

W-2 Manual

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Welcome

[View Screen Reader Friendly Version](#)

Welcome to the W-2 Manual. This manual contains policies and procedures used by W-2 agency workers who determine eligibility, provide case management services, and issue payments for Wisconsin's W-2 employment program.

Notice: The content within this manual is the sole responsibility of the State of Wisconsin's Department of Children and Families (DCF). This site will link to sites outside of DCF where appropriate. DCF is in no way responsible for the content of sites outside of DCF.

To sign up for emails notifying you of a new W-2 Manual release, go to http://dcf.wisconsin.gov/w2/mailling_list/signup.htm

01 Wisconsin Works (W-2) Introduction

1.1 W-2 Overview and Basic Assumptions

1.1.1 W-2 Overview

The *W-2* program is one of Wisconsin's *TANF* programs. The program provides employment preparation services, case management and cash assistance to eligible families. W-2 has the following paid placements: *TJ, CSJ, W-2 T, CMC, ARP*. In addition, several unpaid placements provide case management and employment retention services.

Statutory provisions for W-2 are included in Wisconsin Statutes under [Chapter 49, Public Assistance and Children and Family Services](#). W-2 Administrative Rules are found in [DCF 101](#), [DCF 102](#), [DCF 103](#), and [DCF 120](#) of the Wisconsin Administrative Rules.

Contact and location information for each W-2 agency is available on the [W-2 Agency Locator website](#).

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1.1.2 W-2 BASIC ASSUMPTIONS

W-2 agencies must provide services that are strengths-based, family-centered and consistent with the W-2 applicant's or participant's interests and goals. Agencies must work cooperatively with applicants and participants to identify needed resources and to assign appropriate activities. The goal is to build on the strengths and skills of parents and families. The W-2 agency must provide all services in a culturally and linguistically competent manner and be accessible for qualified refugees, former refugees and others with limited English proficiency.

W-2 policies are guided by the consistent application of the following Basic Assumptions:

1. **Work is the best way for parents to support their families.** Getting a job is the first step in the process of achieving economic stability. W-2 assists parents with preparing for, finding and maintaining consistent employment. W-2 also works with parents who are unable to work due to a disability by assisting these parents with navigating the *SSI* and *SSDI* application process.
2. **Family income should improve when parents work.** W-2's goal is to have parents get the best possible job. W-2 also helps parents access work supports (e.g. *EITC*, *FS*, *BC*, *CS* and Wisconsin Shares Child Care) that will support keeping them employed.
3. **Consistent work is essential for parents to achieve economic stability.** W-2 commits to working with parents before and after they find a job. W-2 supports job retention and advancement in a variety of ways because individual progress toward independence and prosperity is a process. W-2 connects interested parents to needed education and training either before or after gaining employment, in order to help them move forward to better employment.
4. **W-2 participants are parents as well as job seekers.** Working parents have multiple family and work obligations. W-2 works with parents to identify strategies to enable them to balance work and family. W-2 also assists parents who are connected to other programs or supports integrate those activities with the family's service plans.
5. **Eligible parents must be willing to participate in exchange for W-2 benefits.** Parents across the state have access to individualized quality services. Parents, for their part, must participate to the best of their abilities.
6. **Families benefit from participating in W-2.** W-2 assists parents with identifying their goals and locating needed resources. During each interaction, W-2 works to ensure parents understand their choices and the resulting consequences. This approach empowers parents to make informed decisions that strengthen their family.

W-2 works with both custodial parents in a two-parent household and extends services to non-custodial parents when appropriate.

7. **W-2 matches the needs of working parents with the needs of local employers.** W-2 agencies operate cooperatively within the larger community. W-2 objectives are best achieved by understanding the needs of local employers and matching that need with the skills and interests of W-2 participants.

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1.2 Roles Performed by W-2 Agency

1.2.1 Receptionist

All *W-2* agencies must have a staff person who performs the role of a receptionist. That staff person may perform other functions within the agency as well. The role of the Receptionist is to meet with customers as they enter the *W-2* agency. The Receptionist must inform customers of all programs and services available through the agency. If the customer wishes to apply for or indicates an interest in learning more about the *W-2* program, the Receptionist must schedule an appointment with a *RS* the same day or no later than the following working day.

All individuals have the right to apply for *W-2* services. If the customer wishes to apply for *W-2* services that day but the agency is unable to schedule a meeting with the *RS*, the customer must be given the option to complete and sign the *RFA*/paper registration form. (See [1.4.2](#))

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1.2.2 Resource Specialist (RS)

All *W-2* agencies must have a staff person who performs the role of a Resource Specialist. That staff person may perform other functions within the agency as well.

The role of the *RS* is to understand the customer's needs and assist each customer in determining which programs or services are likely to support their efforts to find and maintain employment.

In fulfilling his/her role, the RS will perform these primary functions:

1. Understand the customer's situation and perform the initial review of need for employment-related services. This will include:
 - a. Asking the customer what brought them into the office today.
 - b. Asking the customer what they need to find and/or keep a job.
 - c. Gathering information through the *CARES* Work Program Assessment Driver Flow about the customers' recent job search efforts, employment skills, work history, education and potential barriers to employment.
 - d. Determining how the family/household composition and circumstances affect the customers' ability to work.
 - e. Identifying whether the customer is in a crisis situation (e.g., homeless, victim of domestic violence, no food in the house, etc) and the potential need for an Emergency Payment. (See 18.1.0) Giving the customer a copy of the [Domestic Violence Brochure \(2614\)](#). (See [1.4.6](#))
 - f. Identifying the need for any necessary accommodations to help the customer complete the application process.s
 - g. Assessing current child support case status and informing the customer of the child support pass through policy for people in a paid W-2 placement. (See [16.1](#))
2. Inform each customer about the services available and assist the customer in determining what programs and services are likely to support his/her efforts at employment including:
 - a. Explaining the services that are available through the W-2 program including employment position placements, individualized case management services, and supportive services. The RS must tell the customer about the W-2 eligibility criteria and that eligible parents must be willing to participate in exchange for W-2 benefits.

- b. Explaining the Job Center Partner programs/other workforce development programs such as *DVR* , *UI*, FSET, WIA and other employment programs and resources available through the Job Center of Wisconsin and within the community.
- c. Explaining the supportive service programs such as *FS* , Wisconsin Medicaid and BadgerCare Plus, Wisconsin Shares Child Care Subsidy Program, *EA* , the *WIC* benefit, *WHEAP* , and local housing assistance programs.
- d. Explaining community resources including those required through the *CSN* .
- e. Explaining the services available through the local *CAP* agency.

The RS must refer the customer to any programs in which the customer has indicated an interest. The RS must offer the *RFA* to all customers who wish to pursue W-2. (See [1.4.2](#))

3. The RS may initiate the interactive interview using the W-2 application to record nonfinancial and financial information such as income, assets, job history, education, and family composition.
4. As a condition of W-2 eligibility, the RS may:
 - a. Assign up-front job search activities to applicants. (See [2.9.2](#))
 - b. Require the applicant to apply for other appropriate public assistance programs or resources. (See [2.6.1](#))

At no point does the RS determine final eligibility or placement in a W-2 employment position. These are the responsibilities of the *FEP* based, in part, on the information collected by the RS.

All applicants will be referred to the Child Support program via the CARES/*KIDS* automated interface.

Basic skill sets required of a RS include:

- Verbal and written communication;
- Active listening;
- Conflict resolution;
- Ability to be non-judgmental;
- Time management;
- Adaptability;
- Sensitivity;

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- Problem solving;
- Crises response;
- Interviewing skills;
- Discussion facilitation;
- Customer service; and
- Job matching.

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1.2.3 Financial and Employment Planner (FEP)

Each *W-2* agency is required by state statute to have at least one *FEP*.

The FEP must provide individualized case management services and supportive services for a person in a W-2 employment position. Although a FEP may have other staff assistance, the FEP is the primary case manager and has the ultimate responsibility for the case, including correct eligibility determination for W-2. The FEP must also coordinate with other agencies to facilitate needed services such as treatment, education, training, and formal assessments.

The FEP must meet with the applicant within 5 working days of the date the W-2 agency receives a signed *RFA* /paper registration form. The FEP has up to 7 working days after this first meeting to make a placement determination. The FEP uses the information gathered to determine eligibility and placement.

The main functions of the FEP are:

1. Eligibility determination;
2. Assessment;
3. Employability planning;
4. Service referral; and
5. Ongoing case management.

Responsibilities that are part of these functions include:

1. Determining eligibility for W-2 and *JAL*, verifying information necessary to process the W-2 application and that the verification is scanned timely into ECF, and ensuring that all data is entered into *CARES* in an accurate and timely fashion, and that correct payments are issued in a timely manner.
2. Providing information on basic money management and personal work habits and life skills needed to succeed in the working world.
3. Completing an informal assessment (see [5.2.1](#)), assessing for both strengths and barriers. This includes reviewing and updating the information gathered by the Resource Specialist using the CARES Work Program Assessment Driver Flow.

4. Utilizing the *BST*, educational needs assessment, and other information provided by the participant to determine whether a formal assessment by a qualified assessing agency is needed. (See [5.5.2](#)) Considering barriers to employment in determining the level of employability, making placement decisions, and referrals to other services. Providing accommodations and modifications as needed. (See [1.3](#))
5. When appropriate, assigning reasonable job search activities prior to and after the determination of W-2 eligibility.
6. Determining placement in a W-2 employment position and the need for an Emergency Payment. (See 18.1.0)
7. Working with participants to develop a W-2 *EP*. Designing a plan to move the participant to unsubsidized employment as quickly as possible. Documenting requirements for assigned W-2 activities and incorporating Learnfare activity requirements as necessary. (See [Chapter 6](#))
8. Ensuring that applicants and participants have the necessary supportive services, accommodations, auxiliary aids and communication assistance required to participate to the fullest extent possible.
9. Assessing each participant's progress in their assigned activities and determining whether the participant is developing the hard and soft skills they need to obtain and retain unsubsidized employment. Working with the participant to update the *EP* as needed based on the assessment progress.
10. Identify noncompliance, determine good cause, and apply payment reductions. Recording participant progress in CARES.
11. Interpreting and explaining policies governing eligibility. This includes explaining the responsibilities and requirements outlined in the Participation Agreement and securing the applicant's signature prior to beginning a W-2 employment position. These include, but are not limited to: a) explaining that failure to cooperate during the application phase may result in ineligibility; b) providing information on the Fact Finding Process; and c) explaining the W-2 agency's discrimination complaint process. (See 1.4.6)
12. Referring applicants who supply questionable information for front-end verification. (See [Chapter 4](#))
13. Referring participants suspected of fraudulent activity for fraud investigation. (See [Chapter 4](#))
14. When necessary, referring applicants and participants to other community services such as food pantries, domestic abuse services, literacy councils, child welfare agencies, *DVR*, and *AODA*/mental health services.

15. Assuring that final eligibility information for W-2 is transmitted to the child support agency, and assuring that participants cooperate with their child support agency. During eligibility reviews, the FEP must also review with the participant his or her child support assignment.
16. Explaining Learnfare, assessing Learnfare status for dependent children in a W-2 Group, and providing or arranging for Learnfare case management. Ensuring enrollment and attendance for dependent child(ren) subject to Learnfare is promoted, verified, monitored and appropriately entered in CARES. (See Chapter 12)
17. Providing follow-up case management services for at least 12 months to participants who progress from a W-2 employment position to an unsubsidized position to encourage and support job retention and advancement. At local agency discretion, the participant may continue to receive the follow-up case management services of the FEP beyond the mandatory 12-month follow-up period as necessary. (See Chapter 7)
18. Maintaining an effective working relationship with the Job Center partners and other agencies that provide workforce development programs.

All FEPs must be trained in accordance with state law and administrative rule. (See [Wisconsin Administrative Rules, Chapter DCF 103](#)). Basic skill sets required of a FEP include:

- Verbal and written communication;
- Active listening;
- Conflict resolution;
- Ability to be non-judgmental;
- Time management;
- Adaptability;
- Sensitivity;
- Problem solving;
- Crises response;
- Interviewing skills;
- Discussion facilitation;
- Customer service;
- Job matching;
- Safe confrontation;
- Assertive communication;
- Networking;
- Problem identification;
- Solution recognition;
- Service coordination;
- Appropriate feedback;
- Coaching and mentoring;
- Budget preparation;
- Cultural competency;

- Interpreting formal assessment results;
- Ability to put into place needed modifications and accommodations;
- Goal setting;
- Career development; and
- Job retention strategies.

Public assistance workers, including financial and employment planners, are required by Wis. Stats. sections 48.981(2)(a) and 48.981(2)(a)13 to report suspected child abuse and neglect. Suspected child abuse and neglect includes suspicion of child abuse of an unborn child and includes the belief that abuse or neglect will occur. To report suspected child abuse or neglect, the public assistance worker must contact either by phone or personally the local child welfare agency, the local sheriff, or local police department and provide the facts and circumstances contributing to the suspicion. Additional information regarding how to make a report of suspected child abuse or neglect can be found in Wis. Stats. section 48.981(3).

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1.2.4 Coordinating with Partner Agencies

[1.2.4.1 Public Workforce System](#)

[1.2.4.2 Wisconsin Job Centers](#)

[1.2.4.3 Public and Community Based Supportive Services](#)

[1.2.4.4 Child Welfare](#)

W-2 applicants and participants are often connected to other services within their community. The W-2 Agency is responsible for ensuring that those services are coordinated with the W-2 services. To do this, the W-2 Agency must establish and maintain effective relationships with the following partner agencies serving families in common:

1. Public Workforce System
2. Wisconsin Job Centers
3. Public and Community Based Supportive Services
4. Child Welfare

1.2.4.1 Public Workforce System

W-2 agencies must establish and maintain effective relationships with other workforce programs serving families in common. Integration of services across programs and providers reduces duplication of effort across agency roles and result in improved employment outcomes.

W-2 agencies must coordinate with the following workforce providers and programs in order to maximize employment outcomes:

1. Job Service programs;
2. *FSET* programs;
3. Refugee Employment and Training providers, and other services provided by *VOLAG* and *MAA* ;
4. Workforce Development Boards and services provided through *WIA* programs, including Youth, Adult and Dislocated Worker programs;
5. Adult literacy providers;

6. Adult job training administered by the Wisconsin Technical Colleges;
7. [RISE Partnership for Wisconsin](#);
8. *DVR*
9. Veteran's Employment Relations Teams;
10. *CAP* Agencies; and
11. Other local regional business associations, community based organizations, and economic development programs.

1.2.4.2 Wisconsin Job Centers

The Wisconsin Job Center system delivers services through locations in 57 communities throughout the state. The centers are part of the workforce system led by Wisconsin's 11 independently operated, regional [Workforce Development Boards](#). Job Center partners include Job Service, *DVR*, technical colleges, county human service agencies and other community organizations. To find the closest Job Center or talk with a customer service representative, please visit the [JobCenterOfWisconsin.com](#) contact page.

[JobCenterOfWisconsin.com](#), operated by the Wisconsin Department of Workforce Development and the Wisconsin Job Center system, is an online Wisconsin-centered employment exchange, linking employers in all parts of the state and in communities that border Wisconsin with anyone looking for a job. [JobCenterOfWisconsin.com](#) is available at no-cost to both employers and job seekers and is available 24-hours a day.

1.2.4.3 Public and Community Based Supportive Services

W-2 participants are often connected to other local supportive services. Many of these supportive services continue to be available after a participant has moved into unsubsidized employment and may support that individual's continued employment.

The *W-2* agency is responsible for ensuring that these services are coordinated with *W-2* services.

W-2 must coordinate with the following public and community-based supportive services in order to maximize employment outcomes:

1. County and tribal programs, including *FS*, BadgerCare Plus, Medicaid, *CS*, and child care administration. (See [1.4.1](#))
2. Community-based supportive services including:
 - *CAP* agencies;
 - Transportation services;
 - Housing services;
 - Domestic violence services;
 - Mental health services;
 - *AODA* services;
 - Emergency services;
 - Other services including volunteer organizations.

1.2.4.4 Child Welfare

W-2 agencies must have a process for identifying families currently receiving services from both *W-2* and child welfare programs in order to coordinate services across programs. When a participant is currently involved in a Child Welfare family case plan, the *W-2 EP* should take those activities into consideration and ensure that there is no conflict or overlap of services or assigned activities. When the child(ren) in the *W-2* Group are temporarily absent due to child welfare issues, *W-2* agencies must meet specific coordination requirements with the Child Welfare agency. (See [2.8.2.2](#))

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1.3 Reasonable Accommodations

1.3.1 Introduction

W-2 agencies must follow the guidelines set forth by the *ADA*. If an applicant or participant discloses a disability, reasonable accommodations must be offered. The *FEP* must incorporate into the participant's *EP* all disability-related services and accommodations that are recommended through a formal assessment. (see [5.5.1.2](#))

All staff must be familiar with the civil rights standards in service delivery and resources available to ensure the *W-2* program is accessible to and accommodates persons with disabilities. (See Appendix, [W-2 Agency Civil Rights Obligations](#))

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1.3.2 Reasonable Accommodations for Applicants

Reasonable accommodations must be offered to applicants who have a disability. Such accommodations may include reading materials aloud to applicants who have learning disabilities, and going to the individual's home or other mutually-agreeable location to complete the [W-2](#) application in-person. Other examples of accommodations are listed in [1.3.3](#).

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1.3.3 Reasonable Accommodations for Participants

W-2 agencies must:

1. Ensure participants have the necessary services, reasonable modifications, and accommodations to successfully engage in assigned W-2 activities; and
2. Work with employers to put needed accommodations into place for participants who are making the transition to unsubsidized employment.

The following table provides a list of accommodations that agencies may need to arrange on behalf of participants with disabilities. This is not an exhaustive list. The *FEP* must work closely with the applicant/participant and that person’s medical providers to identify the necessary accommodations.

Disability/Impairment	Accommodation Description/Examples
For individuals with hearing impairment.	TTY, sign language, oral interpreters, vibrating pagers, captioned training tapes, assistive listening devices.
	Service animals individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, alerting individuals with impaired hearing to intruders or sounds, or providing minimal protection or rescue work.
For individuals with visual impairment or photosensitivity.	Readers, task lighting, glare guards/light filters, accessible computer equipment/software, magnifiers, large print, Braille.

	Service animals individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, or providing minimal protection or rescue work.
For individuals with learning disabilities	Color-coded guides, manuals and instructions, modified computer screens/software, voice-activated recorders.
	Modified assignment or reassignment for when an individual is unable to perform all of the tasks of a particular assignment, reassign to tasks the individual can perform, limit or reduce number of tasks, break down tasks or adjust time assigned to allow sufficient time to complete assigned activities. When these difficulties result from a cognitive or learning disability, provide a job coach, tutoring, or on-site assistance.
For individuals with multiple chemical sensitivity.	Modified work/learning environments, alternative communication methods, air filters.
For individuals with mobility/manual impairment.	Modified office equipment/work stations, wheelchair/scooter, stand/lean stool, anti-fatigue matting, writing aids, voice recognition, alternative keypad/keyboard access, telephone headsets.

