Employer's documentation about reduced pay hours;
3. Pay stubs over a period of time that demonstrate a reduction in or elimination of work hours/pay;
4. Employer's documentation about employment termination;
5. Documentation by a third-party of income reduction for self-employment or independent contract employment;
6. Evidence (possibly in *KIDS Kids Information Data System*) of reduced child support payments;
7. Documentation of substantial depletion/loss of on-going income from child support, support from another caretaker relative, Unemployment Insurance (UI), or student financial aid; or substantial depletion/loss of income from an income tax refund;
8. Layoff notice;
9. *UI Unemployment Insurance* information;
10. Receipts from a medical facility showing medical expenses;
11. Receipts from a mechanic for repair expenses of a vehicle which will be used to obtain or maintain employment, along with documentation of vehicle ownership; or
12. A police report which indicates a crime occurred, such as forced entry, assault, or threat of injury with a weapon, may be used to verify any theft of cash, money order or other resources.

For impending homelessness, there are only five types of legal notices to terminate tenancy. (See [17.4.1.2.1](#)) Verification of the authenticity of the legal notice to terminate tenancy may be obtained from one of the following three sources:

1. Issuing entity, e.g. the court to verify a legal notice to terminate tenancy or legal eviction notice;
2. Financial institution to verify a mortgage foreclosure notice; or
3. City or county real estate assessor's office to verify any property ownership.

In some homelessness situations, verification of homelessness may not be possible. In those situations when verification is not possible, the agency must accept whatever verification is available, including a sworn statement by the EA applicant or his/her representative.

When housing is uninhabitable, a statement from the building inspector, health department or other appropriate local authority may be used as verification that the housing is uninhabitable.

When the reason for the EA application is fire, flood or natural disaster, verification by the W-2 agency may be done by a visit to the scene. When the reason is homelessness, energy crisis, fire, flood or natural disaster, verification by the W-2 agency may be done by a reliable report, such as a report from a neutral third party.

**Example 1:** An EA applicant states the family is homeless and residing at the local shelter program. The agency may telephone the shelter to verify the family is residing at the shelter. The local shelter program is a reliable independent source of information about the homelessness emergency.

**Example 2:** An EA applicant states the family experienced a fire and needs housing assistance. The agency may telephone the fire department to verify the fire. The fire department is a reliable independent source of information about the fire emergency.

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### 17.3.3 Verifying EA Group Information

To verify members of the household when documents or other information appear questionable or inconsistent, the agency may query information systems, such as the *CARES Client Assistance for Reemployment and Economic Support* system regarding the members of an *AG Assistance Group* or may contact the county Department of Human/Social Services to determine if the caretaker relative(s) has custody or placement of the child(ren) included in the [Emergency Assistance \(EA\) Application form \(2010\)](#).

When there is a family re-configuration which results in a potential *EA Emergency Assistance* payment including the same child(ren) who already was included in an EA payment within the 12-month EA payment limit period, the W-2 agency must verify the residency of the adults.

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## 17.3.4 Verifying Receipt of EA under the 12-Month EA Payment Limit

Agencies must use the *EATS Emergency Assistance Tracking System* to verify that issuance of any previous *EA Emergency Assistance* payment was at least 12-months ago.

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## 17.3.5 Verifying Any Questionable or Inconsistent Information

When documents or other information appear questionable or inconsistent, the *W-2 Wisconsin Works* agency must verify the authenticity of the documents/information with the issuing entity and utilize additional review, such as a supervisor approving the agency's determination of eligibility and/or issuance of any *EA Emergency Assistance* payment. The agency may verify the accuracy of crucial phone numbers and/or addresses in the phone book and/or on the internet.

Potentially questionable circumstances for verification may include but are not limited to:

1. The EA applicant or a member of the EA group is a relative of the landlord;
2. The EA applicant is an employee of a W-2 agency;
3. A document states employment has ended, however the employer's address and phone number in the phone book do not match information in the document;
4. Someone who does not have custody or placement of their children applied for EA and the children are listed as household members;
5. Documentation of the financial crisis does not match the amount of rent non-payment (e.g. a \$50 car repair receipt was provided as the financial crisis reason for \$800 past-due rent); or
6. Other inconsistencies in or between the [Emergency Assistance \(EA\) Application form \(2010\)](#) and verification documents.

In situations when the EA applicant or group has applied for EA year after year, the agency must take extra steps based on the specifics of the situation to address verification/documentation of essential information.

## 17.4 Nonfinancial Eligibility

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### 17.4.1 Qualifying Emergency

The need for assistance must result from a current emergency due to at least one of the following:

1. Impending homelessness (that is not the result of fire, flood or natural disaster) (See [17.4.1.1](#)).  
The four types of impending homelessness are:
  - Impending Homelessness Due to Financial Crisis/Notice to Terminate Tenancy;
  - Impending Homelessness Due to Forclosure of Rental Housing;
  - Impending Homelessness Due to Uninhabitable Housing; or
  - Impending Homelessness Due to Domestic Abuse;
2. Homelessness (that is not the result of fire, flood or natural disaster); (See [17.4.1.6](#))
3. Energy Crisis; (See [17.4.1.7](#))
4. Fire; (See [17.4.1.8](#))
5. Flood; (See [17.4.1.9](#)) or
6. Natural disaster (See [17.4.1.10](#)).

An emergency caused by the caretaker relative's criminal behavior is not eligible for *EA*.  
*Emergency Assistance*

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## 17.4.1.1 Impending Homelessness Overview

A group may be eligible under the condition of impending homelessness due to:

1. A qualifying financial crisis which resulted in a legal notice to terminate tenancy for non-payment of rent/mortgage; (See [17.4.1.2](#))
2. Foreclosure of rental housing; (See [17.4.1.3](#))
3. A determination of uninhabitable housing; (See [17.4.1.4](#)) or
4. Domestic abuse (See [17.4.1.5](#)).

## 17.4.1.2 Financial Crisis/Notice to Terminate Tenancy Overview

A group is eligible under the condition of impending homelessness if the group meets the following first and second requirements:

1. The group is experiencing a financial crisis that is due to reasons beyond the control of the caretaker relative(s) of the group or that constitute good cause as determined by the W-2 agency. The financial crisis must be caused by one of the following:
  - a. Loss of employment that does not include voluntarily leaving appropriate employment without good cause;
  - b. Substantial loss of wages due to illness or injury of a group member, domestic violence, lack of child care, a transportation breakdown, or a reduction of work hours by an employer including temporary employment;
  - c. Loss of income due to a second parent leaving the group;
  - d. Exceptional, unexpected, and necessary expenses that are not the responsibility of a third party, such as car repair expenses necessary for transportation to work or medical expenses not covered by insurance;
  - e. Loss of W-2 benefits due to a sanction that is subsequently overturned through the dispute resolution process; or
  - f. Other similar reasonable circumstances as determined by the *W-2 Wisconsin Works* agency that the group is experiencing a financial crisis beyond the control of the caretaker relative(s), such as: the substantial depletion/loss of on-going income from child support, support from another caretaker relative, Unemployment Insurance (UI), or student financial aid for housing; or the substantial depletion/loss of income from an income tax refund or criminal theft of cash/money order. This criterion is intended to cover reasons similar to the above reasons and not to cover general reasons for a group needing rent assistance.

For EA, criminal theft means a police report indicates a crime occurred such as forced entry, assault, or threat of injury with a weapon. Generally the loss of cash, money order or other resources that is not caused by theft is not a qualifying financial crisis because often reasonable care and control by the caretaker relative(s) would have prevented such loss.

The W-2 agency's determination about a similar reason that the group is experiencing a financial crisis must be based on the agency's professional judgment regarding similarity to one of the financial crisis causes listed above in items a through e and must be based on the circumstances of the specific situation.

And as a result of the financial crisis;



2. The group received a legal notice in the name of the EA applicant to terminate tenancy because of nonpayment of rent or mortgage (or land contract). This legal eviction notice must be due to nonpayment of rent or foreclosure from a financial institution or local government. (See [17.4.1.2.1](#))

In summary, eligibility for impending homelessness due to a financial crisis and a notice to terminate tenancy requires:

- A qualifying financial crisis due to reasons beyond the control of the caretaker relative(s) of the group or that constitute good cause as determined by the W-2 agency;
- That financial crisis resulted in non-payment of rent/mortgage; and
- That non-payment of rent/mortgage resulted in an eviction/foreclosure notice for non-payment of rent/mortgage that meets the requirements in [17.4.1.2.1](#).

(See [17.2.2](#) regarding when the qualifying financial crisis which resulted in non-payment of rent/mortgage and the eviction/foreclosure notice for the non-payment of rent/mortgage are in different months.)

**Example 1:** Janet has one daughter. She lost her job due to down-sizing in May. Through September, Janet managed to pay her bills including rent before depleting her savings and financial help from her family and friends. Then Janet missed her October rent payment. She received a legal eviction notice in November and applied for EA. Janet is eligible for EA based on her lost employment in May and, after depleting savings and help from others, her eviction notice in November.

**Example 2:** Emily worked various temporary office assistant jobs for several months in placements by the local temporary employment agency. Then the agency informed Emily they had not received any more requests for office assistants and they had no other job placements to offer Emily. Emily missed the next rent payment for her apartment home for herself and her two children. Then she received a legal eviction notice and applied for EA. Emily's loss of income from her temporary jobs would qualify as a financial crisis for EA under item b in the above list.

**Example 3:** Stella purchased a money order to pay the rent for her family's apartment. Stella left the financial institution without filing out the money order, and kept the money order, receipt, and copy together in an exposed pocket of her

backpack. Stella took the bus home and at home discovered the money order, receipt and copy were missing. Stella doesn't know if these documents were lost or stolen.

This situation does not meet the EA requirement for a financial crisis due to reasons beyond the control of the caretaker relative(s) of the group because Stella did not take reasonable steps within her control to care for the money order and prevent the money order from being lost or stolen.

Reasonable preventative steps would include filling out the money order before leaving the financial institution, keeping the money order documents in a secure non-exposed location and if possible keeping the money order, receipt and copy in separate secure locations. After the money order was lost or stolen, important follow-up steps include as soon as possible (on the same day when possible) filing a police report and filing any available tracer request with the financial institution that issued the money order. Notes: If the tracer shows the original money order was not cashed yet, the financial institution may be able to issue a replacement money order.

Although Stella was not eligible for EA, the W-2 agency worked with Stella to provide her case management services and referrals to other housing and emergency resources.

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### 17.4.1.2.1 Legal Notice to Terminate Tenancy (Eviction Notice)

Only the following notices qualify to terminate tenancy and the notice must be in the *EA Emergency Assistance* applicant's name:

1. A notice terminating tenancy for failure to pay rent that meets the minimum requirements of [Section 704.17 Wis. Stats.](#);
2. A summons and complaint for an eviction action which is based on failure to pay rent;
3. A notice of foreclosure for failure to pay property taxes or a mortgage;
4. A summons and complaint for a foreclosure action that is based on failure to pay property taxes or a mortgage; or
5. A writ of assistance, notice of sale, or other verifiable documentation that a foreclosure judgment has been entered against a member of the EA group and the group will be required to vacate the premises imminently.

For a detailed description of the notices described above, refer to [Sections 704.17 and 704.19 Wis. Stats.](#) Notices 2, 4, and 5 are filed with the court.

**Example:** Luis and his daughter moved into a rented home where his friends already resided, to fill vacancies left by previous roommates. The lease-holder (Luis' friend) received an eviction notice for failure to pay rent. Luis is not eligible for EA due to impending homelessness based on that eviction notice because the eviction notice is not in Luis' name. Although Luis is not eligible for EA, the W-2 agency worked with Luis to provide him case management services and referrals to other housing and emergency resources.

Legal eviction notices are not necessarily filed with the court. A "5-day" notice, which gives the tenant five days to pay the past-due rent for a verbal or written lease or rental agreement for one year or less, is not filed with the court. However if the tenant does not pay the full amount of past-due rent within the time stated in the notice, and the landlord begins an eviction action in the local court, then the subsequent eviction notices are filed with the court.

Some eviction notices provide the tenant a right to "cure" or stop the eviction process, however other types of eviction notices do not provide this. For example, a type of eviction notice known as a "14-day" eviction notice, which orders the tenant to move out within a period of at least fourteen days, generally does not provide the tenant a right to "cure" or stop the "14-day" eviction notice process.

When an eviction notice meets all other EA requirements, however does not provide a right to "cure" or stop the eviction process, the W-2 agency must not pay EA to the

landlord for that eviction notice. However in these situations, such an eviction notice may meet the policy requirements for impending homelessness and relocation. The W-2 agency is encouraged to provide case management and referral services to assist the group in obtaining permanent housing.

Some notices are not eviction notices for non-payment of rent. For example, a "28-day" notice is used to end a week-to-week or month-to-month tenancy. A "28-day" notice is a non-renewal notice, not an eviction notice for non-payment of rent, so it cannot be used for EA eligibility.

Agencies are encouraged to request review of their most commonly received eviction notices by the agency's legal counsel to ensure the notices comply with Wisconsin Statutes Chapter 704 requirements.

An information sheet on eviction, including eviction notices, may be accessed at the following web address:

<http://www.tenantresourcecenter.org/pdf/eviction.pdf>

For additional information about eviction notices for rental tenants (not foreclosure notices), agencies may:

- Contact the Wisconsin Department of Agriculture, Trade and Consumer Protection at (800) 422-7128;
- Contact the Wisconsin Tenant Resource Center at (608) 257-0143 or toll-free outside Dane County at (877) 238-7368; and/or
- Search for an eviction notice filed with the court on the Wisconsin Circuit Court Access website at: <http://wcca.wicourts.gov/index.xsl>

For additional information about notices related to subsidized housing, agencies also may contact the subsidized housing program that issued the notice.