	<p>Service animals individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.</p>
<p>For individuals with a chronic medical condition</p>	<p>Modified assignment or reassignment for when an individual is assigned to an activity that involves a variety of tasks and occasionally cannot perform some of the tasks because of a chronic condition, allow the tasks to change based on the individual's conditions. This may involve a simple shift of duties on a day-to-day basis or alternating locations.</p>
<p>For any individual with a disability/impairment</p>	<p>Modified/flexible schedule</p> <p>Assignment of hours must be based on information provided through formal assessment. Individuals with certain impairments may have restrictions on the number of hours they are assigned to participate.</p> <p>When formal assessment indicates that an individual's impairments may become acute at times, resulting in the need for the individual to be absent from assigned activities, good cause must be accepted without requiring further written documentation from the individual (see 11.2.2).</p> <p>For individuals with chronic conditions that are affected by environmental factors (e.g., respiratory problems, Multiple Sclerosis, severe allergies, Lupus, Reynaud's Syndrome and other conditions), individual must be given good cause for non-participation when certain conditions exist, such as air temperatures below a certain degree or air quality alert.</p> <p>For example, an individual relies on public transportation to get to assignments and prolonged exposure to cold will</p>

	<p>exacerbate a condition. The individual must be given good cause for non-participation at times when air temperature would affect individual's condition.</p>
--	---

The W-2 agency is responsible for identifying the need for the accommodation, identifying the accommodation itself and making sure that the accommodation is provided. This includes ensuring that the accommodation is provided at all assigned activities such as a basic education lab or a work experience site. The [Job Accommodation Network \(JAN\)](#) is an online resource that provides guidance on workplace accommodations and disability employment issues. Case managers may find JAN helpful when identifying and arranging accommodations for an individual.

JAN offers several ways to obtain confidential, personalized assistance, including:

- By Phone: From 9 a.m. to 6 p.m. ET, customers can call JAN toll-free to speak with a workplace accommodation expert. (800) 526-7234 or (877) 781-9403 (TTY)
- Via the Web: [AskJAN.org](#) offers more than 300 disability-specific publications, as well as the [Searchable Online Accommodation Resource \(SOAR\)](#), which enables users to explore accommodation options for different disabilities and workplace settings.
- [On Demand](#): JAN's online service provides customers with individualized e-mail responses to questions about accommodations and the *ADA*.

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1.4 W-2 Application Process

1.4.1 Applying for W-2

[1.4.1.1 Applying for W-2 and Income Maintenance Programs](#)

[1.4.1.2 Using an Authorized Representative](#)

Any individual may apply for *W-2* services. In the balance of state agencies, applicants must apply at the *W-2* agency that serves the geographic area in which they reside. In Milwaukee County, applicants may apply at any Milwaukee County *W-2 EAA*.

The following clarifies where a person should apply when residing in a treatment facility:

- If the applicant maintains a primary residence and plans to return to that primary residence, the application should be processed by the agency that serves the county where the primary residence is located.
- If the applicant does not have a primary residence to which they intend to return after treatment, the application should be processed by the agency that serves the county where the treatment center is located.

1.4.1.1 Applying for W-2 and Income Maintenance Programs

If the *W-2* agency is not a County or Tribe, the *W-2* agency must coordinate with the agency providing the *IM* Programs (*FS* and Medicaid/BadgerCare Plus) to:

1. Ensure that services delivered under *W-2*, *FS*, and Medicaid/ BadgerCare Plus programs are coordinated in a way that effectively serves the recipients of those services ([Wis. Stats. 49.143\(2\)\(d\)](#));
2. Ensure that applicants have the opportunity to initiate the application process for Medicaid/ BadgerCare Plus and *FS* whether or not that person is applying for *W-2* (Federal *TANF* regulations);
3. Ensure that residents are provided information regarding correct application site locations when there are multiple sites for application processing; and
4. Ensure that procedures are in place to protect application filing dates for Medicaid/BadgerCare Plus and *FS*.

Wherever possible, county/tribes are encouraged to co-locate staff at the W 2 agency to meet caseload needs and provide access to eligibility determination services for FS and Medicaid/BadgerCare Plus to current and potential W 2 populations.

When the county/tribe is not co-located, applicants cannot be sent to another site to begin the IM application process. Instead, they must be offered the opportunity to initiate the IM application process at the W-2 agency. This is accomplished by the W-2 agency completing Client Registration in *CWW*, generating the *RFA*, and scheduling an intake interview with the agency that will complete the eligibility determination.

During the Client Registration process, the worker will complete the FS priority service screening. The result of the FS priority service screening will determine whether the person is scheduled for a priority service appointment or a regular intake appointment. This will ensure that the application process can be completed without unnecessary delays for the applicants.

1.4.1.2 Using an Authorized Representative

There are times when an individual may not be able to complete the application forms personally. Application forms including the *RFA* /paper registration form and the application may be accepted from an applicant's legally responsible relative. For example,

- a spouse can submit a RFA/paper registration form and/or an application for his/her wife/husband;
- a parent can submit a RFA/paper registration form and/or an application for his/her dependent child;
- a legal guardian or an authorized representative can submit a RFA/paper registration form and/or an application for his/her ward; or
- where the applicant is incompetent or incapacitated, someone acting responsibly for the applicant can submit a RFA/paper registration form and/or an application on that individual's behalf.

When an applicant chooses to use an authorized representative, both the applicant and the authorized representative must complete the [Authorization of Participant Representative form \(2375\)](#). The agency cannot refuse an authorized representative unless the authorization itself is questionable. The authorized representative is responsible for submitting the signed RFA/paper registration form and/or application and any required documents.

01 Wisconsin Works (W-2) Introduction

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1.4.2 Requesting W-2

An individual may apply for **W-2** at any time by submitting a signed **RFA**/paper registration form. This typically occurs when an individual expresses an interest in applying for W-2. In these circumstances, the W-2 agency representative must offer an appointment with the **RS** the same day or no later than the following working day.

During the appointment, the RS will complete the Client Registration process in **CWW** and initiate the interactive interview for W-2.

See section [1.2.3](#) for more detail on the role of the RS.

The W-2 application process officially begins on the date the applicant or authorized representative gives the agency a signed version of either:

- the RFA that prints from CWW when the Client Registration process is complete, or
- the [Wisconsin Works \(W-2\) and Related Programs Registration paper form \(14880\)](#) which is the paper equivalent of the RFA.

The paper registration form is used when an applicant comes into the W-2 agency and requests W-2 services, but cannot stay to complete Client Registration in CWW because CWW is unavailable, the individual's schedule does not permit the individual to stay or there is not sufficient time to complete Client Registration before the office closes to the public.

The applicant may choose to take the RFA/paper registration form home to review, but it is important for the agency representative to explain that the application process cannot begin and the application date cannot be set until the agency receives the signed RFA/paper registration form.

A signed copy of either the RFA or the paper registration form, whichever is used, must be scanned into the **ECF**.

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1.4.3 Completing the W-2 Application

No later than 5 working days after the date the agency receives a signed RFA/paper registration form (see [1.4.2](#)), the *W-2* agency must schedule and hold a personal interview between the *FEP* and the applicant.

All applicants requesting W-2 services, including *JALs**, must complete and sign a W-2 application, either:

- the Application Summary that prints out of *CWW* at the completion of the interactive interview, or
- the [Wisconsin Works \(W-2\) and Related Application paper form \(2471\)](#) which is the equivalent to the Application Summary and can be used when the *CARES* system is unavailable.

In addition, all other adults in the *W-2 Group* must sign the W-2 application.

The W-2 application gathers information on the group's financial and nonfinancial eligibility. An application for W-2 is completed through an interactive interview in which W-2 agency staff enters eligibility information into *CWW*.

By signing the W-2 application, the individual:

- Attests that all information provided in the application is correct and complete.
- Attests to understanding and agreeing to some basic policies of the W-2 program, such as authorizing the W-2 agency to request and receive information from other sources and understanding the fraud rules.

A home visit may be conducted as a reasonable accommodation for someone in order to secure his or her signature. When a home visit is required, the FEP must document the date of the home visit on *CARES* screen *CMCC*.

The application must be signed in the presence of a W-2 agency representative, even if an authorized representative is signing the application. If an application is signed with a mark, two witnesses' signatures are required. Because the application must be signed in the presence of a W-2 agency representative, FEPs must always choose the *Print Summary* option on the *CWW* Generate Summary page.

If hardware issues make it impossible for the FEP to print the summary at the end of the interactive interview, the FEP may choose the *Mail Summary* option. The application is not complete until the signature page is returned. Under this rare circumstance when the Application Summary will not print, the FEP must have the applicant sign the [Back-up Applicant/Participant Signature \(11154\)](#) form while in the office for the interactive interview. This form must then be attached to the Application Summary when the participant returns the Signature page.

W-2 Manual

If it is not possible to print the *Back-up Applicant/Participant Signature (11154)* form, when the participant returns the signed Signature Page, the agencies must confirm the validity of the signature by having the individual resign it during the next office visit or comparing it to a signature already on file.

The entire *Wisconsin Works (W-2) and Related Application* form or a signed copy of the CWW generated Application Summary must be scanned into *ECF*.

*Job Access Loan applicants must also complete the [Job Access Loan Application \(DWSP-2482\)](#).

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1.4.4 Determining Eligibility and Making a W-2 Placement

No later than 7 working days after the first meeting with the *FEP*, the FEP must determine *W-2* eligibility using all financial and nonfinancial eligibility criteria. (See [Chapter 2](#) and [Chapter 3](#)) In extenuating circumstances, when the individual needs additional time to gather verification, the eligibility process can be extended up to 30 days from the date the agency receives a signed RFA/paper registration form. (See [4.1.3](#))

Included in the nonfinancial eligibility criteria are two requirements that the *RS* or the FEP can assign:

- upfront job search activities, (See [2.9.2](#)) and
- requirement to apply for other appropriate public assistance programs. (See [2.6.1](#))

The FEP must not extend the application process past the 12 working days (5 days to meet with the FEP and 7 days for the FEP to make an eligibility determination and placement) to accommodate a lengthier job search. W-2 agencies are prohibited from using the up-front job search requirement to delay the application process, eligibility determination, or placement. (See [2.9.2.2](#))

During this same 7-day time frame, the FEP must also work with the applicant to determine the most appropriate W-2 placement for the applicant.

To make the most appropriate placement decision, the FEP discusses and reviews with the applicant the:

- results of the informal assessment; (See [5.2](#))
- results of the educational needs assessment; (See [5.3](#))
- results of the *BST*, if completed; (See [5.4.1.1](#))
- progress made in up-front job search, if assigned; (See [2.9.2](#)) and
- results of any other vocational evaluations or formal assessment obtained during the application process. (See [5.1.1](#))

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1.4.5 Application Processing Timeframe

Below are the application processing time frames that all *W-2* agencies must adhere to:

1. The same day or no later than the following working day after any individual expresses an interest in applying for W-2, a W-2 agency representative must schedule an appointment with a *RS*. Individuals interested in W-2 must be given the opportunity to sign an *RFA* /paper registration form.
2. No later than 5 working days after the date the agency receives a signed *RFA*/paper registration form, the W-2 agency shall schedule and hold a personal interview between the *FEP* and the applicant.
3. No later than 7 working days after the first meeting with the FEP, the FEP must determine W-2 eligibility and make the most appropriate W-2 placement for the applicant.

Example: Mariah arrives at the W-2 office on Tuesday, March 7 at 4:00 p.m. She inquires about W-2 services, but says that she cannot stay as she has to pick up her children from child care. By the time she can return, the office will be closed.

Mariah has several options.

1. She can return to the W-2 agency at a later date to apply.
2. She can complete the Wisconsin Works (W-2) and Related Programs Registration paper form and leave it with the receptionist. If Mariah chooses to do this, the W-2 agency must schedule a meeting for Mariah with the *RS* the following day and a meeting with the FEP no later than Tuesday, March 14 (5 working days from the date the signed RFA/paper registration form is received in the W-2 office).
3. She can take the paper registration form with her and return it at her convenience. However, the W-2 agency must explain to her that the application process cannot begin until the agency receives the signed RFA/paper registration form.

In this example, Mariah chooses to return the form on Wednesday, March 8. Because she does this, she must be scheduled to meet with the *RS* that day or no later than March 9 and with the FEP no later than Wednesday, March 15 (5 working days from the date the signed RFA/paper registration form is received by the W-2 office).

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1.4.6 Required W-2 Forms and Publications During the Application Process

There are some other forms and publications that agencies are required to distribute at specific times during the *W-2* application process, and there are some forms that are available in the event that *CWW* is not functioning. Below is a list of these forms, a description of each form, and guidance as to when the form or publication must be distributed to applicants.

[W-2 Benefits and Services Offered at Wisconsin Works Agencies \(11890-P\)](#)

This brochure provides a one-page description of the benefits and services available at the W-2 agency. All W-2 agencies are required to provide this brochure to every individual who requests assistance of any kind from the W-2 agency. W-2 agencies must have a supply of the brochure available in all of the public locations within their offices. In addition, at a minimum, it is suggested that the W-2 agencies ensure a supply of the publication is available for Greeters, Receptionists, and Resource Specialists to give to people with whom they speak.

[What to Bring With You \(2372-P\)](#)

The What to Bring With You publication describes the types of documentation an applicant may need to provide in order to verify specific information needed to determine W-2 eligibility. This publication must be given to the applicant at the time s/he inquires about the W-2 program. This publication is also used for various Medicaid/BadgerCare Plus programs as well as the *FS*, Child Care, and *CTS* programs.

[W-2 Rights and Responsibilities \(398-P\)](#)

The W-2 Rights and Responsibilities brochure outlines a participant's rights and responsibilities when participating in W-2, Child Care, *FSET* and *RCA* programs. This form must be provided to participants and reviewed during the application process. Applicants must initial the signature page of the *CWW* Application Summary acknowledging that they received the brochure.

[Wisconsin Works \(W-2\) Participation Agreement \(10755\)](#)

The W-2 Participation Agreement (PA) outlines the basic participation requirements for a W-2 participant. During the application process, the *FEP* must provide this form to the applicant and thoroughly review it. After the agreement has been discussed, the worker, applicant, and all adults in the W-2 Group must sign it. The agency must give the participant a signed copy of the *PA* and scan the original into *ECF*.

The PA is important throughout the individual's time in W-2 because it outlines the requirements of W-2 participation. W-2 agencies may review the PA at *EP* updates, W-2 reviews, and as necessary. W-2 agencies may refer back to the PA if the participant claims not to have known or understood a specific W-2 provision that was explained in the PA.

[Good Cause Notice \(DWSP-2018\)](#)

The W-2 agency must provide the Good Cause Notice form to all W-2 applicants and participants. The notice shall be provided to applicants when they apply for W-2 and to participants when a child is added to the *W-2 Group*, when a parent leaves the W-2 Group, at reapplication for continued benefits, and if a participant discloses to his or her FEP that the participant is experiencing circumstances that may meet the *CS* good cause criteria. A signed copy of this notice must be scanned into ECF. For other relevant CS-related forms and publications, see [15.1](#) and 15.3.3.1.

[Notice of Assignment: Child Support, Family Support, Maintenance, And Medical Support form \(2477\)](#)

W-2 agencies are required to give all W-2 applicants the Notice of Assignment: Child Support, Family Support, Maintenance, And Medical Support form. Those applicants being referred to the local *CSA*, 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 they begin receiving child support payments while receiving W-2 services. (See [15.1](#)) A signed copy of this notice must be scanned into ECF.

[W-2 Barrier Screening Tool Agreement \(13578\)](#)

W-2 agencies are required to offer the *BST* to all W-2 applicants prior to the initial W-2 placement. (See [5.4.1](#)) The W-2 Barrier Screening Tool Agreement (13578) must be given to the applicant to help explain the purpose of the screening and the types of follow-up services that may result from completing it. Applicants must indicate at the bottom of the agreement their decision to complete the screening process or decline to be screened. A signed copy of this notice must be scanned into ECF.

[Domestic Violence Brochure \(2614\)](#)

W-2 agencies are required to provide a copy of the Domestic Violence Brochure at the appointment with the RS. For safety reasons, it is important that W-2 agency staff point out the brochure so that the applicant can decide if it is safe to keep. Including the brochure in a stack of other papers may put the applicant/participant at risk if she/he is unaware of its presence.

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1.5 W-2 Eligibility Reviews

1.5.1 W-2 Eligibility Reviews

The W-2 agency is required to conduct a W-2 eligibility review at least every 6 months.

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02 Nonfinancial Eligibility

2.1 Introduction

Applicants must meet nonfinancial and financial eligibility criteria in order to be considered eligible for *W-2* services or a *JAL*. See [3.1.1](#) for information on financial eligibility.

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2.2 General Nonfinancial Eligibility Criteria

2.2.1 List of Criteria

In order to be nonfinancially eligible for *W-2* services and *JALs* for any month, an applicant or participant must meet the following criteria. For information on verifying the following criteria, see Chapter 4.

1. Be a *Custodial Parent (CP)*. (See [2.3.1](#))
2. Be 18 years of age or older, or a 17 year old minor parent (See Chapter 14 regarding minor parents).
3. Be a U.S. citizen or qualified non-citizen. (See [2.4.1](#))
4. Be a resident of Wisconsin and unless the applicant is a migrant worker, demonstrate an intent to continue living in the state.
5. Cooperate, unless good cause or other exceptions exist, with efforts to establish paternity of the dependent child(ren) and secure and enforce child support orders. This cooperation requirement extends to any *W-2 Group* member who is a custodial parent of a child whose paternity has not been established or who has a noncustodial parent. The requirements for custodial parents and non-custodial parents to cooperate with child support are outlined in [16.3.1](#).
6. Assign the rights to any support or maintenance (child or family support) to the state. (See [16.1](#))
7. Provide all requested documentation within seven working days after receiving the request for information from the W-2 agency. (See [4.1.3](#))
8. Have made a good faith effort, as determined by the W-2 agency on a case-by-case basis, to obtain employment and have not refused any bona fide offer of employment, including a job quit, within 180 calendar days immediately preceding application. This policy only applies to applicants and the W-2 agency has the discretion to define when a bona fide offer of employment has been made and what demonstrates a good faith effort. In addition, this applies specifically to individuals applying for one of the three *W-2 Paid Employment Positions* and does not apply to *ARP* and *CMC*.
9. Have cooperated with the W-2 agency's assistance with finding employment if the current application is within 180 calendar days of a previous application for W-2 services by the individual. This policy applies only to applicants and it only applies to noncooperation with the efforts of the W-2 agency to assist the individual in obtaining employment and does not pertain to every aspect of the application such as providing income verification. In addition, this applies specifically to individuals applying for one of the three *W-2 Paid Employment Positions* and does not apply to *CMC* and *ARP*.
10. Not receive *SSI* or state supplemental payments. If an individual has been determined eligible for *SSI*, he/she remains eligible for W-2 until he/she actually receives a *SSI* payment.

11. Not receive *SSDI*. If an individual has been determined eligible for SSDI, he/she remains eligible for W-2 until he/she actually receives a SSDI payment.
12. Not participate in a strike on the last day of the month. If eligibility is determined prior to the last day of the month and the applicant is on strike, they are ineligible. If a participant in a W-2 employment position goes on strike, that participant becomes ineligible for W-2.
13. Cooperate in applying for other public assistance programs or resources that the FEP believes may be available to the individual. (See [2.6.1](#))
14. Apply for or provide a *SSN* for all W-2 Group members. (See [2.7.1](#))
15. Report changes in circumstances that may affect eligibility within 10 calendar days after the change, except for temporary absence of a child which must be reported within five working days. (See [2.8.1](#))
16. Cooperate in providing information needed to verify enrollment information or good cause for the Learnfare program. (See Chapter 12)
17. Cooperate in the requirement to search for unsubsidized employment throughout his or her participation in a W-2 employment position. This requirement does not apply to *CMCs*, *ARPs*, or AmeriCorps VISTA Volunteers. (See [2.9.1](#))
18. Cooperate with providing eligibility information for other *W-2 Group* member(s).
19. Cooperate with providing information for quality assurance reviews.
20. Not be a fugitive felon.
21. Not be violating a condition of probation or parole imposed under federal or state law.
22. State in writing whether he or she has been convicted in any state or federal court of a felony that has an element of possession, use or distribution of a controlled substance. (See [11.7.1](#))
23. Have no other W-2 Group member participating in a W-2 employment position. This requirement does not apply to an individual applying for a JAL only.
24. Beginning on the date the individual has attained the age of 18, the total number of months in which the individual has actively participated does not exceed the 60-month lifetime limit (See [2.10.1](#))

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2.3 Custodial Parent

2.3.1 Determining Who is a Custodial Parent

Only one *W-2* Group may receive a W-2 payment for a *Dependent Child*. When there is no legal custody or placement order, the *Parent* with whom the dependent child resides is the *Custodial Parent (CP)*. Dependent children must be included in the household where they reside.