For additional information about foreclosure notices, agencies may:

- Contact the agency's legal counsel; and/or
- Search for a foreclosure notice filed with the court on the Wisconsin Circuit Court Access website at: <http://wcca.wicourts.gov/index.xsl>

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### 17.4.1.2.2 Stay of Eviction Proceedings

When the legal notice to terminate tenancy (eviction notice) has been filed with the court, then the *W-2 Wisconsin Works* agency must ask the *EA Emergency Assistance* applicant to inform the court of the EA Application and then the outcome of the EA eligibility determination. The W-2 agency also must inform each EA applicant that a court will stay the proceedings in a civil action of eviction if the tenant applies for EA and informs the court of the EA Application and the outcome of the determination of EA eligibility. The stay remains in effect until the tenant's eligibility for EA is determined and, if the tenant is determined to be eligible, until the EA payment is received by or on behalf of the EA group.

The stay of the eviction proceedings for EA does not prohibit a landlord from legally pursuing other eviction proceedings, for example proceedings based on a violation of a lease provision, or endangering others, etc. If the W-2 agency is informed that a landlord has an additional legal basis for eviction proceedings besides non-payment of rent, then the W-2 agency must not issue an EA payment to that landlord because it is not possible to stay the additional eviction proceedings in exchange for the EA payment.

### **17.4.1.2.3 Waiving Right to Proceed with Eviction/Foreclosure**

For impending homelessness, the landlord, bank or local government that issued the notice to terminate tenancy must agree to not proceed with the eviction or foreclosure for non-payment of rent/mortgage if they accept the *EA Emergency Assistance* payment.

The agency must confirm this agreement prior to issuing any EA payment. This confirmation may be verbal or in writing based on the agency's assessment of the specific situation. However, when the confirmation is verbal, the agency must follow-up with a cover letter, enclosing the EA payment to the landlord, bank or local government, which states:

- For eviction: "r;You already agreed to not proceed with the eviction for non-payment of rent. Your cashing this payment further ratifies this agreement and constitutes stipulation for dismissal of an eviction action based on non-payment."; or
- For foreclosure: "r;You already agreed to not proceed with the foreclosure for non-payment of mortgage. Your cashing this payment further ratifies this agreement."

This cover letter language means the landlord, bank or local government agrees to end any pending eviction action or stop any pending foreclosure action.

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## 17.4.1.2.4 Impending Homelessness and Relocation

*EA Emergency Assistance* provides funding for EA groups who meet all other eligibility criteria and:

1. There is impending homelessness with a qualifying financial crisis that is due to reasons beyond the control of the caretaker relative(s) or that constitute good cause as determined by the *W-2 Wisconsin Works* agency and the financial crisis resulted in a qualifying legal eviction notice due to non-payment of rent/mortgage for the current home (see [17.4.1.2](#) and [17.4.1.2.1](#)); and
2. The agency has determined the landlord does not agree to keep the EA group as tenants (including when the landlord has another legal basis, in addition to non-payment of rent, for eviction of the EA group) or the EA group cannot afford the costs of the current home (including costs for rent, utilities, transportation, etc.); and
3. The EA group has obtained a different home with lower costs than the current home.

When the requirements above are met, then EA provides funding for the different home (i.e. the relocation home) at the lower cost than the current home.

Also EA may provide funding for relocation for impending homelessness due to domestic abuse or uninhabitable housing. However EA is not intended primarily to be a relocation program, and does not provide funding for relocation based only on the EA group's preference to relocate.

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### 17.4.1.3 Foreclosure of Rental Housing

A group is eligible under the condition of impending homelessness due to foreclosure of rental housing when all of the following conditions apply:

1. The group are tenants in rental housing that currently is subject to a foreclosure action based on that rental housing's owner failing to pay the mortgage and/or property taxes for that housing;
2. The group's current rental housing already is scheduled for a foreclosure sale to finalize the foreclosure and that scheduled sale will result in the group's current rental housing becoming unavailable to the group within 30 days or less; and
3. The group needs *EA Emergency Assistance* to obtain a permanent living accommodation.

EA for impending homelessness due to foreclosure of rental housing does not require a financial crisis, although there must be a need for housing assistance.



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### 17.4.1.4 Uninhabitable Housing

A group is eligible under the condition of impending homelessness due to uninhabitable housing if the group must leave their current housing because that housing is uninhabitable as determined by the local building inspector, local health department, or other appropriate local authority. For this purpose, the *W-2 Wisconsin Works* agency is not considered an appropriate local authority.

*EA Emergency Assistance* for impending homelessness due to uninhabitable housing does not require a financial crisis or eviction/foreclosure notice, although there must be a need for housing assistance.

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## 17.4.1.5 Impending Homelessness and Domestic Abuse

A group is eligible under the condition of impending homelessness due to domestic abuse if the impending homelessness is caused by a member of the group being subject to domestic abuse. Section [968.075\(1\)\(a\) Wis. Stats.](#) defines domestic abuse to mean any of the following engaged in by an adult person against his/her spouse or former spouse, against an adult with whom the person resides or formerly resided or against an adult with whom the person has a child in common:

1. Intentional infliction of physical pain, physical injury or illness;
2. Intentional impairment of physical condition;
3. Sexual assault as defined in section [940.225\(1\), \(2\) or \(3\) Wis. Stats.](#); or
4. A physical act that may cause the other person reasonably to fear imminent engagement in the conducts described in the previous three items.

If impending homelessness is due to domestic abuse, the *EA Emergency Assistance* applicant is not required to have a financial crisis, or provide an eviction/foreclosure notice or a determination of uninhabitable housing. However there must be a need for housing assistance. EA's goal is to provide safe and permanent housing for the caretaker relative and the dependent children. W-2 agencies are encouraged to provide case management and referral services in domestic abuse situations.

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## 17.4.1.6 Homelessness

A group is eligible under the condition of homelessness when the group needs *EA Emergency Assistance* funds to obtain permanent housing and the group meets one of the following requirements:

1. The group has a current residence that is designed for providing a temporary living accommodation such as an emergency shelter facility, or other temporary or transitional living arrangement. An emergency shelter facility is any facility with the primary purpose of providing temporary or transitional shelter to the homeless.

Generally motels and hotels are temporary living accommodations; however the *W-2 Wisconsin Works* agency must consider the specific circumstances. For example, a monthly lease at a motel or hotel may indicate permanent housing similar to other rental homes. Absent other documentation, the EA applicant's intention to stay in a motel or hotel long-term does not indicate that the motel or hotel is permanent housing.

2. The group has left their current housing because it is uninhabitable as determined by an official building inspector, health department, or other appropriate local authority. For this purpose, the W-2 agency is not considered an appropriate local authority.
3. The group lacks a fixed, regular, and adequate nighttime residence.
4. The group is living in a place that is not designed for, or ordinarily used as, a regular sleeping accommodation. Examples include public hallways, parks, bus stations, and building entrances.

**Example:** The home is in a small community without a building inspector or health department. Staff from the local Community Action Program are familiar with building codes and recommend that the home be considered unfit for human habitation. The W-2 agency may accept the local Community Action Program as an appropriate authority to determine that the current housing is uninhabitable.

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### **17.4.1.6.1 Homelessness and Domestic Abuse**

A group is eligible under the condition of homelessness due to domestic abuse if the homelessness condition results because a member of the group was subject to domestic abuse. (See [17.4.1.5](#) for definition of domestic abuse.)

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### 17.4.1.6.2 "Doubled-Up" Housing

Generally for *EA Emergency Assistance* purposes, an EA group residing in "doubled-up" housing meets the temporary or transitional living arrangement requirements for EA eligibility due to homelessness when the EA group:

- Is not on the lease/mortgage;
- Is using the "doubled-up" housing as a short-term housing solution and otherwise the group would be homeless; and
- Has been residing in the "doubled-up" housing for one month or less.

Often those living in a temporary or transitional doubled-up living arrangement are residing in a home that has more people living in it than the house was designed to accommodate.

The *W-2 Wisconsin Works* agency must use professional judgment in determining if the group residing in "doubled-up" housing is in a temporary or transitional "doubled-up" living arrangement.

**Example 1:** Tess left her abusive husband on June 15th and moved with her children to live with her mother. Tess' mother has a small one bedroom apartment and can only let Tess and her children stay for a week or two. On June 25th, Tess applied for EA. She is eligible because she has a qualifying emergency of homelessness due to domestic abuse. The fact that she is temporarily staying in "doubled-up" housing with her mother does not make her ineligible.

**Example 2:** Polly and her children were staying in a transitional shelter for homeless families. Polly's aunt Millie learned of this situation and invited Polly and her children to stay with Millie for a few weeks while Millie's roommate was away on vacation. Polly accepted Millie's invitation and during the second week, Polly applied for EA because while she is saving some money from her new job, she needs assistance with paying the first month's rent and security deposit in the low-income housing she found for her family. Polly is eligible for EA due to homelessness because she and her children are residing in "doubled-up" housing as a temporary and transitional alternative to residing in the homeless shelter.

**Example 3:** To save money, Wayne and his children moved in with his sister three months ago. He is not on the lease and would like to find housing of his own for himself and his children. Although he is sharing housing with his sister, there are no indications that this living arrangement is a temporary or transitional living arrangement for an EA homelessness emergency. Therefore, Wayne is not eligible for EA. Although Wayne is not eligible for EA, the W-2 agency worked with Wayne to provide him with case management services and referrals to other housing and emergency resources.

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### 17.4.1.7 Energy Crisis

The group is eligible under the condition of energy crisis when the group has a lack of or imminent loss of utility service that includes or is likely to include an immediate threat to the health or safety of the group. The energy crisis must be beyond the control of the caretaker relative(s) or constitute good cause as determined by the *W-2 Wisconsin Works* agency.

The W-2 agency's determination about whether or not there is an immediate threat to the group's health or safety from the lack of or imminent loss of utility service must be based on the agency's professional judgment and the circumstances of the specific situation. The lack of or imminent loss of utility service is likely to be an immediate threat to the health or safety of the group, and therefore an energy crisis, when the home includes an infant or young child (defined for energy crisis as a child age five or younger), a person who requires utility service to operate essential medical equipment, or other high risk individual.

The group may only receive an *EA Emergency Assistance* payment for energy crisis if there is an unmet energy crisis after completing pursuit of all other payment options through services and assistance from the *LIHEAP Low Income Home Energy Assistance Program* known in Wisconsin as the *WHEAP Wisconsin Home Energy Assistance Program*, the local utility company/companies and any other available programs. (See [17.4.6.1](#)) The W-2 agency must assist the EA group in completing the pursuit of other payment options for energy crisis.

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### **17.4.1.8 Fire**

The group must be experiencing a housing-related emergency due to a fire. The fire must not be caused by arson set by a caretaker relative of the group.



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### **17.4.1.9 Flood**

The group must be experiencing a housing-related emergency due to a flood.

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## **17.4.1.10 Natural Disaster**

The group must be experiencing a housing-related emergency due to a natural disaster. Natural disasters are caused by nature and include but are not limited to:

1. Tornadoes;
2. Earthquakes;
3. Electrical storms;
4. Wind storms;
5. Hail;
6. Sleet;
7. Mud and/or rock slides; or
8. Explosions or fires resulting from lightning strikes.

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## 17.4.2 EA Group

Each person in the *EA Energy Assistance* group must be either:

1. A dependent child, however not an unborn child, who is:
  - a. Anticipated to live in the home during the one-month period after the date of the [Emergency Assistance \(EA\) Application form \(2010\)](#); and
  - b. Currently living in the home or lived in the home within the six months prior to the emergency; and
  - c. Is under the age of 18, or if under the age of 19 is a full-time student at a secondary school or a vocational or technical equivalent and is reasonably expected to complete the program before attaining the age of 19.

or

2. A caretaker relative with whom the child:
  - a. Is anticipated to live with during the one-month period after the date of the EA Application; and
  - b. Is currently living in the home or with whom the child lived in the home within the six months prior to the emergency; and
  - c. Meets the definition of a caretaker relative or a minor caretaker relative. (See [17.4.2.1](#) and [17.4.2.2](#))

In order to be eligible for EA, the EA group must consist of at least one dependent child and one caretaker relative of that dependent child. The EA group also may include other caretaker relatives to these dependent children. When there are multiple caretaker relatives in the household, these caretaker relatives do not need to be related to each other; however each caretaker relative needs to be related to a dependent child in the EA group.

For example, an EA group may include two unrelated mothers, each with one dependent child, who reside together with the children on an on-going basis. Then the W-2 agency usually would include both of these families together in the same EA Application, instead of processing two separate EA Applications or only processing the EA Application for one of the mothers and her dependent child.

An SSI recipient who meets the requirements to be an EA group member must be included in the EA group. (See [17.5.2](#))

While all individuals residing in the household are not always a member of the EA group, all household members must be listed on the EA Application. The EA group must include all eligible members of the household.

The W-2 agency must exclude from the EA group any household members who do not meet all EA non-financial eligibility requirements. For example, if one member of the household is not a citizen or qualified alien, then the W-2 agency would not include that individual in the eligible EA group. The same concept would apply for a member of the household who does not meet the EA requirement for caretaker relative, dependent child, resident, accepting employment or training, pursuing other payment options, or already has received an EA payment within the past 12 months.

After excluding any members from the group, the W-2 agency must determine if the group still meets the requirements for an EA group, i.e. the EA group has at least one caretaker relative and at least one dependent child.

Note: The income, assets and expenses from any excluded household members are not included in the Financial Need calculation. (See [17.5.1](#))

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## 17.4.2.1 Caretaker Relative

A caretaker relative must be the dependent child's:

1. Natural or legally adoptive parent;
2. Stepfather or stepmother;
3. Natural, legally adopted, half-, or step-brother or &ndash;sister;
4. Grandmother or grandfather, aunt or uncle, first cousin, niece or nephew, or any preceding generation denoted by the prefix grand-, great-, or great-great, and including those through adoption; or
5. Spouse of anyone of the above even after the marriage is ended by death, divorce or separation. A spouse is that person recognized by Wisconsin law as the caretaker relative's legal husband or wife. (Wisconsin law does not recognize common-law marriage.)