There may be situations when the primary residence of a dependent child is not easily determined. If the primary residence of a dependent child is questionable, court documents can be used to determine if there is a primary caretaker designated.

If there is joint legal custody of a child and the custody is split equally in half, the parents can be asked to decide which parent is considered the primary caretaker. If the parents cannot or will not decide, the *FEP* should compare the parents' activities and responsibilities against the following list and determine which one is exercising more control than the other:

1. If the parents reside in different school districts, where does the child attend school? Who selected the school?
2. Who assists the child with homework or school-related tasks?
3. Are there tuition costs for the child's education? If so, who pays those costs?
4. If the child is enrolled in day care, who arranges for and pays these costs?
5. Who is responsible for taking the child to and from school and/or day care?
6. Which parent is listed as the contact for emergencies at the child's school or day care provider?
7. Who arranges medical and dental care for the child? Who selects the physician and dentist?
8. Who maintains the child's medical records?
9. Who initiates decisions regarding the child's future?

10. Who responds to medical or law enforcement emergencies involving the child?
11. Who spends money on food or clothing for the child when the child visits the absent parent?
12. Who disciplines the child?
13. Who plays with the child and arranges for entertainment?
14. Are more of the child's toys, clothing, etc. kept at one parent's home than the other's?

FEPs must use the best information available to make a decision, and document in case comments the basis of the determination.

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2.4 U.S. Citizenship / Qualified Non-Citizens Immigration Status

2.4.1 Verifying U.S. Citizenship or Qualified Non-Citizen Status

[2.4.1.1 SAVE](#)

When applying for *W-2*, all applicants must verify U.S. citizenship or qualified non-citizen status of all adults in the *W-2 Group*.

All applicants must produce documentation showing status, including U.S. citizens. For documentation verifying U.S. citizenship, see [4.1.2](#).

If the applicant is not a U.S. citizen or national of the U.S., he or she must present immigration documentation that the *W-2* agency will verify through *SAVE*. Additionally, *USCIS* may also verify U.S. citizenship for those derived or naturalized citizens who present either a Certificate of Citizenship or a Certificate of Naturalization.

Several different types of documentation may be accepted to verify qualified non-citizen status. The documents found in the [Non-Citizen Eligibility Documentation](#) appendix can be used to verify that an individual is in qualifying status. All documents issued by USCIS containing a photo serve as verification of identity and immigration status.

Citizenship needs to be verified only once. When citizenship is acquired after application, record the change in CARES but keep the original codes from CARES table TCTZ. For example, a refugee (code 04) should still be coded as such even if he or she presents a Permanent Residence Card as a verification document.

If the applicant does not present documentation, presume that the person is in the status he or she claims until he or she has been provided an opportunity to present the appropriate documentation. This is also the case if the applicant presents a document that:

1. Does not appear to be genuine;
2. Does not apply to person presenting it; or
3. Is expired.

The FEP should refer the individual to the local USCIS office to obtain documentation of status. In cases involving participants who are hospitalized or medically disabled, or

who can otherwise show good cause for their inability to present documentation and for whom securing such documentation would constitute undue hardship, the FEP must make every effort to assist the individual in obtaining the required documentation.

Once an applicant has provided documentation identifying his or her status as a non-citizen, he or she is presumptively eligible until the FEP verifies non-citizen status using the SAVE web-based system. (See [2.4.1.1](#))

The FEP should not delay or deny the applicant's eligibility for W-2 on the basis of the applicant's immigration status while seeking verification.

Children of adult non-citizens are provided their own *USCIS* documentation. However, this documentation does not verify relationship to family members. To determine the custodial parent relationship the FEP should follow the same procedures as used with U.S. citizens when verifying custodial parent relationships. (See [4.1.2](#))

2.4.1.1 SAVE

SAVE is the system used to verify an applicant's immigration status. To acquire access to the SAVE system, W-2 workers must submit the [Computer Access Request form \(10-E\)](#) to the CARES Security staff.

SAVE is found at the following website:

<https://save.uscis.gov/Web/vislogin.aspx?JS=YES>

and the manual for using this system and for verifying alien status is located at:

<http://www.dhs.wisconsin.gov/em/pdf/SAVEManual.pdf>.

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2.4.2 Qualified Non-Citizens

The following qualified non-citizens (formerly referred to as “Qualified Aliens”) may be eligible for W-2:

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 the Immigration and Nationality Act;
3. A refugee who is admitted to the United States under section 207 of the Immigration and Nationality Act, including Special Visa Immigrants from Iraq and Afghanistan under section 1059 of H.R. 1815;
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 the Immigration and Nationality 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 the Immigration and Nationality 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 the Immigration and Nationality Act as in effect prior to April 1, 1980;
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 USCIS.

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2.4.3 U.S. Citizenship for Foreign-Born Children

Some foreign-born children, including adopted children, residing permanently in the United States acquire citizenship automatically if at least one custodial parent is a citizen. To be eligible, a child must meet the following requirements:

1. Have at least one U.S. citizen parent (by birth or naturalization);
2. Be under 18 years of age;
3. Be currently residing permanently in the U.S. in the legal and physical custody of the U.S. citizen parent;
4. Be a lawful permanent resident; and
5. If the child is the adoptive child of the U.S. citizen parent, the child must also meet the requirements applicable to adopted children under the Immigration and Nationality Act, Section 101(b)(1).

Proof of citizenship verification is not automatically issued to children who acquire *derivative citizenship*. A parent may apply for an **USCIS** certificate of citizenship for the child or a passport for their child. If the parent does not present one of these documents for a child, the **FEP** can make a determination of derivative citizenship by verifying at least three requirements listed above if there is no documentation issued by the USCIS proving citizenship status. However, FEPs should encourage parents to obtain official documentation to avoid future citizen verification problems for the child.

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2.4.4 Reviewing Immigration Status

Over time, many non-citizens acquire citizenship. Therefore, the *FEP* should review non-citizen status at each eligibility review. However, citizenship only needs to be verified once. (See [4.1.2](#))

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2.5 Child Support

2.5.1 Cooperation with Child Support

Each *Custodial Parent (CP)* in the *W-2 Group* must cooperate in good faith with the efforts directed at all of the following for any minor child of that parent:

1. Identifying and locating an absent parent;
2. Establishing the paternity of any child of the custodial parent;
3. Obtaining support payments or any other payments or property to which that parent and any minor child of that parent may have rights.

Each noncustodial parent in the *W-2 Group* must cooperate in good faith with the efforts directed at all of the following for any minor child of that parent:

1. Establishing the paternity of an alleged child of that parent; and
2. Obtaining any support payments or any other payments or property for which that parent may be responsible.

For more information on child support cooperation, see [16.1.1](#).

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2.6 Other Public Assistance Programs/Resources

2.6.1 Accessing Other Public Assistance Programs/Resources

A *W-2* applicant or participant may be required, as determined by the *FEP*, to apply for and accept other public assistance programs or resources that may be available, prior to being determined eligible for *W-2* services or during *W-2* participation. Other sources of public assistance or resources may include, but are not limited to:

- Unemployment Insurance;
- Worker's Compensation;
- Child Support;
- Social Security Survivor Benefits; and
- Veterans benefits.

The requirement to apply for these other public assistance programs or resources must be provided to the applicant or participant in writing. The written notification must include a due date by which the individual must apply for the program or resource. The written notification must also state that the individual may be ineligible for *W-2* or a *JAL* if they refuse to apply for or refuse to accept other public assistance programs or resources.

The *W-2* agency may also encourage the applicant or participant to access, on a voluntary basis, other services which may help the applicant find employment. Examples of these services include *WIA* programs and or *DVR* programs.

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2.7 Social Security Numbers

2.7.1 Providing Social Security Numbers

Providing or applying for a **SSN** for every member of the **W-2 Group** is a W-2 nonfinancial eligibility requirement. Any applicant who requests W-2, but does not provide an SSN or apply for one for every member of the W-2 Group will not be eligible for the W-2 program. SSNs and personally identifiable information will be used only for the direct administration of the program. (See [4.1.2](#))

Each time an SSN is requested, the individual must be informed that disclosure is mandatory for eligibility determination, how the number will be used and under what statutory or other authority the number is being requested. A sample statement follows:

Provision of your SSN or cooperation in applying for a SSN is required to determine eligibility for Wisconsin Works (W-2). The number you provide to the agency will be verified through a computer matching program to monitor compliance with program regulations and for program management. Wisconsin Statutes 49.145 (2)(k).

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2.8 Reporting Changes Including Temporary Absence

2.8.1 When to Report Changes

In order to remain eligible for *W-2*, participants must notify the W-2 agency of a change in circumstance that may affect eligibility, e.g., a change in Wisconsin residency, increased income or assets, etc., within 10 calendar days of its occurrence, except for reporting the absence of a child which must be reported within five working days. (See [2.8.2](#)) The agency must respond to reports in a timely manner and keep case data up to date.

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2.8.2 Temporary Absence of a Child

[2.8.2.1 Child Welfare Case-by-Case Exception](#)

[2.8.2.2 Coordinating Services with the Child Welfare Agency](#)

Applicants and participants who meet all financial and nonfinancial eligibility requirements are eligible for all *W-2* services even if the *Dependent Child(ren)* is temporarily absent from the home provided these four conditions are all met:

1. The child will not be or has not been continuously absent for more than three months; and is expected to return to the parent's household.
2. The child's absence is not the result of removing the child under a dispositional order ([s. 48.355, Wis. Stats.](#)) which places custody of the child outside the home, indefinitely or for three or more months.
3. The custodial parent continues to exercise responsibility for the care and control of the child meaning the parent is responsible for decisions about the child's education, health-care, and any treatment, hospitalization, and long-distance travel while the child is out-of-home.
4. The applicant or participant must report the absence of a child within five working days regardless of the number of children in the home.

The parent's requirement to report the child's absence to the *W-2* agency within five working days begins on the day when the parent knows the child is absent from the home.

NOTE: The five day notification period is a federal *TANF* requirement and the time frame differs from the *W-2* 10-day notice of change requirement.

The temporary absence of a child policy is not applicable if there is at least one dependent child remaining in the home because then the dependent child requirement is met for *W-2* nonfinancial eligibility.

2.8.2.1 Child Welfare Case-by-Case Exception

A case-by-case exception to the "up-to-three month" temporary absence time period may apply when the absence is due to child welfare issues. Under the following circumstances, the temporary absence time period may be extended to up to six months if all of the following conditions are met:

1. The applicant or participant must report the child's temporary absence due to child welfare issues to the **W-2** agency within five working days of the child's temporary absence due to child welfare issues.

The parent's requirement to report the child's absence due to child welfare issues to the **W-2** agency within five working days begins on the day when the parent knows the child is absent from the home due to child welfare issues.

The **W-2** agency will accept a report of a child's temporary absence from the Child Welfare agency as a report from the parent. The **W-2** agency must inform a parent of any temporary absence report made by the Child Welfare agency on behalf of the parent.

When the Child Welfare agency is involved with the family, the **W-2** agency must work with the Child Welfare agency to develop and implement procedures to meet the reporting requirement.

2. The Child Welfare agency confirms the child was removed from the home due to child welfare issues (e.g. when juvenile justice issues are involved, only child welfare issues are considered for meeting this policy requirement).
3. The parent maintains an appropriate home for the child based on determinations by the **W-2** and Child Welfare agencies (e.g. the parent is not in a treatment center or other out-of-home placement). Because the Child Welfare agency has expertise in making determinations regarding safe and appropriate housing for the reunification of parents with their children, the **W-2** agency should base their determination of an appropriate home for the child on the Child Welfare agency's decision.

If the **W-2** agency has any concerns about the safety and/or appropriateness of the home, the **W-2** agency should contact the Child Welfare agency.

Note: The parent's participation in out-of-home care for mental health, **AODA** and/or medical care for no longer than one month during the child's absence from the home does not preclude eligibility based on temporary absence provided the parent meets the requirement to maintain an appropriate home for the child based on determinations by the **W-2** and Child Welfare agencies.

4. The permanency plan and any other Child Welfare agency plan state that the child is expected to be reunified with the parent in the parent's household within six months and the child is not expected to "age out" of child status while in the out-of-home placement.
5. The child's out-of-home placement type is consistent with reuniting the child with the parent in the parent's household within six months of the child's temporary absence from the home (e.g. child is not in a pre-adoptive placement).

6. The custodial parent is cooperating, following through and satisfactorily completing Child Welfare agency appointments and all activities required for reunification with the child.
7. The custodial parent is cooperating in, participating in, and satisfactorily completing the W-2 agency's assigned activities.

For each month the child welfare exception is applied, the W-2 agency must contact the Child Welfare agency to determine whether requirements 1 - 6 above are met. The W-2 agency must also determine whether requirement 7 is met on a monthly basis.

2.8.2.2 Coordinating Services with the Child Welfare Agency

The temporary absence policies for child welfare situations require significant communication and collaboration between the *W-2* agency and Child Welfare agency. To ensure communication and coordination between the two agencies, the W-2 agency is required to develop and implement procedures for the following:

1. Identification of families receiving services from both agencies;
2. At a minimum contact every other week with the Child Welfare agency's primary worker for the family, and more frequent contact as appropriate when there are relevant changes, to discuss W-2 participation and to determine the family's progress in meeting goals including reunification with their child(ren) (e.g. participation in joint staffing meetings between both agencies with the family or family members).
3. Sharing assessments and other relevant information between both agencies about the family, including confidential information in accordance with federal and state confidentiality laws.
4. Clarification about the impact of any out-of-home placement or other legal orders on the custodial parent's on-going care and control of the child(ren).
5. Coordination of referrals to other resources, including *AODA*, mental health, etc., to ensure that services are not duplicated.
6. When activities that may be required by the Child Welfare agency for the parent's reunification with the child(ren), such as parenting classes, are approvable W-2 activities, then the W-2 agency must coordinate with the Child Welfare agency so that these activities are included in the parent's W-2 *EP*.

02 Nonfinancial Eligibility

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2.8.3 Temporary Absence and Kinship Care

An individual is not eligible for *W-2* services under the temporary absence policy when an out-of-home child is in Kinship Care. However, when at least one out-of-home child is not in Kinship Care (e.g. foster care), then the individual may be eligible for *W-2* under the temporary absence policy provided all policy requirements are met.

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2.8.4 Temporary Absence and Incarceration

W-2 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.

For more information on incarceration of W-2 participants, (see [11.5.1](#)).

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2.9 Search For Unsubsidized Employment

2.9.1 Introduction

When appropriate, *W-2* applicants may be assigned to search for unsubsidized employment as a condition of eligibility. This is commonly referred to as “up-front job search.” If an applicant fails to participate in up-front job search requirements without good cause, the *W-2* agency may deny the individual’s application.

In addition, *W-2* participants may be required to look for employment. If a *W-2* participant fails to cooperate with employment search requirements without good cause, the *W-2* agency may close the participant’s case.

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2.9.2 Up-front Job Search Activities as a Condition of Eligibility

[2.9.2.1 Allowable Up-front Job Search Activities](#)

[2.9.2.2 Up-front Job Search Time Frames](#)

[2.9.2.3 Results of the Up-front Job Search](#)

The goal of up-front job search activities is to rapidly connect the applicant to sustainable employment.

Not all applicants are appropriate for up-front job search. When deciding whether to assign up-front job search activities as a condition of eligibility, the *RS* and the *FEP* must use the best information available. This includes information gathered through the informal assessment process, the educational needs assessment, *BST* results when available, and any additional vocational evaluations or formal assessments obtained to date. (See [5.1](#), [5.2](#), [5.3](#), and [5.4](#))

Assignment of up-front job search activities must be made on a case-by-case basis. *W-2* agencies are prohibited from assigning up-front job search to all *W-2* applicants without regard to each individual's circumstances. In two-parent households, either or both parent(s) applying for *W-2* assistance may be assigned to up-front job search activities, depending on their individual circumstances.

Below are some characteristics of an applicant who is likely to be appropriate for up-front job search:

- Has a recent employment history;
- Possesses skills marketable in current labor market;
- Has or can have child care in place;
- Has stable housing;
- Has access to reliable transportation.

Agencies must not assign up-front job search activities to individuals who are pregnant and applying for a *CMC* placement or an *ARP* placement or who are AmeriCorps VISTA volunteers. Below are some characteristics of an applicant who is unlikely to be appropriate for up-front job search:

- Meets the characteristics of a *W-2 T* placement, e.g., has a personal medical condition, e.g., physical or mental health conditions including cognitive limitations, that makes the applicant unable to work or is caring for a disable family member;

- Has not ever been employed or has not been employed recently or has had a string of failed employment;
- Is in a domestic abuse situation;
- Is homeless and is not ready to find immediate work (some homeless parents are able and eager to find employment);
- Does not have and does not have ready access to child care and/or reliable transportation;
- Is 18 or 19 years old with no HSD or GED; and
- Is otherwise unprepared to begin work in next 12 working days.

2.9.2.1 Allowable Up-front Job Search Activities

The up-front job search activities include:

1. UE – Up-front Employment Search
2. UC – Up-front Career Planning
3. UR – Up-front Job Readiness / Motivation

(See the [Activity Codes Appendix](#) for definition of these activity codes)

The W-2 agency must record the assignment of up-front job search activities on the W-2 Up-Front Requirements [CWW](#) page. In addition, the W-2 agency must develop an individualized [EP](#) for all applicants assigned to up-front job search activities.

The W-2 agency must assist the applicant in their up-front job search activities. Some examples include:

- Conducting career assessment and career exploration activities that will help match individuals with appropriate job leads;
- Conducting job development activities that concentrate on soliciting job openings, marketing individuals to employers and securing job interviews;
- Providing assistance with development of resumes and completion of job applications;
- Assigning employment search that is structured to meet the needs of the individual. This may include independent job search and job club activities that give job seekers an opportunity to discuss successes and difficulties encountered during daily job search, share job leads and provide group support;
- Providing job leads to businesses that are hiring individuals with skills possessed by the applicant;
- Staying in communication with the individual throughout the job search to review progress and offer support.

Simply assigning an applicant to fill out a job log without any assistance is not an appropriate assignment of up-front job search activities.

2.9.2.2 Up-front Job Search Time Frames

The assignment of up-front job search activities may take place while the applicant is waiting to meet with the *FEP* and/or while the FEP is making the eligibility and placement decisions. The FEP must not extend the application process past the 12 working days (5 days to meet with the FEP and 7 days for the FEP to make an eligibility determination and placement) to accommodate a lengthier job search. (See [1.4.4](#))

W-2 agencies are prohibited from using the up-front job search requirement to delay the application process, eligibility determination, or placement.

2.9.2.3 Results of the Up-front Job Search

The *FEP* determines, on a case-by-case basis, whether the applicant has made a good faith effort to obtain employment by completing assigned up-front job search activities.

Throughout the application period, the FEP should be checking in with the applicant to determine how the up-front job search activities are going. If the applicant is not completing the assigned activities, the FEP must make attempts to discuss the situation with the applicant and determine if any barriers exist. If barriers are identified that make the applicant unable to find employment in the application time frame, the FEP must end up-front job search activities.

If no barriers are identified and the applicant does not provide good cause for failing to meet the up-front job search requirements, the FEP may deny the application. (See [11.2](#))

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2.9.3 Employment Search as an Ongoing Eligibility Requirement

Work is the best way for parents to support their families. Unless the participant is unable to work due to a disability and is applying for *SSI/SSDI*, the activities assigned on the EP should be focused on helping that participant gain the skills and experience needed to get and keep a job. As such, most W-2 participants will be assigned to one of the following employment search activities:

1. ES – Employment Search
2. CE – Career Planning & Counseling
3. MO – Job Readiness / Motivation
4. LF – Life Skills

(See the [Activity Codes Appendix](#) for definition of these activity codes)

Unlike other activities, however, failure to comply with these activities may result in case closure for noncooperation with program requirements. (See Operations Memos [09-18](#) and [05-54](#)) This requirement applies to individuals in *W-2 T*, *CSJ*, and *TJ* paid placements, only after the BST has been offered. It does not apply to individuals in a *CMC*, *ARP* or to individuals who are AmeriCorps VISTA Volunteers.

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2.10 W-2 Time Limits

2.10.1 Introduction

W-2 eligibility has a lifetime limit of 60 months. Participation in a W-2 subsidized employment position (TJ, CSJ, and W-2 T) is limited to 24-months. Time limits stress mutual responsibility: government provides services designed to promote employment while participants are expected to prepare for and enter employment in return. The goal is to raise participants' employment rates and earnings and reduce reliance on government programs.

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2.10.2 State 60-month Lifetime Limit

[2.10.2.1 W-2 Group Limit](#)

[2.10.2.2 Native American Exemptions](#)

[2.10.2.3 TANF Received in Another State](#)

[2.10.2.3.1 TANF Received in Another State and Time Limit Extensions](#)

The state 60-month time limit is the cumulative total of the number of months the individual or any adult member of the individual's W-2 Group has participated in, or has received benefits under, any of the following or any combination of the following:

1. A TJ, CSJ, or W-2 T at any time during a month.
2. Any TANF funded program in this state or any other state for which the participant received TANF cash assistance while in that program (see 2.10.2.3). This includes Tribal TANF funds.
3. The AFDC JOBS program from October 1, 1996, to W-2 implementation that had been:
 - included in the SFU in an open AFDC assistance group (includes sanctioned adults);
 - age 18 or older;
 - coded with a JOBS registration code of mandatory (M), voluntary (V), or PFR Demonstration with a code of (P) or (R); and
 - enrolled in JOBS under experimental or non-experimental PFP, WNW, Experimental or Control PFR.

2.10.2.1 W-2 Group Limit

The time limit applies to the W-2 Group. In W-2 Groups with more than one adult member, the adult member with the greatest number of months accumulated counts toward the W-2 Group's 60-month lifetime limit. Individuals leaving a W-2 Group take with them the number of months accumulated prior to entering the W-2 Group as well as the number of months accumulated while a part of the W-2 Group.

Dependent 18-year-olds are considered to be children in the W-2 Group and are not subject to time limits. If the dependent 18-year-old has a Dependent Child and applies for services independent of his or her parents, she or he then would be eligible for W-2 and subject to the 60-month time limit.

Example 1: Mary is in a W-2 Group consisting of herself and her 4 year old daughter. She has accumulated 30 months towards her 60-month lifetime limit. Because she is the only adult in the W-2 Group, the W-2 Group is credited with 30 months toward the 60-month lifetime limit. John, Mary's estranged husband, joins the W-2 Group. John has accumulated 35 months toward his 60-month lifetime limit prior to moving back in with Mary. Because John has the greater number of months accumulated towards the lifetime limit, the W-2 Group is now credited with 35 month towards the lifetime limit.

Example 2: After ten months, John and Mary divorce. At the time John left the W-2 Group, he and Mary had accumulated 45 months (35 + 10) towards the 60-month lifetime limit. John moves out of the home and the W-2 Group once again consists of Mary and her daughter. Because Mary had 30 months accumulated toward the 60-month lifetime limit when John moved in and she accumulated ten more months during the time she and John lived together, the W-2 Group of Mary and her daughter is credited with 40 months towards the lifetime limit.

2.10.2.2 Native American Exemptions

Any adult in the *W-2 Group* is exempt from the 60-month time limit while living in a federally recognized American Indian reservation, an Alaskan Native village, or an Indian country occupied by an Indian tribe for a month, if during that month the following applied:

1. At least 1,000 individuals were living on the reservation or in the village or Indian country; and
2. At least 50 percent of the adults were unemployed.

2.10.2.3 TANF Received in Another State

TANF cash assistance is limited to up to 60 months in an individual's lifetime. This means that TANF assistance received by an adult in this state or any other state counts toward the 60-month time limit.

When there is evidence that an applicant has received TANF cash assistance in another state, the *FEP* must:

1. Determine the number of months TANF cash assistance was received in the other state by contacting the appropriate persons. The directory contacts for TANF verification can be found at: <http://www.dhs.wisconsin.gov/em/pdf/public-assistance.pdf>. Only months of TANF cash assistance received after September 1, 1996 can be counted. If the contact cannot confirm that the assistance received in the other state was TANF, do not use the information. The months of TANF cash assistance received in the other state does not have to be verified in writing.
2. Enter the month and years that the TANF was received in the other state on CARES screen AIWO.

2.10.2.3.1 TANF Received in Another State and Time Limit Extensions

If an individual who has received more than 60 months of *TANF* assistance in another state is eligible for W-2, but has used 60-months on his or her lifetime limit, the *FEP* *must* determine time limit extension eligibility based on the time limit extension criteria.

When applying the time limit extension criteria, the FEP must use information obtained during the W-2 informal assessment. In addition, the FEP must attempt to contact the other state for more specific information about the applicant. If the FEP is unable to obtain additional information, the information gathered through the informal assessment must be used to determine time limit extension eligibility.

(See [2.10.6](#) for more information on time limit extensions)

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2.10.3 24-Month Employment Position Time Limits

[2.10.3.1 Restoring 24-Month Time Limits](#)

Participation in a TJ, CSJ, or W-2 T is limited to 24 cumulative months. Each placement has its own 24-month time limit and, therefore, a participant has 24 months in each of the placement types. Even if the individual's payment is reduced, the month counts toward the 24-month time limit.

When a participant moves between employment positions during the calendar month, the 24-month time limit is determined by the employment position placement on the last day of the month.

Example: John is placed in a CSJ on January 1. On January 28, John is placed in a TJ. On January 31, when the CARES clock cycle runs, the month of January will count toward John's TJ 24-month time limit because that was John's last placement in the month that is subject to a 24-month time limit. January will not count toward John's CSJ 24-month time limit.

If the W-2 placement on the last day of the month is not a TJ, CSJ or W-2 T, the month will still count toward the appropriate 24-month time limit if the individual participated even one day during that month in a TJ, CSJ or W-2 T.

Example 1: John is placed in a CSJ on January 1. On January 28, John finds unsubsidized employment and is placed in CMF. Because John was in a CSJ that same month, on January 31 when the CARES clock cycle runs, the month of January will count toward John's CSJ 24-month time limit because John participated at least one day in January in a placement that is subject to a 24-month time limit.

Example 2: John is placed in a CSJ on January 1. On January 8, John loses W-2 eligibility and his case closes. Because John was in a CSJ that same month, on January 31 when the CARES clock cycle runs, the month of January will count toward John's CSJ 24-month time limit because John participated at least one day in January in a placement that is subject to a 24-month time limit.

2.10.3.1 Restoring 24-Month Time Limits

W-2 Manual

The 2009-2011 Biennial Budget (Wisconsin Act 28) eliminated the 24-month time limit for Trial Job, Community Service Job (CSJ), W-2 Transition (W-2 T) and Custodial Parent of an Infant (CMC) W-2 employment positions effective October 30, 2009.

The 2011-2013 Biennial Budget (Wisconsin Act 32) restored the 24-month time limit for Trial Job, CSJ, W-2 T placements and, in some instances, CMC placements effective January 1, 2012. The restored language is the same language that was eliminated under Wisconsin Act 28.

For a 26-month time period (November 2009 through December 2011), there was no 24-month employment position time limits. However, while the 24-month time limit was eliminated during this time period, the Department of Children and Families continued to count months that participants accumulated in these W-2 employment positions in CARES and displayed this count on CARES screen AIWC.

Beginning on January 1, 2012, CARES screen AIWC was updated to include only the months in a TJ, CSJ and W-2 T which counted toward the 24 month time limit for that placement.

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2.10.4 Time Limit Notifications to Participants

W-2 applicants and participants must be made aware that W-2 employment position payments are time-limited. At a minimum, the *FEP* must go over the participant's time limit status at every review and at each new placement. Time limit information is also included on Notices of Eligibility when eligibility reviews are due.

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2.10.5 Subtracting Months of Eligibility

1. The *FEP* must adjust the time limit by subtracting months on *CARES* screen AIWC in the following situations:

If a participant voluntarily returns a *CSJ* or *W-2 T* payment within 15 days of the payment issuance date. The refund can be made in cash, by personal check, money order, or by returning the issued payment. No adjustment will be made if the voluntarily refunded payment is from a *W-2* employment position participant who is sanctioned.

2. If a participant repays payments for a month due to an overpayment caused by agency error or inadvertent participant error. When the entire overpayment is repaid, those months of eligibility must be restored. In case of IPV or fraud, used months of eligibility must not be restored even if payments are fully repaid.
3. If a TJ employer does not request a TJ subsidy for a month of employment.

See [2.10.8](#) for adding month of eligibility when *TANF* is received from another state.

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2.10.6 Time Limit Extensions

[2.10.6.1 24-Month Time Limit Extension Criteria](#)

[2.10.6.2 60-Month Time Limit Extension Criteria](#)

[2.10.6.3 Local Labor Market Conditions Criteria](#)

[2.10.6.4 Time Limit Extension Decision Process](#)

[2.10.6.4.1 Processing Initial Time Limit Extensions](#)

[2.10.6.4.2 Processing Subsequent Time Limit Extensions](#)

[2.10.6.4.3 Reaching 24-month and 60-month Time Limits Concurrently](#)

[2.10.6.5 Time Limit Extension Decisions and Assessment](#)

[2.10.6.6 CMD Placements](#)

There are opportunities for time limit extensions of the 24-month and 60-month time limits for *TJ*, *CSJ*, *W-2 T* and *CMC* participants. The *W-2* agencies must work intensively with *TJ*, *CSJ* and *W-2 T* participants prior to and during time limit extension periods to help the participant overcome barriers or challenges.

For information on time limit extensions for *CMC* participants, see [2.10.8.2](#).

2.10.6.1 24-Month Time Limit Extension Criteria

All time limit extension decisions must be made on a case-by-case basis. In determining whether to extend the 24-month time limit, the *W-2* agency must determine whether the participant meets the appropriate 24-month time limit extension criteria:

TJ and CSJ participants: A *TJ* or *CSJ* participant must be granted a 24-month time limit extension if he or she has made all appropriate efforts to find unsubsidized employment and has been unable to do so because the local labor market conditions preclude a reasonable unsubsidized employment opportunity for that participant and, for *CSJ* participants, there are no *TJ* opportunities in the specified local labor market.

"Reasonable unsubsidized employment opportunity" means a job the participant could get that pays at least minimum wage, and conforms to all applicable federal and state laws.

W-2 T participants: A *W-2 T* participant must be granted a 24-month time limit extension if he or she has made all appropriate efforts to find unsubsidized employment and significant barriers prevent advancement to a higher *W-2* employment position or unsubsidized employment. To be considered for a time limit extension, the *W-2 T* participant must have completed a valid formal assessment. (See 5.5.1 for more information on valid formal assessments).

Making “all appropriate efforts to find unsubsidized employment” means that the participant has participated in all assigned activities, including job search.

2.10.6.2 60-Month Time Limit Extension Criteria

All time limit extension decisions must be made on a case-by-case basis. In determining whether to extend the 60-month time limit, the W-2 agency must determine whether the participant meets at least one of the following 60-month time limit extension criteria:

1. The participant has made all appropriate efforts to find unsubsidized employment and has been unable to do so because the local labor market conditions preclude a reasonable unsubsidized employment opportunity for that participant.

Making “all appropriate efforts to find unsubsidized employment” means that the participant has participated in all assigned activities, including job search.

"Reasonable unsubsidized employment opportunity" means a job the participant could get that pays at least minimum wage, and conforms to all applicable federal and state laws.

2. The participant is unable to work because of:

- A personal disability or incapacitation.
- A need to remain at home to care for a member of the W-2 Group whose incapacity is so severe that without in-home care provided by the W-2 participant, the incapacitated W-2 Group member's health and well-being would be significantly affected.

3. The participant has significant limitations to employment such as any of the following:

- Low achievement ability, learning disability, or emotional problems of such severity that they prevent the individual from obtaining or retaining unsubsidized employment, but are not sufficient to meet SSDI or SSI requirements.
- Family problems that affect one of the members of the W-2 Group including legal problems, family crises, homelessness, domestic abuse, or children's school or medical activities.

A valid formal assessment must have been completed for reasons 2 and 3 above. If the individual does not have formal assessment information regarding barriers or limitations as described above and is not participating in all assigned activities, the FEP may deny a 60-month time limit extension. (See [5.5.1](#) for more information on valid formal assessments).

2.10.6.3 Local Labor Market Conditions Criteria

A W-2 agency may provide a time limit extension on a case-by-case basis if that agency determines that a participant's appropriate efforts to find unsubsidized employment have been unsuccessful because local labor market conditions preclude such employment for that participant.

Local Labor Market Time Limit Extension Approvals

In order to approve a time limit extension based on local labor market conditions, the agency must demonstrate or document any one of the following circumstances:

- As supported by specific examples, the inability of other W-2 participants with similar skills, or engaged in job searches in similar geographic and occupational areas, to find unsubsidized jobs;
- As supported by specific examples, the loss, due to employer closures or cutbacks, of sites on which the agency has historically relied to place W-2 participants in unsubsidized employment;
- As supported by published labor market data or by specific examples of closures or cutbacks, a local downturn or continuing unavailability of jobs in the labor market sectors matching participant skills; or
- As supported by published labor market data or by specific examples of closures or cutbacks, a local downturn or continuing unavailability of jobs in the labor market within reasonable participant travel time (no more than 60 minutes travel time one-way, using available transportation, from the participant's home to the employer, including travel time related to any necessary child care).

This documentation may include case histories of other comparable participants (with any personally identifiable information removed), press coverage regarding the local job market or local business conditions, agency correspondence with historical or potential placement sites, current labor market data obtained from public or private sources, or products of current locally relevant labor market studies or research.

Local Labor Market Time Limit Extension Denials

In order to deny a time limit extension based on local labor market conditions, the agency must demonstrate or document all three of the following types of information:

1. Detail on the skills and aptitudes the participant has to offer the local labor market, and detail on the occupations in which the agency believes the participant can get a job.

2. Documentation of at least two specific job opportunities compatible with the participant's skills, aptitudes, and personal circumstances, for which the participant has refused or failed to apply.
3. Descriptions of the participant's means of access to the identified job opportunities, showing that each opportunity is no more than 60 minutes travel time one-way, using available transportation, from the participant's home to the employer (including travel time related to any necessary child care).

2.10.6.4 Time Limit Extension Decision Process

W-2 agencies have decision-making authority for all time limit extension approvals and denials.

2.10.6.4.1 Processing Initial Time Limit Extensions

A discussion between the *FEP* and the participant regarding a time limit extension must take place no later than the 18th month of the 24-month time limit and the 54th month of the 60-month lifetime limit. If a person enters W-2 with more than 18 months on a 24-month time limit or 54 months on the 60-month time limit, the discussion must take place at application. When determining eligibility for an initial time limit extension, the FEP must complete the *W-2 Agency Time Limit Extension Record (11661)*. One copy of the form must be scanned into *ECF* and one copy given to the participant. In addition, the FEP must enter the time limit extension decision on *CARES* screen AIWE no later than the end of the 20th month for the 24-month time limit and the end of the 56th month for the 60-month time limit. A time limit extension may be granted for up to 6 months from the last day of the participant's 24th month and 12 months from the last day of the participant's 60th month.

For those participants who have been denied or who have declined a time limit extension, the FEP must continue to closely monitor the case in the final months to determine if circumstances have changed that would result in the need for a time limit extension.

2.10.6.4.2 Processing Subsequent Time Limit Extensions

After an initial time limit extension approval is granted, the W-2 agency can determine that a subsequent time limit extension period is necessary. There is no limit to the number of subsequent time limit extensions a participant may receive. When determining eligibility for a subsequent time limit extension, the FEP must complete the

W-2 Agency Time Limit Extension Record (11661). One copy of the form must be scanned into ECF and one copy given to the participant. The subsequent time limit extension decision must also be entered on CARES screen AIWE no later than the month prior to the current time limit extension end month.

2.10.6.4.3 Reaching 24-month and 60-month Time Limits Concurrently

If a participant is going to reach his or her 24th month in a TJ, CSJ or W-2 T or the end of a 24-month time limit extension 6 months prior to reaching the 60-month lifetime limit, the FEP must determine eligibility for a 60-month time limit extension rather than a 24-month time limit extension. The FEP must then enter the 60-month time limit extension information into CARES prior to the end of the participant's 24th month.

Example: Mary will reach her 24th month in a CSJ when the CARES clock cycle runs on July 29. Upon reviewing the participant's time limit history in preparation for the time limit discussion with the participant, the FEP sees that the participant will reach her 60th month on her lifetime limit on October 31. Because the participant will reach 60 months 3 months after reaching her 24th month, the FEP determines eligibility for a 60-month time limit extension and enters the 60 month time limit extension approval by July 29. This extends both the 24-month time limit as well as the 60-month time limit. Any subsequent time limit extensions will be made to the 60-month time limit.

2.10.6.5 Time Limit Extension Decisions and Assessment

The *FEP* must offer the *BST* if an initial 24-month or 60-month time limit extension is going to be denied and the *BST* has not been completed or declined within 12 calendar months prior to the participant's 24th or 60th month. The FEP cannot deny a time limit extension until the *BST* is offered to the participant using the *BST Agreement* form. A check of *CARES* screen *WPRU* will assist the FEP in determining the last date the *BST* was completed, declined or updated.

If the *BST* results indicate the need for a formal assessment, a time limit extension cannot be denied until the formal assessment is complete. (See [5.4.1](#))

Example: Jonna moved to Wisconsin with 46 months on her TANF clock from Illinois. She was placed in W-2 T in March 2011. The *BST* was administered during the application process in March 2011. Jonna left W-2 in May 2011. She returned to W-2 in December 2011 but the W-2 agency was not required to offer the *BST* because her case had not been closed for a period of one year or more.

Jonna will reach her 60th month in October 2012.	In Jonna's 54th month, which
is April 2012, the FEP must have a discussion with Jonna regarding the	
opportunities for a time limit extension. At that time, the FEP sees that Jonna has	
not had the BST offered in over 12 months (since March 2011) when she first	
became eligible for W-2.	If the FEP is considering denying a time limit extension
for Jonna, the FEP must again offer the BST.	

2.10.6.6 CMD Placements

When a participant is denied a time limit extension or the participant declines a time limit extension for either the 24 month or 60 month time limit, the *FEP* must offer the *CMD* placement. The *CMD* placement is a case management placement for individuals who have reached their time limit and are no longer eligible for a paid placement.