To be considered a caretaker relative, each caretaker relative must reside with the dependent child in the caretaker relative's own home and exercise responsibility for care and control of the dependent child. For purposes of EA policy, exercising responsibility for care and control of the child includes decisions about the child's education, health-care, and any treatment, hospitalization, and long-distance travel.

**Example:** Miranda applied for EA due to impending homelessness. She listed herself, three friends and her three-year-old child on her EA Application. Miranda is the parent of the child. The EA group would consist of Miranda and her child. The three other adults would not be included in the EA group because they are not a relative of Miranda's child and do not have caretaker responsibility for Miranda's child.

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## 17.4.2.2 Minor Caretaker Relatives

An individual under 18 years of age who is the parent of a child is ineligible to be a caretaker relative unless one of the following applies:

1. The individual is or has ever been married;
2. The individual has no parent, legal guardian, or other appropriate adult relative who is living or whose whereabouts are known;
3. No living parent, legal guardian, or other appropriate adult relative allows the individual to live in their home;
4. The individual or the individual's child for whom assistance is requested is being or has been subjected to serious physical or emotional harm, sexual abuse, or exploitation in the residence of the individual's own parent or legal guardian;
5. Substantial evidence exists that an act or failure to act would present imminent or serious harm if the individual and his/her minor child lived in the same residence with the individual's own parent or legal guardian; or
6. The W-2 agency otherwise determines that it is in the best interest of the individual's child to waive the prohibition on assistance to unmarried caretakers who are under 18 years of age.

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### 17.4.3 Residents

All members of the *EA Emergency Assistance* group must be residents of Wisconsin and intend to reside in Wisconsin, except a migrant worker is not required to intend to reside in Wisconsin. (See [Chapter 2](#), Section 2.2.0)

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## 17.4.4 Citizens or Qualified Aliens

All members of the *EA Emergency Assistance* group must be citizens or qualified aliens. (See [Chapter 2](#), 2.2.1)



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## 17.4.5 Acceptance of Employment or Training

The need for assistance may not result from the caretaker relative's or the child's refusal to accept employment or training, or both, without good cause as determined by the [W-2 Wisconsin Works](#) agency.

## 17.4.6 Pursuit of Other Payment Options

The need for assistance must not result from a member of the *EA Emergency Assistance* group failing to pursue other payment options.

For those applying for EA due to an energy crisis, prior to determining EA eligibility, the *W-2 Wisconsin Works* agency must ensure that the EA group has completed the pursuit of other payment options from the local *WHEAP Wisconsin Home Energy Assistance Program* program, the local utility company/companies and any other available programs. The W-2 agency must assist the EA group in completing the pursuit of other payment options for energy crisis. (See [17.4.6.1](#))

With the exception of those applying for EA due to an energy crisis, EA applicants are not required to have pursued other payment options prior to applying for EA. If the EA group has not already pursued other appropriate payment options, the group must do so during the five-business-days timeframe. Agencies are encouraged to assist the EA group in completing the pursuit of other payment options.

When income from other payment options is anticipated in the month of the EA Application, the anticipated income must be included in available income. (See [17.5.3](#))

When there is theft of income, money order or other resources, pursuit of other payment options would include reimbursement from any available local crime victim compensation service. When the theft is of a money order, the agency may request the EA applicant activate any available tracer/stop payment on the money order. If the money order was not cashed already, the tracer/stop payment may result in replacement of the money order.

**Example 1:** Gwen purchased a money order to pay her family's rent. She took appropriate precautions to keep the money order safe, including completing the money order form before she left the financial institution, keeping the money order and the receipt in separate secure locations, etc. Despite Gwen's precautions, the money order was stolen during a burglary of Gwen's home.

When Gwen was unable to pay her rent, she received an eviction notice. She went in to apply for EA. Gwen was able to show that she had already reported the theft to the police and the officer's report indicated a crime of theft had occurred that included forced entry. However, Gwen had not yet reported the theft of the money order to the financial institution where she purchased the money order or filed for assistance from the local crime victim compensation service. At the request of the W-2 agency, Gwen did these the next day. The tracer/stop

payment revealed the original money order already was cashed. Gwen is eligible for EA because she pursued replacement of the money order and other payment options during the five-business-days timeframe.

**Example 2:** Rafael was unable to pay the rent for an apartment he leases for himself and his two children after the manufacturing business where Rafael had worked closed its business in Wisconsin. Rafael applied for and received *UI Unemployment Insurance* although Rafael needed some additional funds to pay the rent. Rafael received an eviction notice with his name on the notice for non-payment of rent and he applied for EA. Rafael is eligible for EA because he pursued other payment options by applying for UI.

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## 17.4.6.1 Pursuit of Other Payment Options - Utility Expense

Information about the *WHEAP Wisconsin Home Energy Assistance Program* program, including where to apply and how to contact the local program, may be accessed at the following web address:

<http://homeenergyplus.wi.gov/>

Local electric, gas, and water utility companies are required by state regulations to provide the following assistance to customers:

- Utility Service for Medical Problems: Local utility companies are required to maintain a customer's utility service when there is a serious illness of a group member. However this is not automatically provided and instead must be requested by the customer. Upon the customer's request to the utility company that utility service is necessary for a group member's medical condition, the local utility company is required to maintain utility service for a 21 day period pending the customer obtaining medical documentation that supports the medical need for the utility service. Then when the customer has provided to the local utility company, documentation of the medical need for the utility service, the utility company must work with the customer to help ensure the medical need for the utility service is met. The utility company may require the customer to renew medical documentation periodically.
- Reasonable Payment Plan: Local utility companies are required to provide a payment plan based on the customer's ability to pay. However this is not automatically provided and instead must be requested by the customer. Note: Local utility companies may require higher payment amounts or deny payment plans for customers with an ability to pay who did make utility payments on a regular (i.e. monthly) basis, customers who failed to comply with previous payment plans based on ability to pay, etc. Once a customer's utility service has been disconnected, the customer now has a new right to a payment plan based on ability to pay even if the customer previously may have been denied a payment plan.
- "r;Winter Moratorium" plus additional Regional Days: Local utility companies are required to not disconnect customers' utility service during the November 1st through April 15th "r;winter moratorium" period. In addition, on a regional basis state regulations require local utility companies to not disconnect a customer's utility service on any other days when the temperature is forecasted at 32 degrees or colder, or forecasted as a "r;heating degree" day. Generally when a customer's utility service already was disconnected prior to the "r;winter moratorium" or the regional days, the local utility company/companies must work

with the customer to reconnect the customer's utility service during that period upon the customer's request.

Customers are required to contact their local utility company to try to resolve any problems, including obtaining payment plans, available delays in possible utility disconnections and available reconnection of any disconnected utility service. However when a customer already has attempted to resolve a problem with the local utility company and the problem has not been resolved, then the customer may contact the:

State of Wisconsin PSC at (800) 225-7729 or  
<http://psc.wi.gov/apps/cmplnts/default.aspx>

The *PSC Public Service Commission State of Wisconsin* regulates local electric, gas and water utility companies. These regulations include the requirements listed above. The customer's follow-up to obtain assistance from the local utility company/companies often will eliminate or greatly reduce the EA group's need for an EA payment.

Note: Because the PSC does not regulate local utility cooperatives, liquid propane companies or oil companies, the regulations described above are not applicable to these cooperatives/companies.

## 17.4.7 Frequency of EA Payments

The caretaker relative(s) in an *EA Emergency Assistance* group is eligible to receive EA once in a 12-month period. If the caretaker relative previously received EA, the caretaker relative is eligible to receive EA again 12 months after the date of the last approved EA Application.

EA payments may be made for a one-month (e.g. 30 days) period within any 12 consecutive months:

1. The date of the first EA payment begins the one-month (e.g. 30 days) period; and
2. The period ends one month (e.g. 30 days) after the initial EA payment, whether or not any additional requests or payments for the same emergency are made.

**Example 1:** After a fire in their home, a family of four received an EA payment of \$400. A week later, the family discovered additional needs totaling \$100 that resulted from the fire. Because the EA group has not already received the maximum EA payment amount, the EA group may receive an additional EA payment as part of the same EA eligibility, provided the additional EA payment is within one month from the original EA payment.

Children may be included in more than one EA group within the 12-month EA payment limit when the children live with a different caretaker relative(s) during that time. The caretaker relative(s) of the EA group (not the dependent children) are considered in determining the 12-month EA payment limit.

When a household includes a caretaker relative(s) who already received EA within the past 12 months and also a caretaker relative(s) who did not receive EA within the past 12 months, the caretaker relative(s) who did not receive EA within the past 12 months may be included in a new EA group. However the caretaker relative(s) who already received EA within the past 12 months must be excluded from any EA group during the 12-month EA payment limit period.

The examples below illustrate various re-configurations of EA groups for the 12-month EA payment limit.

**Example 2:** Daria and her two children received EA in September for impending homelessness. Later the children went to live with their dad, Tony, who applied

for EA in January for impending homelessness. Tony and his children may be eligible for EA although his children were part of an EA group four months earlier when living with Daria, their mom.

**Example 3:** Tia, Tyrone and their four children received EA in July for impending homelessness. Tia moved out. Tyrone reapplied for EA for himself and the children in the following December after his hours were cut at work and he could not make the rent payments. Tyrone is not eligible for EA because his last approved EA Application was within the past 12 months. He is not eligible again until July of the next year (12 months after his last approved EA Application). Although Tyrone is not eligible for EA, the W-2 agency worked with Tyrone to provide him case management services and referrals to other housing and emergency resources.

**Example 4:** In June, Julia and her daughter, Marta, applied for and received EA for impending homelessness. Julia experienced some difficulties in July and arranged for Marta to live with Julia's sister, her Aunt Maria. Aunt Maria applied for EA with Marta in August for impending homelessness. Aunt Maria's receipt of EA (including her niece Marta) would be allowed by the 12-month EA payment limit.

**Example 5:** Sue and her daughter Rachel applied for and received EA due to impending homelessness in October. Sue's husband, Victor, was released from jail and moved in with the family four months later. Victor got a full-time job and two months later, Victor's employer went out of business. Victor then applied for EA in August due to impending homelessness. Victor's receipt of EA (including his daughter Rachel in the EA group) would be allowed by the 12-month EA payment limit. However Sue would not be included in that EA group because her last approved EA Application was ten months ago in October.

## 17.5 Financial Eligibility

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### 17.5.1 Calculate Financial Need

Calculate the *EA Emergency Assistance* group's financial need by determining whether or not the group's expenses resulting from the emergency plus the unpaid usual monthly expenses for the group exceed the group's available income and assets.



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## **17.5.2 Time Frame for Evaluating Income, Assets, and Expenses**

The month of the [Emergency Assistance \(EA\) Application form \(2010\)](#) is the time frame for which income, assets and expenses are evaluated. (See [17.2.2](#))

## 17.5.3 Available Income

To determine available income, count the income already received or expected to be received anytime in the month of application that has not already been used or is not expected to be used to meet the *EA Emergency Assistance* group's needs. When there are other individuals in the household besides the individuals included in the EA group, only count income from the EA group members. To determine which sources of income are countable, start by using the W-2 income policy for:

- Estimating Income (see [3.2.3](#));
- Income Availability (see [3.2.4](#));
- Fluctuating Income (see [3.2.5](#));
- Prorating Income (see [3.2.6](#)),
- Farm & Self-Employment Income (see [3.2.8.2](#));
- Child Support Income (see [3.2.8.3](#));
- *SSI Supplemental Security Income* and *CTS Caretaker Supplement* Income (see [3.2.8.4](#));
- List of Disregarded Income types (see [3.2.9.1](#)); and
- Income with Limited Disregards (see [3.2.9.2](#)).

In addition disregard:

1. SSI payments. If an SSI recipient meets EA's nonfinancial eligibility requirements, the SSI recipient is included in the EA group. However, the SSI payment received in the month of the [Emergency Assistance \(EA\) Application form \(2010\)](#) is disregarded in calculating financial eligibility and any payment; and
2. CTS payments.

When income is anticipated in the month of the EA Application from the pursuit of other payment options, although the income is not received yet, the anticipated income must be included in Available Income.

Keep in mind that income must be available in the month of the EA Application. For earnings, this likely means counting only take home pay after taxes. It is possible that other deductions such as retirement would be included in available income if the earnings could be received within the month of the EA Application. However, circumstances vary and each situation must be considered individually. For example, if the employee is expected to receive a tax refund in the month of the EA Application, that income would be included in the Available Income calculation.

Remember to not double count any anticipated deductions or other income.

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## 17.5.4 Available Assets

To determine assets for the *EA Emergency Assistance* group available in the month of the [Emergency Assistance \(EA\) Application form \(2010\)](#), start by using the *W-2 Wisconsin Works* asset policy. (See W-2 Manual [3.3.1](#) and [3.3.3](#)) In addition, disregard:

1. Any asset with a fair market value of less than \$3,000 that would require liquidation at a loss; and
2. Real property, such as land or the primary home.

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## 17.5.5 Expenses Resulting From the Emergency

Expenses incurred by the *EA Emergency Assistance* group as a result of the emergency are limited to:

1. Food;
2. Clothing;
3. Temporary housing (however temporary housing is only an allowed expense when the emergency is homelessness as a result of fire, flood, or natural disaster and not homelessness for other reasons);
4. First month's rent plus security deposit;
5. For impending homelessness, unpaid rent connected to a financial crisis;
6. Home energy, which may include heating fuel, electricity, and repair or replacement services necessary to maintain the basic heat and electrical requirements of an average household;
7. Necessary household items;
8. Necessary home repairs and appliances;
9. Transportation; and
10. Medical care.

Do not count expenses that have been or will be met through other resources such as *WHEAP Wisconsin Home Energy Assistance Program*, free meals, clothing distributions, other community resources, insurance payments, or help from family or friends.

The W-2 agency must require the EA group to pursue payment from their local WHEAP program, local utility company, and any other available local programs. (See [17.4.6](#) and [17.4.6.1](#))

When there is remaining utility expense after the required pursuit of other payment options for utility expense, the utility expense is the payment plan amount (not the entire past-due utility bill). When the local utility company will not allow a payment plan for the utility expense and the W-2 agency has confirmed this, then the W-2 agency must use professional judgment based on the circumstances of the specific situation to determine the amount of a past-due utility bill to count as utility expense for EA.

Regardless of whether or not a payment plan was established, when any part of the utility bill will be paid by other payment options (see [17.4.6.1](#)), then the W-2 agency must reflect this in the Financial Need calculation.

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## 17.5.6 Monthly Expenses

Determine the amount of the *EA Emergency Assistance* group's unpaid usual and necessary monthly expenses apart from any expenses resulting from the emergency needs. These unpaid usual monthly expenses include housing, food, utilities, transportation, medical and child care costs that are not paid for by government programs or other resources.

Usual and necessary monthly expenses include any accumulated usual and necessary expenses from previous months, except those expenses that have been paid at the time of the EA application are not counted. Also any partially paid expenses that are for more than one month are counted as a monthly expense only for the portion of the amount that is unpaid at the time of the EA application.

To eliminate any duplicate counting of expenses, unpaid usual and necessary monthly expenses do not include expenses resulting from the emergency, which instead are counted in "Expenses Resulting from the Emergency." (See [17.5.5](#))

See Expenses Resulting from the Emergency above regarding the Pursuit of Other Payment Options requirements. Also see [17.5.5](#) regarding the amount of utility expense.

When determining an expense such as rent, consider who contributes to that expense and calculate accordingly. An example would be a situation in which one or more adult members of a household is excluded from the EA group because that person(s) does not meet an EA non-financial eligibility requirement. If the excluded individual normally contributes to the rent, then only the portion of the rent expense that the EA group members are responsible for would be included as an expense for EA.

Remember to not double-count any expenses by counting the expense in both Expenses Resulting from the Emergency and Usual and Necessary Monthly Expenses. Instead, if an expense could be counted in either category, choose one category to avoid double-counting.

**Example:** An EA group provided information about unpaid monthly bills accumulated over the past three months. Any expenses that are not usual and necessary (such as cable television) would not be counted as a monthly expense. Any portion of the expenses paid at the time of the EA application also would not be counted as a monthly expense.



## 17.6 Notice, Payment, and Coordination with Other Resources

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### 17.6.1 Notice of Eligibility Determination

The agency must notify all approved and denied applicants in writing of the eligibility determination within five business days of receiving a completed [Emergency Assistance \(EA\) Application form \(2010\)](#). If the agency denies eligibility for *EA Emergency Assistance*, the notice of eligibility determination must include the reasons for the denial and information about the opportunity for a Fact Finding. (See Chapter 19)

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## 17.6.2 EA Payment Amount

To calculate the *EA Emergency Assistance* payment amount for an eligible EA group, pay the lowest amount of:

1. Maximum payment amount;\*

The maximum payment amount for EA groups experiencing an energy crisis is \$500 regardless of group size.

For all other emergency types the following maximum payment amounts apply:

- \$516 for groups with two to four members;
  - \$645 for groups with five members;
  - \$110 per group member for groups with six or more members.
2. The amount requested by the group; or
  3. The financial need resulting from the emergency (i.e. subtract the available income and available assets from the total of unpaid expenses resulting from the emergency and the unpaid usual and necessary monthly expenses).

\*When the EA group is experiencing more than one emergency type, use the higher maximum payment amount. For example, when a three-member EA group is experiencing an energy crisis plus impending homelessness, the maximum payment amount would be \$516 instead of \$500.

**Example:** The agency determined a group of three is eligible for EA for impending homelessness. The maximum payment for the group would be \$516. The EA Application requested \$400, and the group's total financial need due to the emergency is \$425. Because the requested amount is lower than the other two amounts, the EA payment amount would be \$400.



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### 17.6.3 Informed Request

When the amount requested by the group (i.e. the Financial Request amount from the [Emergency Assistance \(EA\) Application form \(2010\)](#) is less than the maximum payment amount and less than the calculated financial need resulting from the emergency, then the W-2 agency must obtain the *EA Emergency Assistance* applicant's or his/her representative's agreement in writing to the following:

1. The lower amount of the following two amounts:
  - a. Maximum payment amount (see [17.6.2](#)); or
  - b. Financial need resulting from the emergency (see [17.6.2](#));

and

2. The EA applicant has been informed that the EA payment amount could be the amount above (in item 1), however he/she still requests the lower amount in the EA Application.

The *W-2 Wisconsin Works* agency must file a copy of this written signed statement and give the original to the EA applicant or his/her representative.

Instead of agreeing to accept a lower EA payment amount, the EA applicant or his/her representative may elect to increase the amount requested by the group (i.e. increase the Financial Request amount from the EA Application). Then the EA applicant or his/her representative must initial and date the increased Financial Request amount on the EA Application.

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## **17.6.4 Issuing EA Payment**

The agency may make the EA payment by: check to the applicant, landlord or vendor; or voucher to the landlord or vendor.

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## 17.6.5 Timeframe for Issuing EA Payment

The *EA Emergency Assistance* payment must be made within five business days after the *W-2 Wisconsin Works* agency receives the complete [Emergency Assistance \(EA\) Application form \(2010\)](#), with only the following two exceptions.

## 17.6.5.1 Payment Delay Exceptions

1. An EA payment can be delayed if both of the following conditions exist:
  - a. The group is seeking new permanent housing and the group is homeless, including any homelessness that is caused by fire, flood or natural disaster; or the group is seeking new permanent housing and the group is eligible for impending homelessness and relocation; or the group is eligible for impending homelessness due to foreclosure of rental housing, uninhabitable housing, or domestic abuse; and
  - b. The group has not notified the agency that they have found permanent housing within the five-business-days timeframe after the agency received the completed EA Application.

When both of these conditions occur, the agency must notify the EA group in writing that their EA eligibility is valid for an additional 25 calendar days while the group searches for permanent housing. If after 30 calendar days from the date of the EA Application the group has not found permanent housing, the agency must:

- Determine if there is cause to extend the eligibility period for an additional 30 calendar days; or
- Deny the EA Application and allow the group to reapply when permanent housing is found.

The agency must issue the EA payment within five business days of the EA group notifying the W-2 agency the group found permanent housing.

2. If the EA payment is to retain a current permanent home for an emergency due to impending homelessness, an EA payment can be delayed when obtaining confirmation from the landlord, bank or local government takes longer than the five-business-days timeframe.

The agency must make the EA payment within five days after receiving confirmation from the landlord, bank or local government agreeing to waive any right to proceed with the eviction/foreclosure for non-payment in exchange for the EA payment. If the agency received both verbal and written confirmation from the landlord, bank, or local government, then the agency's receipt of the first form of confirmation (usually the verbal confirmation) must be used as the start of this five-business-days timeframe. Agencies are encouraged to obtain verbal and written confirmation as quickly as possible to expedite this process.

[View History](#)

## 17.6.6 Allowable Uses of EA Payment

The following are allowable uses of the EA payment:

- Temporary Housing ([17.6.6.1](#));
- Permanent Shelter ([17.6.6.2](#)) and
- Utility Expenses ([17.6.6.3](#))

[View History](#)

## 17.6.6.1 Temporary Shelter

*EA Emergency Assistance* can only be used to pay for temporary shelter in emergencies due to fire, flood, or natural disaster. In those situations, EA can pay for temporary shelter and transportation to a shelter.

[View History](#)

## **17.6.6.2 Permanent Housing**

In cases of impending homelessness, homelessness, fire, flood or natural disaster, EA can be used to pay for a permanent home. If there is any EA payment amount left over after establishing a permanent home for the household, and there are additional needs typically incurred when establishing a home (e.g. furniture, household goods, etc.), EA can pay for those additional needs.

[View History](#)

### **17.6.6.3 Utilities**

In cases of energy crisis, EA can be used to pay for utility expenses.



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## 17.6.7 EA Coordination With Other Resources

In addition to required coordination with other resources for the Pursuit of Other Payment Options (see [17.4.6](#)) and Pursuit of Other Payment Options &endash; Utility Expense (see [17.4.6.1](#)), agencies are encouraged to provide appropriate case management services and referrals to strengthen coordination with other housing and emergency financial resources. For example, provide a list of local resources, provide information on budgeting classes, and encourage appropriate participation in *W-2 Wisconsin Works* case management services.

When the family applies for and receives *EA Emergency Assistance* year after year, agencies are encouraged to provide additional case management and referrals for additional resources.

When EA applications are denied, referrals to other housing and emergency financial resources are especially important.

Do not include the EA group's social service needs in the Financial Need calculation. (See [17.5.1](#)) If the EA group needs social services, provide these services with appropriate referrals to available resources. The following are examples of social services for the EA group:

1. Information and referral;
2. Counseling;
3. Securing family shelter funded through other assistance programs; and/or
4. Child care funding through county or tribal human services or social services agencies.

## 17.7 Emergency Assistance Tracking System (EATS)

[View History](#)

### 17.7.1 EATS Overview

The *EATS Emergency Assistance Tracking System* is the internet-based tracking system for use by *W-2 Wisconsin Works* agencies to:

1. Search and verify each caretaker relative's history of any *EA Emergency Assistance* payments are beyond the 12-month EA payment limit;
2. Track data for all approved and denied EA applications;
3. Provide reports on approved EA payment amounts and denied EA applications; and
4. Reconcile EA payment amounts in EATS with the agency's accounting system/check register.

The data agencies enter in EATS comes from the [Emergency Assistance \(EA\) Application form \(2010\)](#) and the agency's fiscal records. When entering information into EATS, W-2 agencies are required to:

1. Enter information in all EATS fields that are necessary to determine the EA payment amount in addition to entering information in all fields required by EATS. For example, W-2 agencies are required to enter in EATS all dependent children and caretaker relatives in the EA group;
2. Complete EATS entries and EATS searches of caretaker relatives who already received EA to prevent issuance of EA payments to caretaker relatives who have received EA in the previous 12-month period;
3. Enter information in EATS in a timely manner and prior to issuing an EA payment for an EA approval and within the five business days time frame for an EA denial. Information in the EATS Voucher/Check Number, Voucher/Check Date, Voucher/Check Amount and Voucher/Check Name fields must be entered within ten calendar days of the Voucher/Check Date. The Voucher/Check Date must be within five business days of the EA Application Date unless extended when a Payment Delay Exception applies (see [17.1.2](#) and [17.6.5.1](#));
4. Monitor EA payment information reported in EATS to ensure accuracy and completeness; and
5. Reconcile EA Voucher/Check Amounts in EATS monthly with the agency's accounting system/check register for issued EA payments.

In addition to the required EATS fields, W-2 agencies are strongly encouraged to utilize optional EATS fields, such as Payee Address.

If an agency uses a voucher system for EA payments, a voucher number must be entered into the EATS Voucher/Check Number field, along with the Voucher/Check Date and the Voucher/Check Amount for the respective EA payment. These fields

facilitate reconciliation of EA Voucher/Check Amounts in EATS with the agency's accounting records.

Agencies must use EATS in accordance with EATS materials available through the Partner Training Page at the following web address:

<http://dcf.wisconsin.gov/partnertraining/default.htm>

[View History](#)

## 17.7.2 EA Denials in EATS

To track denied *EA Emergency Assistance* applications in *EATS Emergency Assistance Tracking System*, W-2 agencies must use the most appropriate reason from the following items listed as EA denial reasons in the EATS Status field:

1. No legal notice to terminate tenancy/mortgage for non-payment (for impending homelessness);
2. Landlord or bank will not agree to stop eviction/foreclosure action (for impending homelessness);
3. Does not have a documented financial crisis beyond the control of the caretaker relative(s) of the group (for impending homelessness);
4. Unable to obtain a permanent home within a 30-day Payment Delay Exception timeframe (for homelessness or for impending homelessness where there is a relocation);
5. No eligible dependent children in the group;
6. No eligible caretaker relative in the group;
7. Not a resident(s) of Wisconsin;
8. Not US citizen(s) or qualified alien(s);
9. Need for assistance is the result of a refusal to accept employment or training without good cause;
10. Need for assistance is the result of failure to pursue other payment options;
11. Received an EA payment within the 12-month EA payment limit;
12. Income and/or assets exceed need;
13. Crucial verification was not available;
14. Did not apply in the calendar month of the emergency or the next calendar month; or
15. Applied in the wrong geographic area.
16. Circumstances do not meet the EA definition of an emergency (Note: This EA denial reason is only to be used when no other EA denial reason applies to the specific situation.);

EATS will produce denial reports for statewide data and also for each geographic area.

Agencies can access EATS through the following web address:

<https://www.dwd.state.wi.us/dwseats>

## 17.8 EA Fact Finding

[View History](#)

### 17.8.1 EA Fact Finding Overview

*EA Emergency Assistance* applicants have the right to the Fact Finding process as a means of dispute resolution. A Fact Finding may be requested if the agency does not act upon the [Emergency Assistance \(EA\) Application form \(2010\)](#) with reasonable promptness, the EA Application amount is not funded in part or whole, or if the applicant believes the EA payment amount was calculated incorrectly. The Fact Finding request must be made within 45 days of the agency action that is in dispute. (See [19.1](#))

## 17.9 Overpayment Recoupment

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### 17.9.1 Overpayment Recoupment Overview

An *EA Emergency Assistance* overpayment may occur due to a variety of circumstances, including when incorrect information is provided by an EA applicant and/or landlord.