The goals of the *CMD* placement are to:

- Help connect the individual to employment;
- Connect the individual and family to services in the community; and
- Reassess on a monthly basis whether the individual should receive a time limit extension.

To be eligible for the *CMD* placement, the participant must meet *W-2* financial and nonfinancial eligibility criteria, with the exception of the 24- or 60-month time limit.

Services provided to a *CMD* participant will depend largely upon the reason for the time limit extension denial or the reason the participant declined a time limit extension and the placement the individual was in at the time of the denial or the time the participant declined a time limit extension. Participants who were denied a time limit extension due to nonparticipation would likely be assigned to activities similar to what was assigned while in the placement.

FEPs must meet with *CMD* participants weekly. Every 30 days, the *FEP* must review the *CMD* placement. The placement review must be held in a face-to-face meeting with the participant, either at the *W-2* agency or some other agreed upon location. At this meeting, the *FEP* must reassess the case. If the individual has consistently participated, the *FEP* must reassess whether barriers to employment exist. The *FEP* must also reconsider whether the individual is appropriate for a time limit extension.

The *FEP* must thoroughly document on CARES screen CMCC the details of the weekly meetings and the reassessment process as well as the reason(s) the participant is going to remain in the *CMD* placement, if that is the *FEP's* decision.

02 Nonfinancial Eligibility

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2.10.7 Reapplying for W-2 Services after Reaching the Time Limit

The *W-2* agency must process a W-2 application for anyone that requests W-2 services. This includes individuals who have previously reached their 24 or 60-month time limit. More specifically, it includes:

1. Individuals who voluntarily declined a time limit extension but later decide they want W-2 services.
2. Individuals who previously did not qualify for a time limit extension who left the W-2 program but choose to return at a later time. They may choose to return for many reasons, including but not limited to:
 - A change in physical or mental health;
 - Unable to find employment;
 - Agrees to cooperate with program requirements; or
 - Has barriers that were never identified or were not addressed during prior W-2 participation.

If the applicant meets W-2 financial and nonfinancial eligibility criteria but has reached the 24 or 60-month time limit, the *FEP* must determine time limit extension eligibility based on the time limit extension criteria. When applying the time limit extension criteria, the FEP must consider the applicant's prior W-2 participation and current circumstances. If the FEP determines that the applicant does not meet the time limit extension criteria and plans to deny a time limit extension, the FEP must ensure that during previous W-2 participation the individual was properly screened and assessed. Also, the FEP must make sure that accommodations and services necessary to address the participant's barriers were provided.

For all applicants who have reached either a 24 or 60-month time limit, the FEP must offer the *BST* during the application process. (See [5.4.1.1](#)) If the *BST* cannot be completed during the 12 day application process and the applicant is otherwise eligible, the applicant must be placed and offered a time limit extension to allow for the processing of the *BST* as well as any necessary formal assessments needed to support the time limit extension decision. In these circumstances, W-2 agencies should consider a shorter time limit extension than the 6 month maximum time limit extension.

02 Nonfinancial Eligibility

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2.10.8 CMC Time Limits

[2.10.8.1 CMC Participant Time Limit Extensions](#)

A CMC participant's months in a CMC placement are exempt from both the 24-month and 60-month time limits if the child is born:

1. Less than 10 months after the date the individual was first determined to be eligible for AFDC or a TJ, CSJ, W-2 T placement.
2. More than 10 months after the date the individual is first determined eligible for AFDC or a TJ, CSJ, W-2 T placement, but:
 - Eligibility was determined prior to October 1, 1996; or
 - The birth was the result of sexual assault or incest and the incest or sexual assault has been reported to a physician and law enforcement authorities.

Example 1: A woman who has never received AFDC or W-2 has a child, applies for W-2 and is found eligible for CMC. The months in CMC would not count against the 60-month lifetime limit because she had never been determined eligible for AFDC or a TJ, CSJ, W-2 T placement.

Example 2: A former AFDC recipient who has never participated in W-2 has a child, applies for W-2 and is found eligible for CMC. She was first determined eligible for AFDC in July 1997. Therefore, the months in CMC would count against the 60-month lifetime limit because she was determined eligible for AFDC after October 1, 1996.

A CMC participant's months in a CMC placement count toward both the 24-month and 60-month time limits if the child is born more than 10 months after the date the individual was first determined to be eligible for AFDC or a TJ, CSJ, W-2 T placement, and:

- Eligibility was determined on or after October 1, 1996; or
- The birth was not reported to a physician or law enforcement authorities if it was the result of sexual assault or incest.

Ongoing W-2 TJ, CSJ, or W-2 T Participants: If a CMC participant moves from a TJ, CSJ or W-2 T directly into a CMC, the months in the CMC placement will count against the 24-month time limit of the position from which he or she moved.

Example: Lanye was in a CSJ placement and had a baby. She is moved directly into the CMC placement. Because she moved directly from a CSJ placement to a CMC placement, the CMC months will count against the CSJ 24-month time limit as well as the 60-month time limit.

New Applicants or Case Management Participants: When applicants are placed in CMC or move from a W-2 placement that only provides case management services and is not subject to a 24-month time limit, such as CMP, the months in CMC count toward the 60-month time limit, but not toward the 24-month time limit.

Example: Krysta received AFDC in December 1996. She has returned to W-2 and is found eligible for the CMC placement. Because Krysta did not move directly from a TJ, CSJ or W-2 T into CMC, the months in CMC will not count toward a 24-month time limit, but the months will count toward the 60-month time limit.

2.10.8.1 CMC Participant Time Limit Extensions

CMC participants are automatically eligible for 24-month and 60-month time limit extensions. The FEP must enter a time limit extension covering the time until the child turns 8 weeks of age. The FEP must then review the CMC case prior to the end of the 8 week CMC time period to determine if the CMC participant wants and is eligible for continued W-2 services. If the person wants cash assistance or other W-2 services beyond when the child turns 8 weeks of age, the FEP would have to follow normal eligibility determination policies, including time limit extension eligibility, if necessary

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03 Financial Eligibility

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* services or a *JAL*. 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* is eligible for case management services without regard to income or assets.

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3.2 Income

3.2.1 115 Percent Gross Income Test

If the total countable income (3.2.8) of the *W-2 Group* at application is less than or equal to 115 percent of the *FPL* for the size of the W-2 group, the group may be considered for all W-2 services or a *JAL*.

The FPL changes in February of each year. These figures were effective February 1, 2011.

Size of W-2 Group	115% FPL Monthly	115% FPL Annual	Size of Family Unit	115% FPL Monthly	115% FPL Annual
1	\$1,044	\$12,523.50	10	\$4,338	\$52,060.50
2	\$1,410	\$16,916.50	11	\$4,704	\$56,453.50
3	\$1,776	\$21,309.50	12	\$5,071	\$60,846.50
4	\$2,142	\$25,702.50	13	\$5,437	\$65,239.50
5	\$2,508	\$30,095.50	14	\$5,803	\$69,632.50
6	\$2,874	\$34,488.50	15	\$6,169	\$74,025.50
7	\$3,240	\$38,881.50	16	\$6,535	\$78,418.50
8	\$3,606	\$43,274.50	17	\$6,901	\$82,811.50
9	\$3,972	\$47,667.50	18	\$7,267	\$87,204.50

EXAMPLE: Jonathan applies for *W-2* 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* 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.

The annual Federal Poverty Level for W-2 groups over 18 persons increases by \$4,393 annually or \$366 monthly for each additional group member.

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3.2.2 Prospective Income Eligibility

Available earned and unearned income is tested prospectively for **W-2** eligibility. The **FEP** 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* 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*, 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* 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*, if the *W-2 Group* 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* 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.

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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](#)

[3.2.8.5 Census Employment and Other Temporary Employment Income](#)

All earned and unearned income of all the *W-2 Group* members is counted in determining the 115 percent gross income test ([3.2.1](#)) unless specifically disregarded. [See 3.2.9.1](#) for disregarded income.

3.2.8.1 Qualified Alien Deeming

USCIS may require certain qualified aliens who are admitted as a permanent resident alien to have a *sponsor* 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* 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

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** payments, **CTS** 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.

3.2.8.5 Census Employment and Other Temporary Employment Income

Income from temporary employment, including employment as a census enumerator, is counted in determining W-2 financial eligibility.

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3.2.9 Disregarded 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* 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 disregard the following income in determining the 115 percent gross income test:

1. Child Support Income: Regular collections of current child support, maintenance payments, family support (combination of child support and maintenance) or Child support Arrearage.
2. Tax Refunds: The agency must disregard as income the entire amount of any federal income tax refund in the month received. This includes federal tax refunds that result from federal over-withholding and from tax credits. Agencies must also disregard as income the portion of a state tax refund resulting from the [state EITC](#) in the month received. See [3.3.4](#) for policy on how to count tax refunds in subsequent months.
3. Loans: Any loans 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.

4. W-2 Employment Positions and JALs: Earnings from a W-2 Trial Job and payments of those in *CSJ* and *W-2 T*.
5. In-Kind Income: 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.
6. Vendor Payments: *Vendor payments*, such as rent paid by a community organization on the household's behalf.
7. Kinship Care: Kinship Care payment for the needs of a non-legally responsible relative child who is not included in the W-2 Group.

8. Foster Care: Foster Care payments for the needs of a foster child who is not included in the W-2 Group.
9. Earned Income of a Dependent Child: Income earned by a *dependent child* in a W-2 Group.
10. Federally Funded Benefits: Any income or resources distributed under the following federal laws are disregarded:
 - a. *Agent Orange Settlement Fund*: 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*: 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*: Payments under PL 103-286 to victims of Nazi persecution.
 - d. *Benefits for Children of Vietnam Veterans Who Are Born with Spina Bifida*: 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*: 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*: 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:
 - 1) Antiterrorism and Effective Death Penalty Act of 1996
 - 2) Crime Victims Compensation Program (Chapter 950, Wis. Stat.)
 - g. *National Flood Insurance Program*: Payments under P.L. 109-64 provided for flood mitigation activities with respect to a property.
 - h. *Medicare Prescription Drug, Improvement and Modernization Act*: Drug subsidies and drug discounts received as a benefit under this law.

i. *Nutrition Program Benefits:*

- 1) National School Lunch Act (PL 79-396)
- 2) Food Stamp Act of 1977 (PL 88-525)
- 3) Child Nutrition Act of 1966 (PL 89-642). This program includes the Women, Infants, and Children's program (WIC).

j. *Tribal Settlements:*

- 1) Indian Tribes; Sub-marginal Lands (PL 94-114)
- 2) Disbursement of Minor's Share of Judgment Funds (PL 95-433)
- 3) Lands Held in Trust for the Benefit and Use of the Pueblo of Santa Ana (PL 95-498)
- 4) Lands Held in Trust for the Benefit and Use of the Pueblo of Zia (PL 95-499)
- 5) Shoalwater Bay Indian Tribe, Dexter-by-the-Sea Claim Settlement Act (PL 98-432)
- 6) Chippewas of Lake Superior (PL 99-146)
- 7) Saginaw Chippewa Indian Tribe of Michigan Distribution of Judgment Funds (PL 99-346)
- 8) Chippewas of the Mississippi (PL 99-377)
- 9) Michigan Indian Land Claims Settlement Act (PL 105-143)
- 10) Section 707, Title VII Miccosukee Settlement (P.L. 105-83)
- 11) Mississippi Sioux Tribes Judgment Fund Distribution Act of 1998 (P.L. 105-387)

k. *Miscellaneous Federal Benefits:*

- 1) Housing Act of 1949 (PL 81-171)
- 2) Older Americans Act (PL 89-73), including Title V - Community Service Employment for Older Americans

- 3) Uniform Relocation Assistance & Real Property Acquisition Policies Act of 1970 (PL 91-646)
- 4) Robert T. Stafford Disaster Relief & Emergency Act (PL 93-288)
- 5) Housing & Community Development Amendments of 1978 (PL 95-557); however, wages from the act may be counted as income.
- 6) Low Income Energy Assistance Act of 1981 (PL 97-35)
- 7) Old Age Assistance Claims Settlement Act (PL 98-500)
- 8) Workforce Investment Act (P.L. 105-220)
- 9) State Department Refugee Resettlement Reception and Placement (R&P) grant cash income (45 CFR 400.66)

11. Educational Aid: The following educational aid or resources are disregarded:

- a. *Scholarships for tuition and books*: Scholarships received for tuition and books, including scholarships from public or private organizations.
- b. *Student Financial Aid*: Any student financial aid received under any state program or federal program. This includes the following aid received under the Higher Education Act of 1965 (PL 89-329).
 - 1) Basic Educational Opportunity Grants (BEOG or PELL grants)
 - 2) Presidential Access Scholarships (Super PELL grants)
 - 3) Supplemental Educational Opportunity Grants (SEOG)
 - 4) State Student Incentives Grants (SSIG)
 - 5) 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
- 8) Robert C. Byrd Honors Scholarship Program
- 9) College Assistance Migrant Program (CAMP)
- 10) High School Equivalency Program (HEP)
- 11) National Early Intervention Scholarship and Partnership Program
- 12) Montgomery GI Bill for Active Military, Reserve Military and Veterans
- 13) Veteran's Education Assistance Program (VEAP)
- 14) 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
- ab) Program

3.2.9.2 Income with Limited Disregards

Some income may be disregarded under limited circumstances:

1. Americorp VISTA: Disregard AmeriCorps **VISTA** 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. Operation Fresh Start: Disregard Operation Fresh Start income unless the agency director verifies that participants are receiving the equivalent of minimum wage. If the Operation Fresh Start participant is receiving minimum wage or more, count the income in determining gross income.
3. Indian Tribal Judgment Funds Use or Distribution Act (PL 93-134): Disregard per capita shares and income of \$2,000 per year or less.
4. Rehabilitation Act of 1973 (PL 93-112): 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** to support a rehabilitation plan.

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3.3 Assets

3.3.1 \$2,500 Gross Asset Test

If the total countable assets of the *W-2 Group* 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*.

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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.

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3.3.3 Changing Estimated Assets

Once eligible for *W-2*, if the *W-2 Group*'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* 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](#)

[3.3.4.5 Federal Income Tax Refunds](#)

The *equity value* 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* for the *W-2 Group* 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* of the W-2 Group's vehicles 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 "No" must not be counted in the asset test (3.3.1).

Common Vehicles	Asset
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

IDAs 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, ORR *and* using or other TANF *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.

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

3.3.4.5 Federal Income Tax Refunds

The agency must disregard as an asset the entire amount of any federal tax refund for a period of 12 months from the date of receipt. The federal tax refund is considered disregarded income in the month received. (See [3.2.9.1](#))

When an individual is failing for exceeding the countable asset limit, the W-2 agency must ask the individual if he/she has received a federal tax return in the previous 12 months. If the individual reports a federal tax return, the W-2 agency must take the following steps:

1. Subtract the federal tax return amount from the amount of the individual's existing countable assets, enter the corrected amount into CWW, and run eligibility;
2. Enter a case comment into CWW explaining the adjustment to countable assets;
3. Verify the tax return amount (See [4.1.3](#)); and

4. Scan any relevant documents into ECF.

If the W-2 agency subtracts the federal tax refund from multiple countable assets, W-2 agencies must specify in case comments the amount of the federal tax refund that was disregarded from each countable asset.

EXAMPLE 1 - APPLICANT

On April 2, 2011 Jackie applies for W-2. She provides a bank statement indicating she has a checking account with a \$3,000 balance.

The FEP must take the following actions:

- Enter the \$3,000 checking account into CWW;
- Complete the driver flow; and
- Run eligibility.

The CWW “Eligibility Run Results” page indicates that Jackie failed W-2 eligibility with a 024 reason code (countable assets are over program limits). Because Jackie failed W-2 eligibility for exceeding the asset limit, the FEP must ask Jackie if she received any state or federal income tax refunds in the past 12 months.

Jackie tells the FEP that in February she received both a \$1,000 state income tax refund and a \$2,000 federal income tax refund, but she doesn’t have verification with her.

The FEP must take the following actions:

- Subtract the \$2000.00 federal tax refund from the CWW checking account entry;
- Change the verification for the asset “Type” and “Asset Amount” to “?–Not Yet Verified”;
- Request Jackie to verify her federal tax refund amount, and the date she received it;
- Enter a case comment in CWW indicating the amount and reason for the subtraction; and
- Run eligibility.

Note: the FEP does not need to take any action on the state refund because Jackie received it 2 months ago and state EITC payments are only disregarded as income and assets the month they are received.

A few days later, Jackie returns with verification that she received a \$2,000 federal tax refund on February 15, 2011.

The FEP must take the following actions:

- Change the verification for the asset “Type” and “Asset Amount” to indicate the type of verification Jackie provided; and
- Run eligibility

EXAMPLE 1 - Ongoing Case

On April 10, 2011, Laticia calls to report she just received a \$1,000 federal income tax refund and a \$430 state income tax refund. The state income tax refund is the result of the state EITC. Both the full federal income tax refund and the state income tax return that is the result of the EITC are disregarded as income in the month received.

The FEP must take the following actions:

- Enter a case comment in CWW identifying the amount of the tax refunds, the dates Laticia received them, and information on why the tax refunds were disregarded; and
- Follow the appropriate income tax disregard policy if Laticia fails W-2 eligibility for exceeding the asset limit in subsequent months.

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04 Case Processing Requirements

4.1 W-2 Eligibility Verification Requirements

4.1.1 Introduction

The W-2 agency must verify nonfinancial and financial information provided by the W-2 applicant or participant to determine whether an applicant qualifies for, or a participant remains eligible for, W-2 services or a Job Access Loan.

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4.1.2 Information Requiring Eligibility Verification

The chart below provides a list of eligibility criteria along with suggested sources of allowable verification. The list of sources to verify an eligibility item is not exhaustive, but provides a sampling of the possible resources.

Eligibility Criteria	Suggested Sources of Verification
<p>Identity (verify identity only once)</p>	<p>Driver's License</p> <p>State Issued ID Card</p> <p>Employee ID Card</p> <p>Student ID Card</p> <p>US Government ID Card</p> <p>Military ID Card</p> <p>Native American ID Card issued by a Federally recognized tribe</p> <p>Any photo ID document issued by USCIS</p> <p>US Passport</p> <p>CARES birth query (Wisconsin Births only)</p> <p>Paycheck displaying the applicant's name</p> <p>Any unexpired immigration document</p> <p>Any other reliable document that verifies identity</p>
<p>Age (verify the birth date only once)</p>	<p>Certified copy of Birth Certificate (must be marked "For Administrative Use")</p> <p>Hospital Birth Record</p> <p>Driver's License</p> <p>US Passport</p> <p>State Issued ID Card</p> <p>Certificate of Naturalization (must be marked "For Administrative Use")</p> <p>Certificate of Citizenship (must be marked "For Administrative Use")</p>

	<p>Native American ID Card issued by a Federally recognized tribe</p> <p>CARES birth query (Wisconsin Births only)</p> <p>Any unexpired immigration document</p> <p>Any other reliable document that verifies birth date</p>
<p>Wisconsin Residency (verify residency each time a change is made)</p>	<p>Lease agreement</p> <p>Utility bill for water, gas, electricity, or telephone that includes name and address</p> <p>Mortgage receipt</p> <p>Subsidized housing program approval</p> <p>Weatherization program approval</p> <p>Pay check stub including name, address, employer's name, address and phone number</p> <p>Wisconsin Driver's License</p> <p>Wisconsin ID card</p> <p>Signed statement from a shelter or individual providing temporary residence</p> <p>Wisconsin Motor Vehicle registration</p> <p>Any other reliable document that verifies Wisconsin residency</p> <p>Special Note: Do not require residence verification for homeless or migrant assistance groups newly arrived to the area</p>
<p>U.S. Citizenship (verify citizenship only once)</p>	<p>Certified copy of Birth Certificate (must be marked "For Administrative Use")</p> <p>Baptismal Certificate if place of birth is shown</p> <p>Hospital Birth Record</p> <p>CARES birth query (Wisconsin Births only)</p> <p>Native American ID Card or other tribal membership documentation issued by a Federally recognized tribe</p> <p>Certificate of Naturalization (should be marked "For Administrative Use")</p> <p>Certificate of Citizenship (should be marked "For Administrative Use")</p>

Qualifying Non-Citizen Status	Please see W-2 Manual Chapter 2.4.1
Marital Status	Self Declaration/signature on CAF is acceptable if no other source is available Certified copy of Marriage Certificate (must be marked “For Administrative Use”) Judgment of Divorce
Custody of Children	Self-declaration/signature on CAF is acceptable unless contradicted by another source of verification KIDS child support disbursement query
Social Security Number (verify only once)	Social Security Card Pay stub displaying the SSN W-2 Tax Form displaying the SSN Form SS-5, Application for SSN Verbal statement of the SSN IEVS Match Other reliable documents displaying both the name and SSN Hospital discharge letter (must specifically reference the application for the SSN)
Earned Income	Paycheck stubs Letter from employer stating earnings Self-employment business tax records Self-employment Income Report (DWSP-2131) CARES data exchange/UI query Any other document that verifies earned income
Unearned Income	Social Security Award Letter Unemployment Compensation Award Letter Divorce paperwork identifying a financial settlement Documentation of Court Awarded compensation Compensation Award Letter

	<p>Veteran's Administration Award Letter</p> <p>CARES data exchange</p> <p>Any other document that verifies unearned income</p>
Savings Accounts	Current bank, credit union or savings and loan statement
Checking Accounts	Current bank, credit union or savings and loan statement
Insurance Policies	Life insurance policy and the insurance company's statement on the policy's current cash value
Trust Funds	<p>Trust agreement</p> <p>Court order</p>
<p>Other Savings or Investments</p> <p>Certificates of Deposit, Retirement Accounts (including IRA and KEOGH accounts), Stocks or Bonds</p>	<p>Statement from stockbroker</p> <p>Copy of bonds</p> <p>Current bank, credit union or savings and loan statement</p>
Real Estate	<p>Deeds or titles</p> <p>Real estate receipts or tax records</p> <p>Statement of current value from local business</p>
<p>Vehicles</p> <p>cars, trucks, boats, campers, snowmobiles, and other motorized vehicles (For Medicaid, only if household owns more than one vehicle)</p>	<p>Car title or registration</p> <p>Written statement from car dealer</p> <p>Loan papers or sales receipt</p> <p>State Division of Motor Vehicle statement</p>
School Enrollment	The FEP must verify school enrollment for children subject to Learnfare. Please see Chapter 16.

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4.1.3 Requesting Verification from W-2 Participants

Whenever possible, the *FEP* should attempt to verify eligibility information via *CARES*, data exchange and *ECF*. If that is not possible, the applicant or participant is responsible for obtaining verification of information that is necessary and appropriate in order for the *W-2* agency to make a correct eligibility decision. The applicant or participant has 7 working days from the date the verification request is made to provide the needed verification. The participant must be informed in writing of the verification items required, including the due date.

If extenuating circumstances exist that make the verification requirements unduly burdensome or the verification submitted by the individual is questionable or contradictory, the *W-2* agency may extend the verification due date. For applicants, the verification due date may be extended up to 30 days from the date the agency receives a signed RFA/paper registration form. (See [1.4.4](#)) For participants, the verification due date may be extended up to 30 days from the date of the initial request for verification.

If the individual has made a reasonable effort and cannot obtain required verification, does not have the power to produce verification, or requires assistance to do so, the *W-2* agency must assist the individual. If the agency is unable to assist, the *FEP* must not deny an application or close a case based on the information that could not be obtained. The agency must use the available information to process the case and then reassess the case when the requested information is received.

If the applicant is able to produce the information, but refuses or fails to do so, he or she is not eligible and the case must be denied or closed.

Questionable verification or reporting supplied by applicants or participants must be referred for fraud investigation. (See [4.5.3](#))

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4.1.4 Frequency of Verification

There are a number of items that must only be verified once per lifetime, such as:

- Identity;
- Social Security Number;
- Birth Date; and
- Citizenship.

To assure that these items are only verified once, the *FEP* must scan copies of the documents used to verify these items into the *ECF* in the appropriate folder based upon the document type. When an applicant approaches an agency for services and if these items are known to *CWW*, the worker will need only to view these documents in the ECF and enter case comments documenting that these items were viewed in the ECF and previously known to CWW.

Other eligibility criteria should be reviewed at every eligibility review and when new information is reported or received through a data exchange. (See [4.1.5](#))

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4.1.5 Income and Eligibility Verification System (IEVS) and Data Exchange (DX)

[4.1.5.1 Processing SWICA and UCB Matches](#)

[4.1.5.2 SWICA and UCB Data Exchange Monitoring Reports](#)

W-2 agencies must verify the reasonableness of wage and other information provided by persons applying for *W-2* through the *IEVS*. *CARES* data is compared to data from other databases containing information such as quarterly wages, unemployment compensation and information maintained by the Social Security Administration. This *CARES* process is called *DX*.

IEVS matches identify discrepancies between a participant's earned and unearned income information recorded in *CWW* and other sources of information gathered through *DX*. With the exception of State Wage Match (*SWICA*) and Internet Unemployment Compensation Benefits (Interstate *UCB* and also known as match type *TNUC*), actions on all *IEVS* matches are auto updated in *CWW*. Because *SWICA* and *UCB* matches are not auto updated, they require specific agency action. Agencies are required to investigate and reconcile discrepant information and record all findings and benefit savings in *CWW*. Federal regulations require action on *IEVS* data matches within 45 days for 80 percent of all discrepancies and on all discrepancies within 90 days.

4.1.5.1 Processing *SWICA* and *UCB* Matches

W-2 agencies must take the following steps when processing *DX* matches and completing the dispositions.

1. Identify cases with matches using *CARES* screen *DXDL* or *DXRL* or by using *DX* Monitoring Reports in *WebI*. (See [4.1.5.2](#))
2. Review the case-related information and compare it to information entered on the employment and unearned income *CWW* pages.
3. Determine if further verification of the information is required. If, based on the review of information, the worker determines that the information was not reported or recorded in *CWW*, the worker must take steps to verify the information from the third party listed in the match. If verification is not returned, the worker should use the best available information to complete the data exchange process.

4. Update CWW with the verified information, if necessary. If the income was from employment, the FEP should also review CARES screens WPEH and WPEL to update the Work Programs subsystem employment information. If the employment is ongoing, the worker must re-evaluate the individual's W-2 placement.
5. The income information received through an *IEVS* match may result in a loss of W-2 financial eligibility or an overpayment claim, or both. Based on the results of the verification, the worker may need to close the W-2 case and end program participation as well as create an overpayment claim for the months the individual received a W-2 payment while being ineligible.
6. Update the disposition on CARES screen DXRU. The match is not considered complete until this screen is completed.
7. Complete CARES screen DXUS if a cost savings was realized by the match. Benefit savings occur if the data from a match report causes a change in an assistance group's eligibility or payment amount. The information entered on this screen provides a general estimate of the financial effectiveness of the specific match. If the eligibility was not affected by the match, the worker does not need to complete the screen.

For more information on Data Exchange and IEVS, see the [CARES Guide Section 1, Chapter 10](#).

4.1.5.2 SWICA and UCB Data Exchange Monitoring Reports

Workers can access the *DX* reports in *WebI* to view listings of all individuals who have outstanding matches, and to monitor their progress in meeting the 45 and 90 day *IEVS* requirements for completing reviews.

Each of the DX reports can be accessed by selecting Report Monitoring in WebI, and further selecting the Data Exchange Folder.

DX Reports 1 and 2

Data Exchange report 1 provides a county summary and report 2 provides a detailed report of all matches with incomplete dispositions due for 45 days or more, also by county.

DX Reports 3 and 4

Data Exchange report 3 is a county summary and 4 is a detailed report of the overdue dispositions that have been completed during a specific month, also by county.

DX Reports 5 and 6

Data Exchange report 5 provides an agency summary and report 6 provides a detailed report by agency of all matches that are due within 45 days and for which dispositions have not been completed.

DX Report 7

This report allows the user to query dispositions by Worker ID. This report provides local agency staff with another tool to use to manage their dispositions.

DX Report 8

This report is similar to DX Report 1, but it has statewide data rather than county-only data.

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4.2 Requesting and Protecting W-2 Participant Information

4.2.1 Requesting Information from Third Party Sources

[4.2.1.1 Requesting Confidential Information](#)

While an applicant or participant has primary responsibility for obtaining verification, a *W-2* agency has statutory authority [[s. 49.143\(5\)](#)] to request information from any person it deems appropriate and necessary for the administration of *W-2*. By signing the *CAF*, the individual is acknowledging that the agency may request information from a third party unless the information is considered confidential.

Cooperation of the third party is expected within 7 working days of the agency's request. The *W-2* agency may extend the 7 working day time limit if it is unduly burdensome. The statute does not provide for compensation for the third party.

Applicants and participants must not be penalized when a third party fails to cooperate with a verification request. The *FEP* must not delay eligibility determination while waiting for information from a third party. Instead, the *FEP* must use the best available information, including consulting with appropriate agencies at the time of application. Eligibility must be reassessed when information from third party sources is received.

During the application process, the *FEP* may refer the applicant for screenings or assessments, some of which require information from a third party source. However, referrals for screenings and assessments are not eligibility requirements and are therefore not subject to verification time lines discussed here. (See [5.1.1](#))

4.2.1.1 Requesting Confidential Information

When requesting confidential information, the *FEP* must use the [Authorization for Disclosure of Confidential Information form \(10779\)](#). This form meets federal and state requirements for the confidential release of information from treatment providers, including *AODA* treatment, mental health treatment, domestic violence counseling, HIV/AIDS, and medical conditions.

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4.2.2 Protecting W-2 Participant Information

[4.2.2.1 Protecting Confidential Information about W-2 Participants](#)

Information concerning *W-2* applicants and participants generally must not be disclosed for any reason except when it is necessary for the administration of the W-2 program or, under certain circumstances, unless requested by law enforcement officers. (See [4.2.3](#))

If the information requested is not directly related to program administration, it must not be provided.

4.2.2.1 Protecting Confidential Information about W-2 Participants

Due to the nature of the barriers W-2 participants have, it is often necessary to obtain highly sensitive, confidential information regarding these barriers.

Information related to the following barriers is considered confidential for purposes of the W-2 program:

1. AODA treatment
2. Mental health treatment
3. Domestic violence counseling
4. HIV/AIDS
5. Medical conditions

Information related to these barriers may include but is not limited to:

1. Details of Assessments
2. Medical Test Results
3. Treatment Notes
4. Medical Diagnosis

See [4.4.6](#) for information on storing confidential information about W-2 participants.

The laws governing protection of confidential information are stricter than general information about the W-2 participant. In general, the laws narrowly restrict the disclosure and use of this information to a “bona fide need to know.” An individual or program in possession of such information (for example, a federally-assisted substance abuse program) may not release it except as authorized by the individual. Anyone who receives such information from a substance abuse program (for example, a W-2 agency) may not again disclose it without the individual’s consent and cannot retain this information unless confidentiality can be maintained.

W-2 agencies may disclose this information in the following circumstances without a release of information:

1. To other staff within the W-2 agency who have a bona fide need to know;
2. To another W-2 agency if the individual changes agencies (see [4.6.3](#)); and
3. To staff from the *DCF*, which has direct administrative control over the W-2 program.

Example 1: Juanita is a W-2 T participant. Based on the results of her BST, her FEP referred her to a mental health specialist for a formal mental health assessment. Based on the results of the assessment and a diagnosis of depression and situational anxiety disorder, the FEP assigned Juanita to weekly mental health counseling appointments and limited hours at a work experience site. After six months, Juanita was ready to begin employment search. Juanita’s FEP shared with the employment readiness workshop facilitator Juanita’s mental health diagnosis and the necessary accommodations she would need to successfully participate in the job readiness workshop. The sharing of this information was based on the workshop facilitators “bona fide need to know” because with this information the facilitator would be able to direct Juanita towards employment that would not cause anxiety as well as provide the accommodations Juanita needs in order to maintain employment.

Example 2: Roberta is a new W-2 T participant who has transferred from another W-2 agency from another part of the state. Roberta has been diagnosed with post traumatic stress disorder due to abuse she suffered earlier in her life. Roberta confided this in her FEP and shared some counseling records that she had been given by her former doctor. When Roberta’s FEP saw her co-worker later in the day, she asked for some advice on finding Roberta a new doctor and shared with her the details of Roberta’s past. The sharing of Roberta’s past was not based on the co-workers “bona fide need to know” because the FEP could have kept the details confidential while still seeking advice on referring Roberta to a local mental health professional.

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4.2.3 Releasing Information to Law Enforcement

If a law enforcement officer believes, on reasonable grounds, that a warrant has been issued and is outstanding for the arrest of a W-2 participant, the **W-2** worker, at the request of the law enforcement office, may notify a law enforcement officer when the participant appears to obtain his or her W-2 payment.

A W-2 agency may release the current address of W-2 participants to a law enforcement officer who meets all of the following conditions:

1. The officer provides, in writing the name of the recipient; and
2. The officer demonstrates, in writing the following:
 - a. The recipient
 - 1) Is a fugitive felon under [42 USC 608\(a\)\(9\)](#);
 - 2) Is violating probation or parole imposed under state or federal law; or
 - 3) Has information that is necessary for the officer to conduct his or her official duties;
 - b. That the location or apprehension of the participant is within the official duties of the officer; and
 - c. The officer is making the request in the proper exercise of his or her duties.

W-2 agencies are not required to report an applicant or participant to police simply because it knows that the person has an outstanding warrant. If there is any concern that an applicant or participant may cause harm to him or herself or others, whether there is a warrant involved, the agency should take the initiative to contact the police.

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4.3 Documenting W-2 Participant Information

4.3.1 Record of Verification

W-2 eligibility information requiring verification must be either “validated” or “documented.”

- **Validation** means placing original items of verification evidence (or a copy thereof) in the case file.

Validation may be done by:

- Making a photocopy of an original document and then scanning it into *ECF*;
- Using an *IEVS* match report;
- Using a query response from *SAVE*; or
- Using a *CARES* birth query result.

Photocopies of verification items should be marked with the date the document was obtained along with the initials of the staff person who obtained the document and scanned into ECF. (See [4.4.2](#)) If the validation occurred through a *CARES DX* (2 through 4 above), the verification code will automatically populate in *CARES*. When validating eligibility information, the worker is not required to enter case comments documenting how the eligibility criteria were verified.

- **Documentation** for the purposes of verifying W-2 eligibility information means describing the relevant verification evidence in a case note that is either entered as a case comment in *CARES* or a case note scanned into ECF based on a conversation with the individual or an observation, inspection, conversation, or collateral contacts by the W-2 worker.

The worker must enter comments as a formal record of case action or program-related information for an individual within 24 hours after the action or contact with a participant. Such timely entering of case comments ensures a sequential history.

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4.3.2 Marking Vital Records, “Administrative Use Only”

Vital records are maintained by the Wisconsin Department of Health Services and are official records of births, deaths, marriages, and divorces. These documents are referred to as Birth Certificates, Death Certificates, Marriage Certificates, and Divorce and Annulment Certificates and any data related to the above documents, e.g., printed birth query information from CARES.

A certified birth certificate has a registrar's raised, embossed, impressed or multicolored seal, registrar's signature, and the date the certificate was filed with the registrar's office, which must be within 1 year of the stated birth.

Prior to scanning these documents, the *FEP* must photocopy the original document, stamp it with “Administrative Use Only” and then scan it into *ECF*. Originals must not be scanned into ECF, but must be returned to the W-2 applicant. Following this process will ensure that W-2 agencies are in compliance with Wis. Stat. s 69.30 (2) which requires that vital records be marked, “Administrative Use Only.”

Although Certificates of Naturalization and Certificates of Citizenship are not considered vital records, W-2 agencies must also use the vital records process for these documents.

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4.3.3 Case Comments

Case Comments for W-2 must be entered by workers using CARES and CARES Worker Web (CWW). Workers must record comments within 24 hours after the action or contact with a participant to ensure a sequential history. There are two types of Case Comment entries.

The first type, Case level comments, are primarily entered into CWW but may also be entered into the mainframe. To enter Case level comments on the mainframe, use TRAN code <CMCC>, and put the following in the PARMs field: A/Case Number. Case level comments should be entered when the interaction is describing a case level event that impacts eligibility issues, such as case reviews, verification, adding or deleting household members, etc.

The second type is PIN level comments. PIN level comments are entered on the mainframe. To enter PIN level comments on the mainframe, use TRAN code <CMCC>, and put the following in the PARMs field: A/PIN for the individual. PIN level comments should be entered when the interaction is describing an individual level event, such as good cause, informal assessment summary, general notes recording individual contact as it relates to work program participation, etc. PIN level Case Comments are required as a formal record of all case action or program-related information for an individual.

See [4.4.6](#) for policy on recording confidential individual case information in Case Comments.

See [4.2.2.1](#) for a listing of confidential information that must never be entered in Case Comments. All highly confidential information needs to be stored in a paper file, in a secure location.

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4.4 Storing W-2 Participant Information

4.4.1 Electronic Case File (ECF)

As a means of providing for consistent retention of and access to case file materials, an *ECF* system was created. This paperless case file system uses document imaging (scanning) to store case file materials in an electronic format. To ensure the effectiveness of ECF in maintaining comprehensive documentation, it is important that *W-2* agencies understand and follow program policy with respect to the maintenance of case file information.

One area of particular importance is the maintenance of information used to verify participant program eligibility.

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4.4.2 Scanning Requirements

The following scanning guidelines must be followed by all W-2 agencies:

1. All ongoing case scanning must be completed within 30 calendar days of the reported/required case action having been performed in *CARES* or within 30 calendar days of being received in the *W-2* agency. It includes the scanning of documents turned in at intake, review and those dropped off or mailed into the agency. The exception is confidential documents. For storing confidential information, see [4.4.6](#).
2. *Case Review Monitoring*: Files requested for review by the *DCF* must be scanned into the ECF, in their entirety, within 10 working days of receiving the request. This may include cases requested for monitoring purposes, ad hoc queries or any other monitoring purpose.
3. *Transfer Cases*: When transferring a case, agencies must scan all relevant material prior to transferring the case. The exception is confidential information which must be mailed to the new agency. (See [4.6.3](#))

If an agency is unable to meet these requirements, agency staff must notify the appropriate DCF regional staff.

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4.4.3 Record Retention Requirements

Agencies must retain paper case documents for 3 years and 6 months from when all assistance groups close (*W-2*, child care, Medicaid, *FS*) if the documents are not scanned. If there is any litigation, claim or audit during the 3 year period in which the case was closed, the documents would need to be retained for 3 years from when the issue(s) have been resolved. These situations include benefit recovery referrals, benefit recovery claims, a case pulled as part of the federal quality control review, cases of *IPV*, etc.

With *ECF*, documents that are scanned and stored are backed up several times during the day and night and the backups are stored offsite. Documents will not be purged until at least the minimum retention period has passed for these documents.

Paper documents that are scanned and stored in ECF should be stored for at least a week in the event a scanner operator error is discovered. If an ECF scanning error does not occur, the documents may be destroyed at any time. This includes copies of birth certificates, Social Security cards, marriage certificates, etc. Originals of these documents must be returned to the owner. If an ECF scanning error does occur, the document should be rescanned. If for any reason a document does not appear in the ECF and the original is destroyed, it must be re-verified and re-scanned.