Agencies cannot recoup EA overpayments from other program payments because it is not specifically authorized by state law.

Although agencies cannot recover EA overpayments from other program payments, agencies may elect to recover EA overpayments from other sources on a manual and voluntary basis. To do this, the agency would send a letter(s) to the appropriate person(s) to request recovery of an EA overpayment. The agency may select applicable language from other program's letters/forms to insert in the EA overpayment letter. The agency must customize the letter to the specific EA overpayment situation.

## **18 Other Services & Resources**

This W-2 Manual chapter has not yet been converted to the new online W-2 Manual. Click on the link below to access the information in .pdf format.

[18 Other Services & Resources](#)

# 19 W-2 Dispute Resolution

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## 19.1 Introduction

There are two levels of review under the *W-2 Wisconsin Works* Dispute Resolution process: 1) a Fact Finding review; and 2) a Departmental review.

The purpose of the Fact Finding review is to resolve disputes for applicants and participants who disagree with a W-2 agency's decision. This includes decisions regarding all W-2 services including Learnfare, *JAL Job Access Loans*, and *EA Emergency Assistance*. A Departmental review may then be requested if an individual or the W-2 agency disagrees with the final Fact Finding decision.

Individuals who disagree with an agency's decision regarding Medicaid, *BC+ BadgerCare Plus*, *FS FoodShare* or Refugee Cash and Medical Assistance benefits must file a separate request for a Fair Hearing with the *DOA Department of Administration*, *DHA Division of Hearings and Appeals*. Participants must follow the current Fair Hearing time frame. (See *IMM Income Maintenance Manual*, Section 1.2, Fair Hearings)



## 19.2 Fact Finding Review (First Level Review)

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### 19.2.1 Petition For Fact Finding Review

The Fact Finding review, which is the first level of the dispute resolution process, is completed by the *W-2 Wisconsin Works* agency.

## 19.2.2 Timeframe For Requesting A Fact Finding Review

Individuals who believe that an agency decision regarding any component of *W-2 Wisconsin Works*, *JAL Job Access Loans*, Learnfare, or *EA Emergency Assistance*, is incorrect may request a Fact Finding review by the W-2 agency. The fact finding request must be made within 45 calendar days from the mailing date of the *CARES Client Assistance for Reemployment and Economic Support* Notice of Eligibility for W-2 services or within 45 calendar days of the mailing date for manual EA or JAL notices, or within 45 calendar days from the effective date of the decision announced in the notice, whichever is later. If the 45th day falls on a weekend or holiday, the calculated date will be the next business day. If the request is received within the 45-day timeframe, the W-2 agency must schedule a Fact Finding review. If the request for a Fact Finding review is received beyond the 45-day timeframe, the W-2 agency must notify the applicant or participant that a Fact Finding review will not be scheduled.

Fact Finding requests must be made in writing and should be submitted using the [Request for Wisconsin Works \(W-2\) Fact-Finding Review form \(10783\)](#) or other documentation containing the same information found in the form. A W-2 agency must also accept phone requests for Fact Finding reviews and must document the phone request using the form.

W-2 payments shall not be continued pending the Fact Finding decision.

### 19.2.2.1 Timeframe for Requesting Learnfare Fact Finding Reviews

A request for a Learnfare Fact Finding review must be made within 45 calendar days from the mailing date of the Learnfare Penalty Notification stating the student is not in compliance with Learnfare requirements or within 45 calendar days from the effective date of the decision announced in the notice, whichever is later. However, a Learnfare financial penalty will not be imposed if the participant or family requests a Fact Finding review within 10 calendar days after the date of the Learnfare Penalty Notification. In this situation, a Learnfare penalty will not be imposed until after the Fact Finding decision is issued and is favorable to the agency, unless the participant withdraws the petition in writing or abandons the petition. If the Learnfare Fact Finding request is made more than 10 calendar days after the date of the Learnfare Penalty Notification, the Learnfare penalty must be imposed.

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### **19.2.3 Application Decision**

Applicants may file a written request to the *W-2 Wisconsin Works* agency to complete a Fact Finding review of a decision if that individual believes the denial of an application for W-2 services is incorrect, the employment position placement was inappropriate, or the application was not acted upon with reasonable promptness. The W-2 agency must receive the request in writing within the 45-day timeframe.

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## 19.2.4 Termination or Reduction of W-2 Payments

Participants who believe that the reduction or termination of their *W-2 Wisconsin Works* payments is incorrect may submit a written request for a Fact Finding review to the W-2 agency. This includes overpayment determinations. The W-2 agency must receive the request within the 45-day time-frame [\(19.2.2\)](#).

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## 19.2.5 Fact Finder

Each *W-2 Wisconsin Works* agency must have at least one individual assigned to conduct Fact Finding reviews. The Fact Finder must:

- Be a person other than the one who took action on the case;
- Be neutral and provide an objective review and decision regarding the dispute;  
and
- Have a full and complete understanding of all impacted programs.

It is expected that the Fact Finder will conduct an orderly review and, if there is any disruptive or combative behavior by anyone participating in the review, the Fact Finder may either adjourn or exclude participation by any disruptive individuals.

W-2 agencies may choose to establish a process with another W-2 agency to assist in providing a thorough and objective Fact Finding review.

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## 19.2.6 Fact Finding Review

The Fact Finding review is an informal process to resolve issues and permit the *petitioner* [An individual requesting a Fact Finding or Departmental review.](#) and [W-2 Wisconsin Works](#)

agency to present information regarding the proposed action or inaction. The W-2 agency must date stamp all requests for Fact Finding reviews the date the request was received. The agency must notify the petitioner of the scheduled Fact Finding review appointment within three work days after the date the request for review is received by the agency. The agency must use the [Wisconsin Works \(W-2\) Agency Fact Finding Review Notice form \(10782\)](#) to notify the individual of the time, place and date of the scheduled Fact Finding review. The date of the Fact Finding review must be within five work days after the date that the Wisconsin Works (W-2) Agency Fact Finding Review Notice form (10782) is mailed.

An audio recording of the Fact Finding review is recommended. All participants must be informed of the recording.

### 19.2.6.1 Pre-Fact Finding Review Resolutions

At any time up to the date of the scheduled Fact Finding review, the W-2 agency may contact the petitioner to discuss the disputed issue and offer a resolution. If the petitioner does not agree with the agency's proposed resolution, the Fact Finding review must be held.

If the petitioner agrees to the agency's proposed resolution, the resolution must be documented using the [Wisconsin Works \(W-2\) Services Fact-Finding Review Voluntary Withdrawal form \(11155\)](#) and signed by the petitioner. The documented resolution must include any actions agreed upon by both the petitioner and the W-2 agency.

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## 19.2.7 Fact Finding Review Attendance

The *W-2 Wisconsin Works* agency worker who made the decision being disputed should attend the Fact Finding review when possible to present the facts regarding the decision. If that worker is unable to attend the Fact Finding review, another staff person must be present and prepared to represent the agency's actions. The petitioner must also attend the review. The *petitioner An individual requesting a Fact Finding or Departmental review* may have a representative present to assist in contesting the agency's decision. The process must provide for flexibility. If all parties are not able to attend in person, teleconferencing should be offered.

In order to prepare for the Fact Finding review, the petitioner or the representative may request to view and copy any records pertaining to the decision. If the cost of copying the records is more than \$30, repayment may be sought. (This is assuming a \$.10 charge per page, which would allow up to 300 pages of copies before requiring payment.)

If the petitioner fails to attend the Fact Finding review without good cause, the request for review is considered abandoned. If the petitioner's representative is present and the petitioner is not, the petitioner or the representative must provide a good cause reason for non-attendance. (See Chapter 11 for more information on good cause.)

## 19.2.8 W-2 Agency Representative's Responsibility At The Fact Finding Review

The *FEP Financial and Employment Planner* or *W-2 Wisconsin Works* worker must be prepared to introduce at the review any testimony, exhibits and material from the case record or other sources pertinent to the disputed issue. The FEP or W-2 worker must:

- Define the issues.
- Review the facts of the case and be familiar with the case as a whole. If more than one issue is disputed, the FEP or W-2 worker must be familiar with the policies that relate to all issues being raised.
- Ensure that the case record is complete and all necessary documents are present, appropriate, complete and in chronological order. Appropriate documents include W-2 activity assignment notifications, signed W-2 *PA Participation Agreements*, *EP Employability Plans*, and any correspondence to support the actions of the W-2 worker.
- Thoroughly document events pertaining to the issue with the date, place and identity of any person involved, including documentation of conversations. Dates of phone calls, names of the person taking the phone call, dates of letters, etc. should be documented for presentation.
- Identify and present W-2 Manual citations and Operations Memos related to the issue(s). Check to ensure that the policy citation was relevant at the time of the action.



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## 19.2.9 Testimony & Evidence

Once the *FEP Financial and Employment Planner* or *W-2 Wisconsin Works* worker has presented documentation to support the action, the *petitioner An individual requesting a Fact Finding or Departmental review*. must be provided the opportunity to rebut the information. If credibility is an issue, the Fact Finder must determine which party was most credible based on testimony or evidence presented during the hearing. Factors used to weigh the evidence include:

- Was testimony or evidence in conflict with other testimony or evidence in the record?
- Does the individual have firsthand knowledge?
- Does the individual appear to be telling the truth?
- Will s/he benefit from hiding the truth?
- Has evidence been presented that the petitioner has been unreliable or inconsistent in the past?

At the conclusion of the Fact Finding review, the Fact Finder must have the participant sign the Wisconsin Works (W-2) Agency Fact-Finding Review form (10784). This form is used to document attendance, the issue in dispute, the affected program, a brief summary of the facts presented, and the Fact Finder's final decision. If a participant refuses to sign the Wisconsin Works (W-2) Agency Fact-Finding Review form (10784), the Fact Finder will request that the petitioner write a separate statement regarding the information that is not in agreement.

If the Fact Finder determines that additional documentation may exist that will support statements made during the review, the Fact Finder may hold the record open for a specified number of days to allow the submission of the additional documentation.

However, no new information may be submitted by the agency unless the petitioner is offered an opportunity to rebut the new information.

## 19.1.10 Fact Finding Decision

The Fact Finder must weigh all factors when making the final decision. The Fact Finder shall issue a decision within five work days after the review date. This date may be extended as appropriate by the Fact Finder if the *petitioner's An individual requesting a Fact Finding or Departmental review* request to submit additional evidence has been granted. It may be possible that some disputes are resolved during the Fact Finding meeting and the decision can be issued at that time. The decision must be documented on the [Wisconsin Works \(W-2\) Agency Fact-Finding Review form \(10784\)](#).

On the same day the Fact Finder reaches a final decision, a certified or true written copy of the decision must be mailed by 1st class mail to the last known address of the petitioner. The Fact Finder must ensure that the date of the final decision is the same as the mailing date, taking into consideration postal holidays. The notice must include the final decision as well as the appropriate remedy, citing the source of the decision, and provide information regarding the individual's right to appeal the Fact Finding decision by requesting a Departmental review ([19.3.1](#)).

The W-2 agency shall deny a petition for a Fact Finding review or refuse to grant relief if the petitioner does any of the following:

1. Withdraws the petition in writing.
2. Abandons the petition. Abandonment occurs if the petitioner or the representative fails to appear at the scheduled review without good cause. (See Chapter 11 for more information on good cause.)

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## 19.2.11 Fact Finding Remedies

[19.2.11.1 Remedy for Paid W-2 Placements](#)[19.2.11.2 Remedy for Custodial Parent of an Infant \(CMC\) Placements](#)[19.2.11.3 Remedy for Unpaid W-2 Placements](#)[19.2.11.4 Remedy for Job Access Loans](#)[19.2.11.5 Remedy for Emergency Assistance](#)

*W-2 Wisconsin Works* agencies are bound by the Fact Finding decision for a particular case. W-2 agencies must comply with the Fact Finding decision within 10 calendar days after the decision date.

If a W-2 agency is unable to comply with a Fact Finding decision for any reason, the W-2 agency must contact its *DFS Division of Family Supports RO Regional Office* on or before the 10th calendar day and explain the circumstances why the decision cannot be carried out timely. Cases in which a fact finding decision is not carried out timely, and no attempt has been made to contact the RO to explain why, may result in a corrective action or a failure penalty as defined in the W-2 and Related Programs Contract.

### 19.2.11.1 Remedy for Paid W-2 Placements

If the decision overturns the agency's denial of a *paid W-2 employment position A Trial Job, Community Service Job or W-2 Transition placement. For Trial Jobs, the W-2 agency pays a monthly subsidy to the employer and the employer pays a wage to the W-2 participant.*, the W-2 agency shall place the individual in the first available paid employment position that is appropriate for the individual. An individual is eligible for a payment for the employment position beginning on the date the individual begins participation in a paid placement. No retroactive cash payment for the period prior to participation shall be issued.

If the decision indicates a payment was calculated, reduced or terminated improperly, the W-2 agency shall restore the W-2 payment to the appropriate level retroactive to the date on which the payment was incorrectly calculated, reduced or terminated.

However, the payment must be based on completed participation.

### 19.2.11.2 Remedy for Custodial Parent of an Infant (CMC) Placements

If the decision overturns the agency's denial of a *CMC Custodial Parent of an Infant* placement, the W-2 agency shall place the individual in the CMC placement effective

the date of the baby's birth or the date of the application, whichever was later. Because there are no participation requirements for participants placed in CMC, a retroactive cash payment shall be issued.

If the decision overturns the agency's end date of the CMC placement, the agency shall correct the end date and a retroactive cash payment shall be issued.

### **19.2.11.3 Remedy for Unpaid W-2 Placements**

Case management placements include *CMF Case Management Follow-up*, *CMU Case Management Unemployed*, *CMD Case Management Denied*, *CMN Case Management Noncustodial Parent*, *CMM Case Management Minor Parent* and *CMP Case Management Pregnant Woman*. If the decision overturns the placement begin date, end date, or the services provided as part of the case management placement, the W-2 agency shall provide appropriate services based upon policy regarding that placement and any new information that was gathered in the Fact Finding process.

### **19.2.11.4 Remedy for Job Access Loans**

If the decision overturns the agency's denial of a *JAL Job Access Loan* due to an error in financial or nonfinancial eligibility determination, the agency must re-examine the JAL eligibility based on the new information.

### **19.2.11.5 Remedy for Emergency Assistance**

If the decision overturns the agency's denial or improper calculation of *EA Emergency Assistance* due to an error in financial or nonfinancial eligibility determination, the agency shall issue the EA payment or an additional EA payment amount based on the new information.

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## 19.2.12 Fact Finder File

At the end of the review process, the Fact Finder must have a complete Fact Finding file. The file must be a complete and thorough written record of the review and must include the following:

- [Request For Wisconsin Works \(W-2\) Fact-Finding Review form \(10783\)](#) or its equivalent
- [Wisconsin Works \(W-2\) Agency Fact Finding Review Notice form \(10782\)](#) or its equivalent;
- [Wisconsin Works \(W-2\) Services Fact-Finding Review Voluntary Withdrawal form \(11155\)](#) (if relevant);
- The audio recording of the Fact Finding review;
- Information and evidence presented by the *W-2 Wisconsin Works* agency and by the petitioner; and
- [Wisconsin Works \(W-2\) Agency Fact-Finding Review form \(10784\)](#)

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## 19.2.13 Reporting Fact Finding Information In Cares

*W-2 Wisconsin Works* agencies are required to enter Fact Finding information such as the Fact Finding request date, the review date, the reason for the Fact Finding request, pre-Fact Finding resolutions, Fact Finding attendance and the results of Fact Finding reviews into *CARES Client Assistance for Reemployment and Economic Support* by the 10th day of each month for the prior month.

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## 19.2.14 Summary Of Fact Finding Timelines

Below is a summary of the various timeframes that must be adhered to throughout the Fact Finding process by the applicant/participant, the *W-2 Wisconsin Works* agency or the Fact Finder.

- An applicant/participant must request a Fact Finding review within 45 calendar days from the mailing date of the *CARES Client Assistance for Reemployment and Economic Support* Notice of Eligibility for W-2 services or within 45 calendar days of the mailing date for manual *EA Emergency Assistance* or *JAL Job Access Loan* notices, or within 45 calendar days from the effective date of the decision announced in the notice, whichever is later [\(19.2.2\)](#).
- The W-2 agency must notify the petitioner of the scheduled Fact Finding review appointment within three work days after the date the request for review is received by the agency [\(19.2.2\)](#).
- The W-2 agency must schedule the Fact Finding review within five work days after the date that the [Wisconsin Works \(W-2\) Agency Fact Finding Review Notice form \(10782\)](#) is mailed [\(19.2.6\)](#).
- The Fact Finder shall issue a decision within five work days after the review date [\(19.2.10\)](#).
- The Fact Finder must mail a certified or true written copy of the decision by 1st class mail to the last known address of the petitioner on the same day a final decision is reached [\(19.2.10\)](#).
- The W-2 agency must comply with the Fact Finding decision within 10 calendar days after the decision date [\(19.2.11\)](#).
- The W-2 agency is required to enter Fact Finding information such as the Fact Finding request date, the review date, the reason for the Fact Finding request, pre-Fact Finding resolutions, Fact Finding attendance and the results of Fact Finding reviews into CARES by the 10th day of each month for the prior month [\(19.2.13\)](#).

## 19.3 Departmental Review (Second Level Review)

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### 19.3.1 Timeframe for Requesting a Departmental Review

If an individual or the *W-2 Wisconsin Works* agency disagrees with the final Fact Finding decision, they may appeal the decision by requesting a Departmental review with one exception. The one exception is that a W-2 agency may not appeal a Fact Finding decision related to *EA Emergency Assistance*, but the individual may.

The *DOA Department of Administration, DHA Division of Hearings and Appeals* will complete the Departmental review. This review is a limited review of the record and the decision of the Fact Finder.

The petition for a Departmental review of a W-2 decision including a *JAL Job Access Loan* decision must be received by the DHA within 21 calendar days after the date on which the certified copy of the Fact Finding decision is mailed (the same date as the Fact Finding decision).

The petition for a Departmental review of an *EA Emergency Assistance* decision must be received by the DHA within 14 calendar days after the date on which the certified copy of the W-2 Fact Finding decision is mailed (the same date as the Fact Finding decision).

DHA shall date stamp requests for a Departmental review. DHA will promptly notify the W-2 agency of receipt of a request for a Departmental review. DHA will fully review the W-2 agency's Fact Finding decision by completing a desk review. The W-2 agency must submit the Fact Finding file to DHA within five work days after receipt of the request.

If after reviewing the Fact Finding file, DHA determines that the file is inadequate, DHA may do any of the following:

1. Remand the file to the W-2 agency to provide additional information;
2. Hold a teleconference interview with the petitioner and W-2 agency representative; or
3. Request written supplementation from the petitioner or W-2 representative.

DHA may grant a postponement of a telephone conference if the petitioner is not available due to a good cause reason. DHA may grant an extension of the decision.



The Department shall deny a petition or shall refuse to grant relief if the applicant or participant withdraws the petition for a Fact Finding review in writing.

DHA must complete its review within 10 work days of the receipt of the Fact Finding file, unless DHA determines the file is inadequate.

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## 19.3.2 Proposed Departmental Review Decisions

*DHA Division of Hearings and Appeals* may issue a proposed decision rather than a final decision. Whenever a decision concludes that a manual or handbook provision is invalid or too limited under a state statute, the decision must be issued as proposed.

When DHA issues a proposed decision, it solicits comments from all parties and instructs the *W-2 Wisconsin Works* agency that the decision is proposed and should not be acted upon. All parties may send written comments or objections to the proposed decision to DHA within 15 calendar days of receipt of the proposed decision. Upon request, DHA may extend the deadline for written comments.

After the 15-day comment period has ended, DHA sends the proposed decision and all comments or objections to the *DWD Department of Workforce Development*. The Secretary of DWD reviews the proposed decision and issues the final decision. The Secretary's final decision can be to agree or reverse the proposed decision or amend current policy. The final decision made by the Secretary is communicated by DHA to the individual and the W-2 agency. The final decision must be acted upon by the W-2 agency if the decision is in favor of the individual.

If the final decision ruled current department policy to be incorrect, the W-2 agency must continue to follow the current policy in all other cases until the Department changes that policy.

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### **19.3.3 Departmental Review Final Decision**

The Departmental review final decision is based upon the review of the Fact Finding file, information obtained during a telephone conference, or written supplementation. The Departmental review final decision contains the following information:

- The facts presented from the Fact Finding file;
- Any additional statements (oral or written);
- The conclusions applicable from pertinent law; and
- The Departmental review order.

A certified or true copy of the written decision of the Departmental review must be issued to the applicant or participant and the *W-2 Wisconsin Works* agency.

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## 19.3.4 Departmental Review Remedies

### *W-2 Wisconsin Works*

agencies are bound by the Department review final decision for a particular case. W-2 agencies must comply with the Departmental review decision within 10 calendar days.

In order to ensure compliance, *DHA Division of Hearings and Appeals* sends the W-2 agency a Certification of Administrative Action (DHA-18) form along with the decision.

This form must be completed and sent back to DHA in order to certify that appropriate action has been taken within 10 calendar days. The form should not indicate what the agency will do, but, rather, what the agency has already done to comply with the order.

In addition to sending the form back, DHA requires agencies to include copies or make note of *CARES Client Assistance for Reemployment and Economic Support* screens that have been used to record the action taken. DHA will not close out the case file until there is evidence in CARES that action has been taken.

As with Fact Finding decisions, if a W-2 agency is unable to comply with a Departmental review decision for any reason, the agency must contact its *DFS Division of Family Support RO Regional Office* on or before the 10th calendar day and explain the circumstances why the decision cannot be carried out timely. Noncompliance with DHA decisions may result in a corrective action or a failure penalty as defined in the W-2 and Related Programs Contract.

DFS may find that the final decision's principles and policies require a change in program operations. If so, DFS will make a statewide directive. Until such a declaration, the W-2 agency must continue to follow existing written policies and procedures in all other cases.

The remedies allowed under Departmental review decisions are the same remedies allowed under Fact Finding review decisions. (See section [19.2.11](#) for more information on remedies.)

## 19.4 Overpayment Tax Intercept Administrative Hearings

[View History](#)

### 19.4.1 Overpayment Tax Intercept Administrative Hearings

When *W-2 Wisconsin Works*

agency benefit overpayment actions are not successful, the *PACU Public Assistance Collection Unit* located in *DCF Department of Children and Families* serves as the State's central collection section for the recovery of delinquent public assistance overpayments. The PACU is responsible for administering the tax intercept program through the *CRES Central Recoveries Enhanced System*. Public assistance overpayments may be collected through the interception of Wisconsin state tax refunds, including tax credits. Once the individual is notified of the intended tax intercept action, he or she has 30 calendar days to appeal the interception. Public assistance overpayment tax intercept administrative hearings are conducted by *DHA Division of Hearings and Appeals*.

W-2 agencies, including both private W-2 agencies and county-administered W-2 agencies, are required to attend all overpayment related hearings including tax intercept hearings as they relate to respectively administered programs. Although the PACU operates the tax intercept program, the agency that initiated the overpayment is responsible for attending and providing adequate case documentation to support the state's collection actions in a tax intercept hearing.

## 19.4.2 Role of the W-2 Agency In Tax Intercept Hearings

A tax intercept hearing may be limited to the tax intercept issue or questions of prior payment or debtor identity; however, under certain circumstances the *ALJ Administrative Law Judge* may decide to review the underlying merits of the overpayment. This can include inquiries such as how the overpayment was calculated and whether proper notice to the debtor(s) had been provided. Therefore, the agency must attend the hearing and be prepared to defend the original overpayment determination as well as the tax intercept action.

Documentation that the *W-2 Wisconsin Works* agency should present at the hearing may include:

- The policy supporting the agency's action (i.e., why the overpayment occurred);
- Any relevant documentation supporting the overpayment, for example:
  - Original overpayment notices and worksheets, dunning notices, signed repayment agreements;
  - *CARES Client Assistance for Reemployment and Economic Support* budget and issuance screens;
  - CARES case comments;
  - Employment verifications;
  - Fraud investigations, if applicable; and
  - Any related Fact Findings for W-2/JAL.

The *DHA Division of Hearings and Appeals* will notify W-2 agencies of all requested administrative tax intercept hearings. W-2 agencies are required to prepare a statement within 10 calendar days of receiving a hearing notification explaining the disputed action, which is being appealed to DHA. A copy of this statement must be forwarded to the *PACU Public Assistance Collection Unit* at the following address or fax number:

Public Assistance Collection Unit (PACU)  
PO Box 8938  
Madison, WI 53708-8938  
1-800-943-9499 Fax: 608-266-8302.

DHA will also send a subsequent notice with the date, time and location of the tax intercept hearing via email.

The tax intercept hearing will be held in the petitioner's current county of residence. If the case has been transferred to another W-2 agency since the overpayment

determination, both the current agency and the previous agency will be notified of requested appeals. The agency where the overpayment originated is the agency that must attend and provide supporting information for any requested tax intercept hearing. An agency can request to attend the hearing by telephone in a transferred case situation or at any other time that a telephone appearance is warranted. The notice of scheduled hearing will list the ALJ and his/her telephone number to contact for requested telephone appearances.

## **20 Refugee Assistance Program**

This W-2 Manual chapter has not yet been converted to the new online W-2 Manual. Click on the link below to access the information in .pdf format.

[20 Refugee Assistance Program](#)



# Appendix

[View History](#)

## Appendix - Activity Codes

Click on the link below to access the current information in .pdf format.

[Activity Codes](#)

## **Appendix - Case Management Resource Guide**

This W-2 Manual appendix has not yet been converted to the new online W-2 Manual. Click on the link below to access the information in .pdf format.

[Case Management Resource Guide](#)

## Appendix - W-2 Agency Civil Rights Obligation

[Title VI of the Civil Rights Acts of 1964](#) and 1991, Section 504 of the Rehabilitation Act of 1973, Title IX of the Educational Amendments of 1972, the Age Discrimination Act of 1975 and Title II of the Americans with Disabilities Act of 1990 all have similar requirements for recipients and subrecipients of federal funding. Basically, these laws require taking affirmative actions to ensure equal opportunity in service delivery and overcome the discrimination against people of race, color, national origin, religion, age, gender, or disability. These characteristics are considered protected from discrimination and are considered to be members of protected groups under the above laws.

The United States (U.S.) Department of Justice (DOJ) is responsible for coordinating the development and publication of uniform requirements, procedures, and regulations which apply to recipients and subrecipients of federal funding. The United States (US) Department of Health and Human Services (DHHS) and other federal departments which provide funding for services to clients have responsibility for issuing regulations and requirements to implement civil rights laws. The Regional Offices of Civil Rights, operated by the federal departments, provide technical assistance to state agencies such as the Wisconsin Department of Children and Families (DCF) and other recipients of federal funding to ensure uniform implementation of the civil rights regulations.

These regional offices develop agreements of mutual responsibilities and formally investigate any complaints received from clients of federally funded services.