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4.4.4 Access to ECF by an Authorized Representative of the Applicant/Participant

An applicant or participant and representative may request to view and copy any records pertaining to the applicant's or participant's case file, including documents stored in *ECF*. Due to the nature of ECF, at no time may a third party be given unsupervised access to *ECF*. If a representative requests review of a participant's file, the W-2 agency must:

1. Have an agency representative sit with the representative to review the case file documentation in ECF; or
2. Print out the appropriate documentation for the representative.

The agency may charge for this service. See Section [19.2.7](#) of the W-2 Manual for more information on charging representatives.

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4.4.5 Scanning Consistency within an Agency

There will always be a level of subjectivity when deciding upon where in [ECF](#) to store a document. In order to minimize the subjectivity within a W-2 agency, agencies should develop written, internal guidelines on document storage. Because the documentation matrix is available in spreadsheet format via a link from the ECF Manual, one option would be to download the spreadsheet and add your agency's internal forms and documents to it as a guide for all agency staff. A word of caution, however, if your agency uses the documentation matrix, the matrix may change when a new [ECF Handbook](#) version is released. Therefore, an agency would have to make sure that it incorporated any new release changes into its agency specific documentation.

To further ensure consistency across agencies, all supporting documents for applications must be stored in the appropriate category, if one exists. For example, for Job Access Loan applications, positive or negative notices would go in Sub-folder Case Information under Document Type NOD and rental agreements would go in Sub-folder Expenses under Document Type SUE. When doing so, agencies should put a notation at the top of the document prior to scanning referencing "JAL verification." This would be true of any type of application that contained supporting documentation, such as [EA](#). If there is not an existing document type in which the document most appropriately belongs, it would be considered a part of the application and should be included with the application in Sub-folder Case Information under Document Type APP.

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4.4.6 Storing Confidential Information

The **FEP** must store all confidential information in a sealed envelope in the paper file. **W-2** agencies are prohibited from scanning confidential information into ECF.

W-2 agencies must cross-reference confidential information by only generally referencing the information in CARES screen CMCC and providing further details in the paper file. Below are examples of appropriate language that can be used when cross-referencing this information:

1. “Participant has been referred for Mental Health Assessment. The assessment will be completed the week of March 20th for a total of 35 hours.”
2. “Participant is currently receiving **AODA** treatment 10 hours per week. See paper file for assessments and treatment notes.”
3. “Participant is currently restricted per completed medical capacity form to no more than 30 minutes of continuous sitting or standing. Participant is scheduled for surgery in two weeks. The doctor estimates a 12-week recovery period. Updated ANDI and AIWP accordingly. Paper file contains complete medical information and diagnosis provided by the doctor.”

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4.5 Fraud

4.5.1 Program Integrity

The *W-2* agency is responsible for ensuring the integrity of the program it administers. To accomplish this responsibility, the *W-2* agency must operate a prevention program to identify and prevent errors/fraud at application, and investigate or refer for investigation, possible fraud by participants or providers. The *W-2* agency is responsible for initiating claims and collections of fraudulent overpayments, determining which cases shall be referred for fraud investigation and the local District Attorney's office for prosecution.

Fraud is defined as anyone who, with knowledge and purpose, makes false statements, suppresses facts, misrepresents circumstances, or fails to report a change in circumstance in order to obtain a *W-2* payment or *JAL*, or obtain a payment for services provided.

An example of participant fraud is when an individual reports being unemployed during a period of time an employer reported earnings for that individual. A misstatement by an individual due to the individual's misunderstanding on what constitutes income may not be considered fraud.

An example of provider fraud may include intended failure on behalf of a *W-2* sub-contract agency to provide accurate or adequate records for training services provided to *W-2* participants.

The agency may request multiple documents to verify one item if it is believed to be fraudulent. The documentation of items provided, to whom, and on what date, can help assist for recovery of (or potential prevention of) fraudulently received payments or services, plus support proper case disposition or assessment of program penalties.

When investigating possible fraud, the agency must give the individual adequate notice and opportunity to respond to and, if necessary, appeal the allegation.

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4.5.2 Front-End Verification

The fraud prevention program, most often referred to as *FEV*, mainly involves intensive verification of error-prone case characteristics or questionable eligibility information provided by applicants for *W-2* payments and services including employment position payments and *JALs*.

Certain situations may give the W-2 agency reason to review applicant case information in much greater detail to help prevent possible fraud. Some examples that might cause consideration for more in-depth review are reported expenditures that exceed the level of income reported for the household; reluctance to provide needed information about resources or income; or lengthy unexplained absences from the residence and difficulty in contacting the person to obtain information.

Prevention activities include requiring additional documentation of both financial and nonfinancial eligibility information as appropriate for each questionable case including, but not limited to, income, assets, identity, residence, and household composition.

The FEV prevention process is appropriate for applicants who have not yet been determined eligible for W-2 programs. Its purpose is to prevent fraud, waste and abuse in the W-2 program by verifying ineligibility before payments are lost due to false reporting. W-2 agencies are responsible for ensuring that enhanced verification is conducted when information supplied by applicants is questionable or error-prone characteristics are present. W-2 agencies may have staff specifically assigned to prevention activities; however W-2 agencies have the flexibility to assign this function at the supervisor level or contract out this function.

Fraud prevention procedures involve more resources and increased documentation than normally required of the Financial and Employment Planner (FEP). Fraud prevention specialists should have extensive knowledge of W-2 eligibility requirements, verification procedures, error-prone profiles, and all resources necessary to proficiently verify information.

FEV must be conducted in accordance with the requirements specified in the [IMM, Section 12.2](#). An FEV referral for fraud prevention has the same time limits as any additional request for verification made by the agency to an applicant. When the agency makes an FEV referral to obtain a more intensive review of an applicant's documentation for determining W-2 eligibility, it may delay determining eligibility by seven working days from the date the FEV referral was made. Applicants who disagree with the delay or the findings of the verification process may request a fact finding review by the W-2 agency. (See [19.1](#))

When a W-2 agency or its designee suspects fraudulent reporting or a failure to report a change in circumstances in an ongoing case, the case must be referred for fraud investigation, not FEV. (See [4.6.3](#))

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4.5.3 Fraud Investigation

W-2 agencies are responsible for timely referral of participants receiving any W-2 or transportation payments or services for investigation when fraud is suspected. When a W-2 agency or its designee has reason to believe that a participant has engaged in fraudulent reporting or a failure to report a change in circumstances, resulting in an overpayment, the case must be referred to fraud investigation, not the *FEV* program. Fraud investigative activities must be conducted in accordance with the requirements specified in the [IMM, Section 13.2](#).

W-2 fraud investigation referrals should be made to the contracted fraud investigative service provider. Fraud referrals must meet the referral criteria specified in the [IMM, Section 13.2](#).

The W-2 agency is responsible for the complete and accurate reporting of both the *FEV* process and W-2 fraud investigation in *CARES*. W-2 agencies have the option of establishing local agreements to delegate these activities with county IM agencies, if appropriate.

The W-2 agency has the first responsibility to determine whether the completed fraud referral returned by the investigative service provider meets the satisfactory criteria identified specified in the [IMM, Section 13.2](#). Should a dispute occur between the W-2 agency and the investigative service provider, the dispute must be referred to State Public Assistance Fraud staff identified in the [IMM, Section 11.1.1.6](#).

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4.6 Transferring a W-2 Case

4.6.1 Transfers In or Out of Milwaukee County or Between Balance of State W-2 Agencies

W-2 participants who move between balance of state counties or in or out of Milwaukee County must re-apply at the W-2 agency providing services in the county in which they live (new residence). When a participant moves to another county and can continue in current activities, the W-2 agency from which the participant is transferring must determine when to terminate the employment position, according to the needs of the agency, W-2 employer/work training provider and participant.

Once this is determined, the agency from which the participant is transferring must terminate the placement on CARES screen WPWW so that **CARES** will generate the final payment for activities completed during the last participation period. For transfers between counties that are not in the same consortium, the agency must end all activities and components on CARES screen WPCH and disenroll the individual from the CARES Work Programs subsystem. For transfers between counties in the same consortium, the agency does not need to end all activities and components or disenroll the individual. For information on Milwaukee County consortiums, see [4.6.2](#).

The new agency must treat the individual as an applicant for purposes of W-2 services. However, the new agency should consider the participant's prior placement because an individual assessed in the one county is likely to continue in a similar placement when moving elsewhere within the state.

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4.6.2 Transfers Between W-2 Agencies in Milwaukee County

There are three types of *W-2* agencies in Milwaukee:

1. *EAA*
2. *WEA*
3. *SSIA*

Transfer of ongoing cases can occur between the WEAs, between the SSIA and between the WEAs and the SSIA. Any ongoing case transfers in Milwaukee must follow the procedures laid out in the Milwaukee Memorandum of Agreements (MOAs) and the Milwaukee Transfer Procedure document.

While cases are moved from the EAA to the WEAs or SSIA, this is technically not referred to as a “transfer.” The process of moving cases between the EAA and the WEAs and SSIA is outlined in the respective W-2 Milwaukee Memorandum of Agreements.

When a transfer is initiated, an Inter-Regional W-2 Participant Transfer Notice form is used to assure that participants are properly notified to continue with assigned activities until they have met with a *FEP* in the new region.

When the case is transferred to the new Milwaukee W-2 agency, the participant must be moved to the work program office of the new agency. The new W-2 agency must meet with the participant within 10 working days from the date of transfer as reflected on *CARES* screen WPTN. The case must be reassessed to ensure the participant is in the appropriate placement. Assessment results must be documented in case comments and the appropriate CARES screens. For more information on transferring assessment information, see [4.6.3](#).

For more detailed information on the Milwaukee transfer policy and CARES processing of transfers, see the Milwaukee Memorandum of Agreements (MOAs) and the Milwaukee Transfer Procedure document.

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4.6.3 Transferring Formal Assessments

When an individual applies for **W-2**, the applicant W-2 agency should check in **CARES** to see if the individual received W-2 in the past. If the individual received W-2 in the past, the applicant W-2 agency must check in CARES screen WPBD to see if any formal assessments were completed at a prior W-2 agenc(ies). If so, the applicant W-2 agency must request the following information from a prior W-2 agency:

1. All copies of formal assessments and treatment notes from the past 12 calendar months; and
2. Any copies of additional information and assessments greater than 1 year that were used to determine how the participant was last served by the prior W-2 agency.

The applicant W-2 agency must contact the prior W-2 agency and request formal assessments and treatment notes from the prior W-2 Agency's Default Case Manager that is listed on CARES table TWCM.

The prior W-2 agency is required to send all copies of requested documentation to the applicant W-2 agency so that it is received within 7 working days. All confidential information must be sent by US mail or other delivery services with tracking or through a courier. Copies of confidential documents cannot be scanned, faxed or emailed.

Any case that is transferred within Milwaukee or reapplies for W-2 in the balance of state may only satisfy the formal assessment requirement for a **W-2 T** placement if the formal assessment for the stated barrier/disability was completed in the 12 months prior to the agency transfer or new application. If it was not within the 12 months prior, the new W-2 agency will need to request that a new formal assessment be completed within 30 days of making a new W-2 T placement. See [5.5.1.1](#).

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05 Assessment

5.1 Introduction

5.1 Introduction

Under W-2, assessment is 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 *SSI* and/or *SSDI* benefits.

Certain types of screening and assessment are required for all W-2 applicants and participants, including:

- Informal Assessment;
- Educational Needs Assessment; and
- The offer to complete the *BST*.

The information gathered through these required processes will assist the FEP in identifying whether additional Formal Assessments are needed to develop the participant's *EP*.

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5.1.1 Assessment at Application

During the application process and prior to placing the individual in a W-2 placement, the W-2 agency:

- Must work with the applicant to complete an informal assessment; (See [5.2](#))
- Must work with the applicant to complete an educational needs assessment; (See [5.3](#))
- Must offer the BST; (See [5.4.1.1](#)) and
- May require the applicant to participate in up-front job search activities as a condition of eligibility. (See [2.9.2](#))

To make the initial W-2 placement and to develop the EP, the FEP must use the results of the informal assessment, results from the educational needs assessment, the BST results if available, and the progress made during assignment to up-front job search activities.

During the application process, the FEP may also refer the applicant for vocational evaluation or formal assessment of employment barriers. (See [5.5.1](#)) However, completing referrals for vocational evaluations or formal assessments are not eligibility requirements.

When an applicant needs extra time to gather verification for eligibility, the FEP can extend the application time frame up to 30 days. Because additional vocational evaluations and formal assessments are not eligibility requirements, the FEP must never delay eligibility determination and placement because a formal assessment is pending. The placement decision must be made using the best available information during the application timeframe. (See [1.4.4](#)) The W-2 placement may be adjusted later, if needed, when the formal assessment information is received.

To gather assessment results, W-2 agencies are encouraged to consult with other employment and training resources, and accept previous assessments done by other agencies if appropriate, including assessments completed in the past by other W-2 agencies.

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5.1.2 Assessment as Part of On-Going Case Management

An informal assessment must be made prior to moving an individual to W-2 placement. Informal assessments are considered an on-going activity and are part of general W-2 case management.

The educational needs assessment is also part of the ongoing case management process. Accordingly, the participant must be reassessed for education and training needs anytime there is a change in W-2 placement.

In some circumstances the BST must also be offered to W-2 participants as part of ongoing case management. (See [5.4.1.1](#))

The results of each assessment must be discussed with the participant and the participant must be given the opportunity to provide input on his/her W-2 placement and the activities that are assigned as part of the EP.

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5.2 Informal Assessment

5.2.1 Informal Assessment

The purpose of the informal assessment under *W-2* is 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;
- Need for further career assessment and planning;
- Need for vocational evaluation; and
- Existence of potential disabilities or other specific limitations through screening with a validated screening tool; and
- Need for a formal assessment of any disabilities or other employment barriers by a qualified assessing agency or individual.

Informal assessment is an ongoing case management practice which starts during the *W-2* application period and continues until the individual no longer receives *W-2* services. Multiple approaches are generally used based on individual needs. The *CARES* Work Program Assessment Driver Flow is required to be completed at initial *W-2* placement and must be redone at each placement change. Additional approaches to conducting informal assessment may include:

- Paper and pencil tools designed by the *W-2* agency;
- Automated screening and assessment tools available within the *W-2* agency;
- Information gathered through face-to-face case management meetings;
- Worksite Performance Evaluations;
- Goal setting exercises/tools (e.g., where do you want to be in six months? Two years?, etc.); and
- Experience with following through on job search and other assigned activities.

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5.2.2 Informal Assessment Inventory

The following inventory must be covered as part of the *informal assessment* and reviewed with each *W-2* applicant/participant at application and as a part of ongoing case management.

- Personal strengths, interests and goals;
- Job skills (including transferable skills), prior education and training;
- Employment history and recent job search efforts;
- Recent career assessment results, if any;
- Emergency supportive service needs;
- Current living situation, neighborhood environment and schools;
- Household budgeting/money management strategies;
- If recent move, from where and when;
- Involvement in legal system that may impact ability to work;
- Employment support (i.e. Work Connection and Retention Services);
- Access to child care (including after-school);
- Access to transportation, including current and valid drivers license;
- Concerns related to personal and family health including mental health;
- Educational experience, including any diagnosis related to learning disabilities;
- Behavioral and other issues that a child in the W-2 Group may have that could impact W-2 participation;
- Service needs and accommodations related to domestic violence and sexual assault;
- Access to social supports (e.g., family members, church, friends);
- Other needs or barriers identified by the participant that impedes his or her ability to participate in W-2 activities or find and retain a job.

The *FEP* must gather information about applicants/participants personal strengths, interests and skills that may help them in their search for employment or that may be further developed through activities assigned in the *EP*. In addition, the FEP must work with the applicant/participant to identify resources that will address any unmet needs identified during the informal assessment process.

Informal assessment must also include observations by the worker about the individual's ability to follow through on assigned activities and/or perform job search. When an applicant/participant is having difficulty completing assigned activities, this may be an indication of underlying barriers to employment and should result in further conversations with the individual about the appropriateness of the activities being assigned and the need for additional supportive services.

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5.3 Educational Needs Assessment

5.3.1 Educational Needs Assessment

The *W-2* agency is required to conduct an educational needs assessment with all new *W-2* applicants and before making a change in *W-2 placement*. The assessment must:

1. **Identify the applicant/participant's current educational levels.** Agencies are encouraged to use a standardized educational assessment tool to determine educational levels. Assessment tools such as *TABE* and *WRAT* are already widely use by *W-2* agencies for this purpose.

If a standardized assessment tool, such as *TABE* or *WRAT* has been completed within the prior six months, the agency may use the results of that assessment to determine the applicant's or participant's current educational level. It is not necessary to administer a new standardized educational assessment to the individual.

2. **Determine the applicant/participant's education and training needs.** In making this determination, the *FEP* must consider the following:
 - A. The information gathered on the applicant/participant's current educational levels. The *FEP* must document this information on the appropriate *CARES* screens (*WPED*, *WPPE* and *WPAW*) and in case comments;
 - B. The level of education and training necessary to obtain full-time employment in the local labor market. The Department of Workforce Development maintains a website with Wisconsin labor market information at <http://worknet.wisconsin.gov/worknet/default.aspx>. From this website you can link to many useful resources, such as:
 - *LMI – for Workforce Development Areas* at http://www.dwd.state.wi.us/oea/wda_map.htm. This site covers the occupations in demand for each region and county in the state.
 - *The Occupational Information Network (O*NET)*, at <http://online.onetcenter.org/>. This site provides comprehensive information on job requirements and worker competencies for employment sectors and occupations.
 - C. The applicant/participant's personal employment goals. If the *FEP* determines that the individual is eligible for *W-2* and s/he needs or would benefit from education or training activities, including a course of study meeting the standards established for the granting of a declaration of high school graduation, the education and training activities must be included in the individual's *EP*.

Example: Holly is found nonfinancially and financially eligible for *W-2*. She has not completed high school and the educational needs assessment finds her to be at a 10th grade reading and math comprehension level. An

aptitude assessment also shows that she is artistic and has good mechanical skills. Holly tells the FEP she has had several brief job spells as a short-order cook and her personal employment goal is to become a chef. However, all of her past employment has resulted in job terminations due to disputes with her supervisors. The FEP determines that Holly would be appropriate for a *CSJ*. For the first week, Holly is assigned to 40 hours of Job Readiness/Motivation training. After completing the first week, she is assigned to 30 hours per week at a work experience site that combines food preparation experience with culinary skills training, which is expected to last about six weeks. In addition, Holly is assigned to eight hours per week of tutoring to prepare her for her *GED*.

If the applicant or participant refuses to complete an educational needs assessment, such as the *TABE*, and there is no other information available as to the individual's current math and reading comprehension level, the W-2 agency may proceed to work with the individual as though there are no literacy barriers.

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5.4 Barrier Screening Tool

5.4.1 Barrier Screening Tool

[5.4.1.1 When to Use the BST](#)

[5.4.1.2 How to Use the BST](#)

[5.4.1.3 Applicants/Participants with Limited English Proficiency](#)

The *W-2 BST* is used to identify the potential presence or risk of a personal barrier to normal functioning in an employment setting. The responses to the BST questions provided by each applicant or participant will assist the *FEP* in determining if the individual could benefit from a formal assessment by a professional. The formal assessment results, in turn, will enable the FEP to make a more informed decision about the individual's W-2 placement, the activities s/he is assigned to and any special services or work site accommodations that s/he may need.

The BST is voluntary and applicants/participants may decline part or all of the BST.