The Wisconsin DCF has primary responsibility for overseeing civil rights compliance (CRC) of all subrecipients of federal funding, including county agencies, for profit and non-profit entities departments or boards (hereafter referred to as "W-2 agencies") and other providers of health and human services. This oversight includes the provision of technical assistance, the establishment of civil rights assurance requirements and responsibilities for their implementation, requiring assurance of non-discrimination, formally investigating civil rights complaints from clients of federally funded services and monitoring provider agency compliance.

All W-2 agencies have responsibility to follow the uniform requirements established by DCF which includes, but is not limited to, providing training to agency employees and subcontractors, completing, and maintaining a Civil Rights Compliance (CRC) Plan, and having that plan on file in your agency. The CRC plan, which includes the requirements for affirmative action and equal opportunity for service delivery and assuring language access to services for all limited English proficient (LEP) groups residing in the service area, must be updated every four years.

It is critical that each agency staff person review the DCF CRC Requirements Policy, the CRC Plan or the 2006 CRC Webcast Training to ensure a basic understanding of the CRC requirements as well as staff roles and responsibilities related to service delivery and Title VI. Please note that CRC Plan Requirements allow you to select the

training segments based on the size of your agency. The following is a link to all DCF Civil Rights Compliance requirements, including policies and procedures that W-2 agencies must follow: [http://dcf.wisconsin.gov/civil\\_rights/](http://dcf.wisconsin.gov/civil_rights/).

Questions related to these requirements can be directed to your local W-2 Agency Equal Opportunity Coordinator, Complaint/Grievance Coordinator, or Earnestine Moss, DCF Equal Opportunity Officer, (608) 266-5335 (Voice) or at (866) 864-4585 (TTY Toll Free).

## Appendix - W-2 Forms and Publications

### Where to Find W-2 Forms and Publications

All forms and publications are located in separate electronic forms and publications repositories.

To access DCF forms and publications from the Internet, use the DCF website at <http://dcf.wisconsin.gov/>.

For forms, scroll to the bottom of the page and click on the “Forms” link located in the Department Information box.

For publications, click on the Press & Publications tab at the top of the page and then select the Publications link on the left side of the screen.

There are numerous ways to search for forms or publications. Below are some tips when using the search function:

- It is best to search for a form or publication by using the form or publication number. When using the form or publication number, there is no need to use the alphabetic code preceding the form number. For example, you can search for the Good Cause Notice form by entering “2018” in the “Form Number” box on the search screen rather than “DWSP-2018.”
- Regardless of the type of search you do, if you enter either a form number or a form name in the search boxes and you do not find the form and you decide to search again, make sure that you click the “RESET SEARCH” button prior to entering a new form number or form name. Even if you delete the number or name you originally entered, you still need to click on the “RESET SEARCH” button.

Questions regarding DCF W-2 forms and publications can be directed to:

Department of Children and Families  
Division of Family and Economic Security  
Attention: DFES Forms Officer  
P.O. Box 7972  
Madison, WI 53707-7972

Phone number: 608-266-8002  
E-mail: [jeannie.holtan@wisconsin.gov](mailto:jeannie.holtan@wisconsin.gov)

## **Appendix - Immigration Status Documentation**

This W-2 Manual appendix has not yet been converted to the new online W-2 Manual. Click on the link below to access the information in .pdf format.

[Immigration Status Documentation](#)

## Appendix - Job Centers

This W-2 Manual appendix has not yet been converted to the new online W-2 Manual. Click on the link below to access the information in .pdf format.

[Job Centers](#)

## **Appendix - Refugee Assistance Program (RAP) Tools**

This W-2 Manual appendix has not yet been converted to the new online W-2 Manual. Click on the link below to access the information in .pdf format.

[Refugee Assistance Program \(RAP\) Tools](#)



# Glossary

## A

**Arrearage:** A payment for past payments owed.

**Assessment:** The process of gathering the needed information to develop an Employability Plan customized for the participant that will result in either a successful employment outcome which starts the individual on a career path; or, if appropriate, a path to eligibility for Supplemental Security Income and/or Social Security Disability Income benefits

## B

**Barrier:** Something that acts to hinder or restrict employment opportunities.

**Benefit Issuance Pulldown:** A system process which allows a payment to be issued through CARES. Benefit Issuance Pulldown occurs on the night of approximately the 5th working day prior to the end of the month.

**Bona-Fide Job Offer:** Authentic or real offer of employment as determined by the W-2 agency.

## C

**CARES:** The Client Assistance for Reemployment and Economic Support (CARES) system is a statewide, automated, integrated system that supports the programs of Wisconsin Works (W-2), Aid to Families with Dependent Children (AFDC), Food Stamps (FS), Medical Assistance (MA), Food Stamp Employment and Training (FSET), and Learnfare case management by determining client eligibility, issuing benefits, tracking program participation and managing support.

**Case Management:** The family-centered and goal-oriented process for assessing the needs of a W-2 group member and his or her family for employment, training and supportive services and assisting the W-2 group member in obtaining the services needed to achieve self-sufficiency.

**Case Management Resource Guide:** A guide which will be available at each W-2 agency to aid the FEP in providing case management by identifying resources that will assist the family in achieving self-sufficiency.

**Categorically Eligible (for FoodShare):** An applicant placed in a W-2 employment position is eligible for FoodShare without having to meet the nonfinancial or financial FoodShare requirements.

**Child Care Resource and Referral Network (CCRR):** A network of Child Care and Referral agencies which can assist parents in locating a child care provider and discuss what to look for when selecting a provider, i.e. smoke alarms, emergency exits, etc. For a list of local CCRR agencies, contact the CCRR Network at (920) 734-1739.

**Child Support (CS):** The Child Support program is designed to: 1. Establish paternity on behalf of children whose parents were not married to each other at the time of the child's birth; 2. Establish court orders obligating parents to pay child support and provide health care for their children, including health insurance coverage; 3. Collect support payments including: a. Child support; b. Family support (combined support for both the children and the custodial parent in a child support case); and c. In cases where there is an order to make separate child support and spousal maintenance payments (alimony), to collect both child support and spousal maintenance; d. Take administrative and legal actions necessary to enforce a support order when parents fail to pay the support they have been ordered to pay; and e. Locate parents who are not paying support and locate income and assets, when necessary, to establish or enforce a child support order.

**Children First:** A court-ordered work training program for noncustodial parents designed to encourage and enable payment of child support.

**Children's Services Network:** Network developed in collaboration with the Community Steering Committee and the W-2 agency which provides a link to community services for children and families who often do not have personal networks in the community and assist them in developing these networks.

**Community Rehabilitation Program:** A program that provides directly or facilitates the provision of vocational rehabilitation to individuals with disabilities and that enables an individual with a disability to maximize opportunities for employment.

**Community Service Jobs (CSJ):** One of the 3 W-2 employment positions. CSJs are for individuals who are not job ready. They are intended to improve the employability of participants by providing work experience and training in the public and private sector. Successful participants in a CSJ will move into unsubsidized employment or a Trial Job. CSJs must serve a useful public purpose or be a project whose cost is partially or wholly offset by revenue generated by such projects.

**Community Steering Committee:** As mandated by Wisconsin statute, each W-2 agency will establish a Community Steering Committee to provide ties to the community with strong leadership from the business sector. The CSC will help ensure the success of W-2 by adding the leadership, resources and the initiatives of local community leaders who are willing to support W-2 participants by identifying job opportunities and developing supportive services such as expanded child care, creative transportation solutions, and the like.

**Controlled Substance:** A drug or a substance defined in ch. 961.01, WI Stats., which requires a doctor's prescription or permission from the Wisconsin Controlled Substances Board for medical or experimental use or for use in the manufacture of a product.

**Current Enrollment /Attendance and Prior Semester Verification Report (CEAPSVR):** Learnfare report produced at the end of the month, in paper format or electronically, that is used for school attendance verification at application, re-

exam, person add, transfer, review and for good cause. It is sent to the school district to collect current enrollment data including the number and dates of absences during the prior semester and month.

**Custodial Parent (CP):** With respect to a dependent child, a parent who resides with that child and, if there has been a determination of legal custody with respect to the dependent child, has legal custody of that child.

**Custodial Parent of an Infant (CMC):** One of the W-2 paid placements. A custodial parent of an infant who is 12 weeks old or less and who meets the financial and nonfinancial eligibility requirements for W-2 employment positions may receive a monthly payment of \$673 and will not be required to participate in an employment position unless he/she volunteers to participate.

## D

**Department:** The Wisconsin Department of Children and Families.

**Dependent Child:** A person who resides with a parent and who is under the age of 18 or, if the person is a full-time student at a secondary school or a vocational or technical equivalent and is reasonably expected to complete the program before attaining the age of 19, is under the age of 19.

**Disabled Adult:** An adult parent who: 1. Is receiving or determined in writing by the granting disability organization as eligible to receive Supplemental Security Income (SSI), Social Security Disability Insurance (SSDI), Veterans or Black Lung Disability Benefits, Railroad Disability Benefits, Public or Private Employers Disability Benefits (e.g. workers compensation), or 2. Has been determined in writing by a medical, mental health, or other qualified assessment agency/professional to have a disability or incapacitation which prevents the person from temporarily or permanently working full-time in unsubsidized employment. When there is a temporary disability or incapacitation, the W-2 disabled adult definition is applicable only for the documented period of disability or incapacitation provided by a qualified assessment agency/professional.

**Disregard:** do not count, exempt, or exclude

## E

**Employability Plan (EP):** A written agreement developed by a FEP in consultation with the participant. It is a case management tool that details a logical, sequential series of actions which becomes a blueprint for change to move the participant from dependency to self-sufficiency. The participant's occupational goal, precise tasks required of both the W-2 agency and the participant, and the supportive services needed are identified in the EP. With respect to Learnfare, the EP outlines the responsibilities and activities of the participant and child(ren) required to facilitate, maintain, and/or improve school enrollment and attendance.

**Employment Ladder:** The structure which symbolizes movement from supported work training activities to independent unsubsidized employment.

**Employment Option:** The W-2 employment ladder consists of the four employment options: Unsubsidized employment, Trial Job, Community Service Job, and W-2 Transition.

**Employment Position:** See W-2 Employment Position definition.

**Equal Opportunity Coordinator:** A person, designated by the Department, county agencies and boards, and other subcontractors, to coordinate efforts to comply with requirements for equal opportunity.

**Equity Value:** The wholesale value or a value estimated by a sales representative at a local business minus any encumbrances that are legal debts.

## F

**Family Planning Services:** Counseling by trained personnel regarding family planning; distribution of information relating to family planning; and referral to licensed physicians or local health departments for consultation, examination, medical treatment and prescriptions for the purpose of family planning, but does not include the performance of voluntary termination of pregnancy.

**Federal Poverty Level (FPL):** The federal government's statistical poverty threshold used in the gross income test to determine financial eligibility for W-2.

**Financial and Employment Planner (FEP):** A case manager employed or contracted for a W-2 agency who provides eligibility determination, job readiness screening, employability planning, financial and employment case management services, makes referrals to other public or private assistance programs or resources, and determines eligibility for supportive services such as food stamps, Medical Assistance, Job Access Loans, child care, and Emergency Assistance.

**Formal Assessment:** The process of establishing:

- The extent and severity of any disabilities or other conditions (e.g., domestic violence, learning needs, need to care for disabled child) that may interfere with normal functioning in an employment setting or with a persons' ability to meet W-2 program requirements;
- The effect of a disability or other potential barrier on the person's capacity to obtain and maintain unsubsidized employment, participate in employment-related activities (e.g., employment training or education) or otherwise meet W-2 program requirements;
- The need for supportive services, accommodations, auxiliary aids or communication assistance;
- The conditions under which the person is capable of employment or employment related activities;
- The need to make reasonable modifications to policies, practices and procedures when necessary to ensure equal opportunity for people with disabilities; and
- The appropriateness of specific assignments in the W-2 program.

**Fugitive Felon:** An individual who is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or an attempt to commit a crime, which is a felony under the laws of the place from which the individual flees, or, in the case of New Jersey, is a high misdemeanor under New Jersey law

## H

**Homestead:** An abode and lands used or operated in connection with it.

## I

**Incapacitation:** A medically verified disability, illness or injury which prevents a person from working full-time in unsubsidized employment.

**Indian Country:** Indian country includes the following: (1) All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation, (2) All dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (3) All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

**Informal Assessment:** A process to gather information about an individual and his or her family to determine the: •Individual's ability to become employed and remain employed; •Services and activities necessary for the individual to become employed and remain employed; •Appropriate placement of a participant on the W-2 employment ladder; •Need for further career assessment and planning; •Need for vocational evaluation; and •Need for a formal assessment of any disabilities or other employment barriers by a qualified assessing agency or individual.

## J

**Job Access Loan (JAL):** Short-term interest-free loans that are intended to meet immediate and discrete expenses that are related to obtaining or maintaining employment.

**Job Center of Wisconsin:** JobCenterOfWisconsin.com, operated by the Wisconsin Department of Workforce Development and the Wisconsin Job Center system, links employers in all parts of the state with anyone looking for a job. It is the primary source of job opening information available in Job Centers. In addition to searching for jobs, job seekers can create a résumé or work application, a cover letter, and a reference list; and can be matched to employers' job openings.

**Job Club:** An organized method of helping a group of participants become skilled job seekers. The objectives of a Job Club include teaching participants an effective method of job search, refining skills so that each participant is motivated to believe that he or she can succeed in the working world, and assisting each participant to become attached to the workforce as quickly and efficiently as possible.

**Job Coach:** Assists W-2 participants in being successful at the job or worksite. On-site job skill training in work-related behaviors is provided addressing areas such as transportation, child care, health care. The Job Coach may provide initial support

on the job in terms of assessing skill training, reasonable accommodations, or helping identify a mentor or onsite supports for a participant at work. Job coaches may also interact with employer or supervisors to identify initial problem solving strategies, provide sensitivity training for the employer and staff or determine job coach services at the worksite. There may also be time spent in the person's home, helping with things like organizing day-to-day tasks, identifying needs that can be met by other professionals such as home parenting aides, and getting the individual to work regularly and on time. The Job Coach may also meet with participants in the office, if the assistance includes items such as budgeting help.

**Job Developer:** The primary interface between the Job Center/W-2 agency and employers. Customer groups include employers, clients seeking employment (W-2 participants and others), and other partner agencies. Interaction with employers includes selling the services of the Job Center, including incentives available for hiring target group individuals. Other job duties may include conducting the daily Job Club, setting up short-term training, and special assignments such as job fairs.

**Job Orientation:** Workshops consisting of topical areas related to job search techniques and job keeping skills, i.e., grooming for employment; employer telephone contacts; job application completion; resume writing; interviewing skills; understanding the hidden labor market; problem solving related to child care, transportation, and family budgeting; etc.

**Job Search (also known as "Employment Search"):** W-2 activity for participants who are engaged in employment search that is tailored to the needs of the individual and includes some or all of the following activities: •Time used to research prospective employers; •Making contact with prospective employers whether by phone, in person or via internet to learn of job openings; •Completing applications for vacancies; •Preparing for job interviews; •Interviewing for jobs. This activity may be completed independently or in a group setting. When traveling to job interviews, the travel time between interviews may be counted towards hours of participation. Travel time to the first job interview and the time spent returning home after the last one cannot be counted.

## K

**KIDS:** The Kids Information Data System(KIDS) is a system which supports child support agencies and county clerks of court with child support and paternity information. The system also supports the automatic creation of IV-D cases through interfaces with the CARES and HSRS state systems.

## L

**Learnfare:** A program to assist school-aged, dependent, students 6 through 17 years of age, who are in a W-2 group to attend school regularly and to graduate from school when an adult in the group is participating in a W-2 employment position.

**Legal Custody:** Regarding the definition of a custodial parent, any person granted legal custody of a child, other than a county agency or licensed child welfare agency, who has the right and responsibility to make major decisions concerning the child, except with respect to specified decisions as set forth by the court or the parties in the final judgment order. Major decisions include, but are not limited to, decisions regarding consent to marry, consent to enter military service, consent to obtain a motor vehicle operator's license, authorization for non-emergency health care, and choice of school and religion.

**Life Skills:** Behavioral tools that provide the basic practices necessary to enable the parent(s) to manage day-to-day life, and, as a result, to participate more fully in the workforce, in lifelong educational opportunities, and in community activities. Practical skills which increase a person's self-esteem and facilitates the pursuit of better job opportunities by providing the ability to fully plan for all of the family's needs. The following are examples of life skills: understanding and accepting parental responsibilities, strengthening parental skills, understanding relationships, family budgets, anger management, interpersonal skills, problem solving, family nutrition, time management, decision-making skills, and household management.

## M

**Migrant Worker:** Any person who temporarily leaves a principal place of residence outside Wisconsin and comes to Wisconsin for not more than ten months in a year to accept seasonal employment in the planting, cultivating, raising, harvesting, handling, drying, packing, packaging, processing, freezing, grading, or storing of any agricultural or horticultural commodity in its unmanufactured state.

**Minimum Wage:** The state minimum hourly wage under ch. 104 or the federal minimum hourly wage under 29 USC 206 (a) (1), whichever is applicable.

**Minor Parent:** A custodial parent under the age of 18.

**Monthly Attendance Report (MAR):** Report, in paper or electronic format, for each Learnfare student on monthly monitoring. For each student listed, the school district reports the total number of absences and dates of the absences during the month for each student listed.

## N

**Noncustodial Parent (NCP):** With respect to a dependent child, a parent who is not the custodial parent.

**Nonmarital Coparent:** With respect to an individual and a dependent child, a parent who is not married to the child's other parent and is either an adjudicated parent or a parent who has signed and filed with the state registrar under s.69.15(3)(b)3, Stats., a statement acknowledging paternity.

## P

**Parent:** A parent is a: (1)Biological parent; (2)Person who has consented to the artificial insemination of his wife under s.891.40, Stats.; (3)Parent by adoption; (4)Man adjudged in a judicial proceeding to be the biological father of the child if the child is a nonmarital child who is not adopted or whose parents are not married to each other; or (5)Man who has signed and filed with the state registrar a statement acknowledging paternity.

**Participant:** An individual who participates in any component of W-2.

**Participation Agreement:** The W-2 Participation Agreement (PA) outlines the requirements of W-2 participation. It must be signed by all adult members in the W-2 group and by a W-2 agency representative.

**Participation Period:** A W-2 participation period is from the 16th of a month to the 15th of the following month. Most payments are made on the first of the following the participation period.

**Petitioner:** An individual requesting a Fact Finding or Departmental review.

**Prospective Eligibility:** Determining eligibility based on what an individual's income and assets are most likely to be in future months.

**Protective Payment:** A money payment to a payee designated by the agency as the recipient of the participant's total or partial monthly CSJ or W-2 T payment.

## Q

**Qualified Alien Deeming:** To count a qualified alien's sponsor's income or assets as available to the W-2 group.

**Qualified Aliens:** A qualified alien must meet one of the following criteria: 1. An alien lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act; 2. An alien who is granted asylum under section 208 of such Act; 3. A refugee who is admitted to the United States under section 207 of such Act; 4. An alien who has been certified as a victim of trafficking; 5. An alien who is paroled into the United States under section 212(d)(5) of such Act for a period of at least one year; 6. An alien whose deportation is being withheld under section 243(h) or 241(b)(3) of such Act; 7. Cuban and Haitian aliens, as defined in section 501(e) of the Refugee Education Assistance Act of 1980; 8. An American Indian born in Canada who is at least 50% American Indian by blood, or an American Indian born outside of the United States who is a member of a federally recognized Indian tribe; 9. An alien who has been battered or whose child has been battered, who is no longer residing in the same household with the batterer, and who meets the requirements of 8 USC 1641(c); 10. An alien who is granted conditional entry pursuant to section 203(a)(7) of such Act as in effect prior to April 1, 1980; or 11. Amerasian Immigrants, as defined in section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988. 12. An alien who is lawfully residing and is one of the following: a. An armed forces veteran who received an honorable



discharge that was not on account of alienage and who completed either 24 months of continuous active duty or the full period for which the individual was called, unless the individual received a hardship discharge under 10 USC 1173, early discharge under 10 USC 1171, or a discharge due to a disability incurred or aggravated in the line of duty. b. On active duty in the armed forces of the United States, other than active duty for training c. The spouse of an individual described in subdivision a. or b., or the unremarried surviving spouse of an individual described in subdivision a. or b. if the marriage was for one year or more or the individual had a child in common. 13. An alien who is lawfully residing in the United States and authorized to work by the immigration and naturalization service.

**Qualified Assessing Agency:** A professional qualified to perform a formal assessment may include a medical or mental health professional, social worker, psychologist, neuro-psychologist, Division of Vocational Rehabilitation counselor or similar qualified assessing agency or individual. Characteristics required of the assessing agency or individual include: • Demonstrates a competency or successful completion of training in the appropriate field and is certified by an appropriate accreditation organization. • Demonstrates an understanding of the objectives of the assessment based on W-2 referral information, referral questions, the initial interview and stated purpose of the evaluation. The Qualified assessment agency must provide an individualized written assessment that enables the FEP to adapt W-2 activities to accommodate the needs of the applicant or participant.

## R

**Reasonable Accommodation:** To remove barriers in service delivery or employment to allow a person with a disability to have equal opportunity to participate in that program or job. Examples include making facilities physically accessible, providing written materials in alternate formats, simplifying instructions, providing adjusting work schedules, meeting in accessible facilities or acquiring adaptive equipment or technology.

**Resource Specialist (RS):** A W-2 agency employee or contracted employee who makes an assessment of needs, performs initial referrals to service providers, and evaluates the need for W-2 services.

## S

**Second Parent:** A parent who is eligible to participate in a W-2 employment position but is not because the first parent is already a participant in a W-2 employment position.

**Severely Disabled Child:** A child less than 18 years old who has a physical, emotional or mental impairment which is diagnosed medically, behaviorally, or psychologically. The impairment is characterized by the need for individually planned and coordinated care, treatment, vocational rehabilitation or other

services which has resulted or is likely to result in a substantial limitation on the ability to function in at least three (3) of the following areas: 1. Self-care 2. Receptive and expressive language 3. Learning 4. Mobility 5. Self-direction 6. Capacity for independent living 7. Economic self-sufficiency

**Sponsor:** A sponsor is a person who, or any public or private agency or organization that, executes an affidavit of support or similar agreement for an alien to ensure the alien does not become a public charge. The agreement is a condition of the alien's entry into the U.S.

**Strike:** Any concerted stoppage of work by employees (including stoppage by reason of the expiration of collective bargaining agreement), and concerted slow down or other concerted interruption of operations by employees.

**Strike (W-2):** A penalty a W-2 participant may receive if he or she fails or refuses, without good cause, to participate in a W-2 employment position. A participant who accumulates three strikes in any W-2 employment position activity will be ineligible to participate in that component for life.

**Supportive Services Planner (SSP):** A W-2 agency employee, county government employee or contracted employee who determines eligibility for W-2 supportive services such as food stamps, Medical Assistance, child care, and Emergency Assistance. The SSP will not provide case management to participants in W-2 employment positions.

## T

**TANF:** The Temporary Assistance for Needy Families (TANF) program is Title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). The federal block grant program that provides states with the authority and funding to create programs that provide time-limited assistance to needy families with children and promote work. The Federal TANF legislation was reauthorized as part of the Deficit Reduction Act of 2005 (DRA).

**Trial Job:** One of the three W-2 employment positions provided to improve the employability of participants by providing work experience and training to assist them to move into unsubsidized employment. The W-2 subsidy for Trial Job's participants is paid directly to the employer.

**Two-Parent Family:** A family where both adult parents meet all W-2 financial and non-financial eligibility requirements and: 1. Have a child in common and are living in the household; 2. One of the parents is placed in a W-2 employment position; and 3. Neither parent is disabled or caring for a severely disabled child in the W-2 group.

## U

**Unsubsidized Employment:** Employment for which a W-2 agency provides no subsidy to the employer, including self-employment and entrepreneurship.

## V

**Vehicle:** A passenger car or other motor vehicle used to transport persons or goods and is owned by someone in the W-2 group.

**Vendor Payment:** A money payment made on behalf of a participant directly to a provider of goods or services.

**Vendor Payments:** Payments made on behalf of the household by a third party to another source

## W

**W-2 Delayed Payment Cycle (W2L):** This W-2 payment cycle occurs about five days prior to the end of the month with participants receiving their checks by last day of the month

**W-2 Group:** An adult custodial parent, all dependent children with respect to whom the individual is a legal custodial parent and all minor children with respect to whom the adult individual's dependent child is a custodial parent. W-2 group includes any nonmarital co-parent or any spouse of the individual who resides in the same household as the individual and any minor children with respect to whom the spouse or nonmarital co-parent is a custodial parent. W-2 group does not include any person who is receiving cash benefits under a county relief block grant program. This is also referred to as the W-2 Assistance Group (W-2 AG).

**W-2 Paid Employment Position:** A Trial Job, Community Service Job or W-2 Transition placement. For Trial Jobs, the W-2 agency pays a monthly subsidy to the employer and the employer pays a wage to the W-2 participant.

**W-2 Paid Placement:** A Trial Job, Community Service Job, W-2 Transition or Custodial Parent of an Infant placement.

**W-2 Placement:** Within the W-2 program, an individual may be placed in up to one of ten W-2 placement types, all of which are identified by a CARES W-2 placement code (in parentheses). Case Management Follow-up (CMF)\* Case Management Underemployed (CMU)\* Trial Job (TBJ) Community Service Job (CSJ) W-2 Transition (W2T) Case Management Pregnant Women (CMP) Case Management Noncustodial Parent (CMN) Case Management Minor Parent (CMM) Custodial Parent of an Infant (CMC) Case Management Denied (CMD)  
\*These placement types represent one of two possible placements under the Unsubsidized Employment (UE) component.

**W-2 Pulldown Payment Cycle (W2P):** This W-2 payment cycle occurs around the 7th of the month with participants receiving their checks by the 10th of the month.

**W-2 Reviews:** 1. Eligibility Review: A W-2 eligibility review is required, at the least, every six months. 2. Employability Plan Review: A full employability plan review is required at the end of each assigned placement and at the eligibility review. The employability plan should be updated between reviews as necessary.

**W-2 Transition (W-2 T):** One of the W-2 paid employment positions intended for individuals who have been determined not ready for unsubsidized employment and unable to successfully participate in one of the other W-2 employment positions for reasons such as an individual's incapacitation or the need to remain in the home to care for another W-2 group member who is incapacitated or disabled.

**Wisconsin Works (W-2):** Wisconsin's TANF block grant program for families with dependent children that replaces the Aid to Families with Dependent Children (AFDC) program.

**Work Training Placement:** A placement developed for W-2 participants who are not ready for a Trial Job or unsubsidized employment. These placements are intended to provide activities that will prepare a participant for employment. These placements include Community Service Jobs and W-2 Transitional placements.

**Work Training Provider:** The agency, business or entity that is providing the work training site for participants placed in a Community Service Job or W-2 Transitional placement.

**Workforce Development Areas (WDA):** WDAs are the subdivisions of the state for local planning and administration of employment and training programs. The eleven WDAs are used for delivery of Workforce Investment Act (WIA), Job Center development and administration, and regional planning of employment and training efforts. The boundaries of the WDAs, which follow county lines and may include more than one technical college district, were drawn in recognition of, and to enhance, positive relationships between counties and local employment and training service providers. WDAs were created in 1998. A Workforce Development Board (WDB) has responsibility for the Workforce Investment Act (WIA) program and other workforce development programs within their WDA.

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