5.4.1.1 When to Use the BST

The BST must be offered to W-2 applicants who have not previously completed the BST.

The BST must be offered prior to the initial W-2 placement. Completion of the BST is not, however, a condition W-2 eligibility. Eligibility determination and placement must not be delayed pending completion of the BST.

CARES functionality allows a worker to create a completed or declined BST record for an applicant/participant anytime after the CARES Work Programs Referral date is captured. The ACEO/AIJR driver flow will allow workers to refer an individual to Work Programs prior to confirming W-2 eligibility or placing the individual in an employment position on CARES screen WPWW.

If a participant who is placed in *W-2 T* or *CSJ* has not been offered the BST prior to the initial W-2 placement, the individual may not receive a payment reduction for failing to participate in any assigned activity until the BST is either completed or declined. (See [5.5.7](#))

If the entire BST is initially declined the BST must be offered again at 6 month intervals until such time as the participant completes the BST or is no longer in a W-2 placement. An alert will be generated in CARES after 6 months has passed to remind the case worker that the BST must be offered again.

Once an applicant or participant has completed the BST, there is no requirement to offer the BST again, unless:

- The applicant reapplies for W-2 and his or her case has been closed for a period of one year or more;
- The individual requests to have the BST readministered;
- The FEP has reason to believe that readministering the BST may help identify a barrier that is affecting the participant's ability to work or participate in work training activities. Examples include, but are not limited to:
 - Behavioral cues that may indicate the presence of a condition or barrier;
 - A low *TABE* score;
 - A pattern of non-participation without good cause;
 - Changes in family circumstances.
- The FEP is considering denying an initial 24-month or 60-month W-2 time limit extension and the BST has not been completed or declined within 12 calendar months prior to the participant's 24th or 60th month in an ongoing case. If the BST was not completed or declined within 12 calendar months prior to the end of the time limit, the FEP cannot deny an extension until the BST is offered to the participant using the BST Agreement form; or
- At the time of application, the individual has either 60 months on his or her life time clock or 24 months on one of the placement clocks. In these circumstances, the FEP must offer the BST at application. ([See 2.10.7](#))

Each time a participant is assigned to a different FEP, or transferred to a different W-2 agency, the new FEP must:

- Review the most recent BST results; and
- Review the CARES Work Program Assessment screens and any related case comments to determine if a formal assessment has been completed with the participant.

Completion of the BST does not replace the informal assessment process. The FEP must continue to use the informal assessment process to assist in making decisions about W-2 placement and assignment to W-2 activities.

When offering the BST, the W-2 agency must make the individual aware of child care options that may be used while completing the BST. If requested, the W-2 agency must assist with making the child care arrangements before completing the screening.

5.4.1.2 How to Use the BST

Agencies have the discretion to determine who in their agency will administer the BST. Some agencies may assign each FEP to screen his/her own applicants/participants.

Other agencies may choose to have one staff person or contracted provider who specializes in this function. All individuals designated to administer the BST must have FEP training (or have equivalent training as determined by the BWF Partner Training Section) and participate in the BST training.

The designated screener must use the [W-2 Barrier Screening Tool Agreement \(form 13578\)](#) to help explain to the applicant/participant the purpose of the screening and the type of follow-up services that may result from completing it. It is critical that the worker explain the BST using positive language that reinforces how the applicant/participant may benefit from completing the screening.

The applicant/participant has the choice to complete or decline the BST. If the individual chooses to complete the BST, s/he still has the option to decline any questions that s/he is not comfortable answering.

Applicants/participants must indicate at the bottom of the W-2 Barrier Screening Tool Agreement their decision to complete the screening process or decline to be screened. The applicant/participant may decline to be screened without risk of sanction or case closure. If the applicant/participant declines to complete the screening, the screener must document this information using the automated screening tool.

There are four sections to the BST:

1. Domestic Abuse Screen: This section of the screening helps the FEP and applicant/participant determine if a referral for a domestic abuse assessment and services are needed. The Domestic Abuse Screen must be completed with all new applicants/participants who agree to complete the BST.

If an applicant/participant voluntarily discloses that (s)he is or has been a victim of domestic abuse or is at further risk of domestic abuse, s/he is not required to be screened. An applicant/participant must never be asked to complete the Domestic Abuse Screen while his or her partner is present.

2. Functional Screen: This section screens applicants/participants for their ability to function in a work setting, work training and daily living activities. The Functional Screen must be completed with all new applicants/participants who agree to complete the BST. Specific instructions are provided in the screening tool to help the FEP determine if a formal assessment is needed and whether an applicant/participant must complete Screen 2.
3. Screen 2: This section screens applicants/participants to determine if they are at-risk for barriers that often go unidentified, including mental health issues, learning needs, post-traumatic stress disorder, traumatic brain injury, and alcohol or other drug abuse.

Completion of Screen 2 is only required when the Functional Screen indicates it is necessary. Specific instructions are provided in Screen 2 to help determine if a referral for formal assessment is needed.

4. **Family Needs Screen:** The Family Needs questions assist the worker with gathering information about special needs of other family members in the household that may affect W-2 activities and the participation schedule the participant is assigned to. The information gathered may also lead to referral for services by other community providers as determined by the worker. Unlike the other sections of the BST, there are no instructions provided for the Family Needs Screen on follow-up actions steps. Upon completing the Family Needs Screen, the FEP and the applicant/participant must discuss the results and determine if any follow-up action steps or changes to the participant's EP are needed.

The Family Needs Screen contains:

- Five mandatory questions, called Section I; and
- Two sets of follow-up questions (one for children and one for adults with special needs) called Section II, which are optional for the worker to ask the applicant/participant. The questions in Section II, gather more in-depth information about special needs such as medical, daily living, and child care needs. Workers should base whether or not to ask the Section II questions on the level of need uncovered in Section I. If the needs identified could have an affect on the W-2 applicant's/participant's work and training assignments or participation schedule, then the Section II questions should be asked.

It is not necessary to administer all required BST screens during one meeting. The designated screener has the discretion to schedule multiple meetings to complete the required BST screenings. This is particularly important if the applicant/participant is uncomfortable or is having difficulty answering the questions. The designated screener must determine whether it is appropriate to administer the BST when an applicant's/participant's children are present. An applicant's eligibility and placement determination must not be delayed pending completion of the BST.

5.4.1.3 Applicants/Participants with Limited English Proficiency

Agencies must make applicants/participants aware of the availability of qualified interpreters to assist in completing the BST for individuals who cannot speak, read, write, or understand the English language at a level that permits them to interact effectively with program service providers.

Spanish and Hmong translation of the BST are available in a paper version online at <http://dwd.wisconsin.gov/w2/bst/default.htm>. In some parts of these translated tools, the questions were modified from the English version to be culturally relevant. Therefore, it is critical that when an interpreter or a bi-lingual FEP is administering the tool to a Hmong or Spanish speaking participant, s/he is reading the questions word-for-word from the translated tool.

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5.5 Formal Assessment

5.5.1 Formal Assessment

[5.5.1.1 When to Use a Formal Assessment](#)

[5.5.1.2 How to Use a Formal Assessment](#)

A formal assessment is 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., work training activities 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.

The formal assessment process may include gathering information about the participant from one or more qualified assessment agencies or individuals.

5.5.1.1 When to Use a Formal Assessment

A FEP can determine the need for a formal assessment at any point; however, a formal assessment must be offered within thirty (30) calendar days of any of the following situations:

1. When an applicant or participant presents medical or other information, including the applicant's or participant's own statements that indicate he or she may have a disability or other barrier to participation in the W-2 program or employment;
2. A participant is placed in a W-2 T position. Participants placed in W-2 T must have a formal assessment scheduled and documented in CARES within 30 calendar days of placement into W-2 T;
3. When W-2 agency staff or contractors observe behavior that indicates the need for a formal assessment; or

4. When the results of *informal assessment* and/or the *BST* indicate a need for further evaluation for identification of a disability or other barrier to participation in the W-2 program or employment. The formal assessment must be scheduled and documented in CARES within 30 calendar days after the BST is completed.

Note: A participant who is initially placed in W-2 may already have a formal assessment scheduled or completed at the time the BST is administered. In these circumstances, the BST results are still important as they may help the FEP and the assessing agency determine if other unknown conditions exist that are causing barriers to employment or W-2 participation.

When a participant is referred for a formal assessment based on the results of the BST, those results must be shared with the assessing agency if the participant agrees to sign a release of information.

Consider a formal assessment acceptable if completed within one year prior to the BST screening or W-2 T placement. It may be necessary for the W-2 agency to follow-up with the agency or individual who completed the assessment to interpret the assessment results and determine if any new treatment is being explored. If the prior formal assessment results have an expiration date that indicates the results are no longer valid or there is reason to believe the formal assessment information does not reflect the participant's current circumstances, then a new formal assessment must be completed. Results from a prior formal assessment may only be used if the assessment contains the necessary elements and is relevant to the employment barrier in question. For example, if a formal assessment completed eight months ago evaluated the need for AODA services, but the employment barrier indicated in the BST relates to learning needs, then a new formal assessment must be completed.

5.5.1.2 How to Use a Formal Assessment

The FEP must use the [W-2 Formal Assessment Agreement \(form 2565\)](#) to help explain to the applicant/participant the purpose of the formal assessment and the type of follow-up services and activities that may result from completing it. It is critical that the FEP explain the formal assessment process using positive language that reinforces how the applicant/participant may benefit from completing it. Through the discussion, the applicant/participant must be made aware that assessment results will enable the individual and his/her FEP to make informed decisions about:

- his/her W-2 placement;
- his/her employment goals and the activities that will help reach those goals;
- his/her ability to engage in training and education; and
- any special services and work site accommodations that s/he may need.

The applicant/participant must indicate at the bottom of the agreement his/her decision to complete or decline a formal assessment.

The FEP must use the best information available from an informal assessment to initially place an individual in an employment position when a formal assessment is pending. Participating in a formal assessment may be counted as participation in an employment position. The FEP must document all assessment information in CARES utilizing the appropriate CARES screens, including case comments.

Within 30 days after receiving the results of the formal assessment, the FEP must make necessary adjustments to the participant's placement and revise the *EP* based on the formal assessment. The services and accommodations that are recommended in the formal assessment to help a participant succeed in a work setting must be incorporated into the participant's EP.

This may include:

- Obtaining needed medical treatment or counseling;
- Receiving needed services from other providers in the community;
- Ensuring participants have the necessary services, reasonable modifications and accommodations to successfully engage in assigned W-2 activities; and
- Working with employers to put needed accommodations into place for participants making the transition to unsubsidized employment.

As part of the process of revising the EP, the FEP must:

1. Provide the participant with a written description of any needed services, activities, and reasonable modifications or accommodations using the form, [Services and Accommodations To Help You Do Your W-2 Activities \(form 2564\)](#). If the FEP does not incorporate all of the recommended accommodations or modifications into the participant's EP, the FEP must document on CARES screen WPBD the reasons(s) the recommendation(s) were not incorporated. Any placement change based on a formal assessment must also be discussed with the participant and the participant's EP must be updated accordingly.
2. Advise the W-2 education, training or work site providers of any needed reasonable modifications or accommodations to the W-2 education, training or worksite. The W-2 agency must monitor the participant's performance at the W-2 education, training or work site to ensure that previously specified services, modifications, or accommodations identified in the EP are provided.

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5.5.2 Qualified Assessing Agency

Formal assessments must be completed by one or more qualified assessing agencies or individuals. 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.

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5.5.3 Necessary Elements

The qualified assessing agency must provide an individualized written assessment that enables the FEP to adapt W-2 activities to accommodate the needs of the participant. The assessment must include at a minimum, the following elements:

1. Personal conditions/diagnosis that impact ability to function in activities of daily living and the ability to perform work;
2. Functional abilities
3. Functional limitations related to employment and employability, and implications of those limitations on finding and maintaining employment;
4. General aptitude/cognitive level (applicable for formal assessments related to learning needs and traumatic brain injury);
5. Areas of deficit;
6. Range of recommended reasonable modifications and accommodations /assistive technology for the participant's EP (i.e., both work training under W-2 and in unsubsidized employment);
7. The ability to engage in training and education; and
8. Summary of findings, including rationale for any disability determinations/diagnosis; prognosis; and recommendations for additional services, as appropriate.

The FEP must offer assistance to the participant when requesting a formal assessment. Selecting the appropriate assessing agency or individual is critical to the success of the participant. In some instances, a participant may need to be referred for multiple assessments if s/he is identified as being at-risk for two or more disabilities or conditions.

Those participants whose BST results indicate the potential for a particular disability or condition must be referred to one of the provider-types listed in the BST directions. All formal assessment information must be documented on CARES screen WPBD.

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5.5.4 Obtaining a Complete Assessment

The process for gathering formal assessment information will vary depending on the medical condition or employment barrier being addressed:

1. For a learning or cognitive disability the case worker may need to specify in writing to the assessing agency what type of information is needed. This may include:
 - A specific diagnosis;
 - Test findings that document both the nature and severity of the disability;
 - Any limitations to learning or other major life activities resulting from the disability and the degree to which it impacts the individual in the context of learning;
 - The impact the diagnosed learning or cognitive disability has on a specific major life activity;
 - Specific recommendations for accommodations as well as an explanation as to why each accommodation is recommended.
2. For a mental health condition and/or AODA, assessment information may be gathered using the [Mental Health Report \(form 126\)](#). If the assessment information is collected through other methods such as a written evaluation developed by the assessing agency, it is important that the document covers the same content as the Mental Health Report to ensure that the caseworker is receiving adequate information to make case management decisions with the participant.
3. For other types of medical conditions, assessment information may be gathered using the [Medical Examination & Capacity \(form 2012\)](#). Conditions that could be appropriately documented with the Medical Examination & Capacity form may include, but are not limited to:
 - Short-term medical conditions and injuries that may require surgery, medical treatment and/or physical rehabilitation;
 - Pregnancies;
 - Long-term medical conditions which may be disabling, such as multiple sclerosis, fibromyalgia, arthritis;
 - When a participant presents him or herself as unable to participate due to a medical problem(s), but the individual is unable or unwilling to articulate what the medical condition is;
 - When the BST instructs the case worker to refer the participant to a physician.
4. When the barrier is related to the care for another household member, [The Need to Care for Disabled Family Member \(form 10786\)](#) form must be used to gather the needed information. (See Chapter 7) Although the information gathered with this form does not meet all of the requirements of a formal assessment, it will serve as a substitute for obtaining a formal assessment when the individual is placed in a W-2 T

and assigned to care for another member of the W-2 Group who is ill or incapacitated.

When a participant has both a mental health condition and another type of medical condition and both conditions are potential barriers to employment that require formal assessment, the agency may need to request that the [Mental Health Report \(form 126\)](#) and the [Medical Examination & Capacity \(form 2012\)](#) are both completed by the appropriate service providers.

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5.5.5 Inadequate or Conflicting Formal Assessment Information

When trying to address a participant's employment barriers, agencies are sometimes faced with the difficulty of having inadequate assessment information with which to make service and placement decisions. The W-2 agency should always consult initially with the provider who is treating the participant for the condition. However, if that provider is unwilling or unable to provide the needed documentation, the W-2 agency must work with the participant to take all reasonable steps to gather the necessary elements of a formal assessment. (See [5.5.3](#)) This may include referring the participant to another service provider who has the ability to fully assess the participant.

If assessment information must be gathered from multiple sources, and there is conflicting information about the medical condition or what services or accommodations are needed to address the condition, the agency should use the information from the provider who is or has been treating the participant for the condition.

It is important to keep in mind that if multiple service providers are each treating the participant for a different medical condition (e.g., one is treating for a back problem and the other is treating for a mental health condition) and they provide different opinions about the hours the participant can work and the accommodations needed, this is not the same as conflicting assessment information. In these circumstances, the FEP must assign activities and provide needed accommodations taking into consideration recommendations from both assessments.

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5.5.6 Paying for Formal Assessment

When the cost of a needed assessment is not covered by a third-party source, such as Medicaid, the W-2 agency is responsible for paying for the participant's assessment.

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5.5.7 Payment Reductions

Under the *ADA* , an individual cannot be required to disclose that s/he has a disability or be required to participate in a separate program for disabled individuals. *W-2* agencies must comply with this federal law when assigning activities to *W-2* participants. A participant must be given the opportunity to disclose a disability or other *barrier* to participate in the *W-2* program or employment before payment reductions are imposed. The following *W-2* policies provide these assurances to participants:

1. If a participant who is placed in *W-2 T* or *CSJ* , has not been offered the *BST* prior to the initial *W-2* placement, the individual may not receive a payment reduction for failing to participate in any assigned activity until the *BST* is either completed or declined.
2. *W-2* payment reduction cannot be imposed on a participant for declining to complete a formal assessment.
3. A participant placed in *W-2 T* or *CSJ* who has agreed to and is referred for a formal assessment may not receive a payment reduction for any assigned activity until:
 - a) The formal assessment results are received by the *W-2* agency and the formal assessment activity has been end-dated on CARES screen WPCS; or
 - b) The *W-2* agency has determined that the participant will not comply with the assigned formal assessment activity and the activity has been end-dated on CARES screen WPCS.

After the formal assessment has been completed and end-dated in CARES and the *FEP* , in consultation with the participant, has made necessary adjustments to the participant's *EP* , the individual may receive a payment reduction for failing to participate in assigned *W-2* activities without good cause. This may include an activity recommended by the qualified assessing agency such as mental health counseling or physical therapy.

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5.5.8 When Formal Assessment is Declined

The participant's self-report of a barrier, or a service provider's statement as to the inability to participate which does not meet the definition of a formal assessment, is not sufficient by itself to confirm the existence of a barrier. However, this information must be considered as part of the process of assessing for barriers to participation in W-2 or employment. The agency must use this information in conjunction with a formal assessment and other substantiating information (e.g., behavioral cues, low **TABE** score, pattern of non-participation without good cause) to make a factual determination of a barrier.

EXAMPLE 1: Jean submits an application for W-2. During the initial informal assessment meeting, Jean states that she cannot engage in any type of W-2 activities because she has severe back pain. She gives the FEP a note from her physician written on a prescription sheet. The notes states that Jean cannot participate in any W-2 activities. The FEP explains to Jean that a formal assessment is needed in order to fully understand how Jean's medical condition affects her ability to participate in W-2.

Together, the FEP and Jean review the W-2 Formal Assessment Agreement and Jean indicates at the bottom of the agreement that she will obtain a formal assessment. Jean is given the Medical Examination & Capacity form to bring to her physician. The FEP follows up with a phone call to Jean's physician to explain what the Medical Examination & Capacity form is and why a full formal assessment is needed.

Meanwhile, the FEP has all of the needed documentation and verification to determine eligibility for W-2 and places Jean in a W-2 T.

If the participant declines a formal assessment and there are unresolved factual issues as to the participant's barrier, the W-2 agency should proceed to work with the individual as though s/he does not have a barrier to participation in the W-2 program or employment. If the participant declines a formal assessment, the case worker must continue to informally assess and revisit the importance of cooperating with assessment at each review of the participant's **EP**.

EXAMPLE 2: Naomi is applying for W-2. While completing the initial informal assessment, she tells her FEP that she has chronic migraine headaches and she will have to miss her work activities whenever the headaches flair up. The FEP explains to Naomi that a formal assessment completed by her physician will help determine what services and accommodations will help Naomi with W-2 participation.

Together, the FEP and Naomi review the W-2 Formal Assessment Agreement.

After reviewing the agreement, Naomi states that she does not want to obtain a formal assessment and she indicates on the agreement that she is declining to complete a formal assessment. As a result, the FEP has no substantiating information about Naomi's migraines to determine the extent to which Naomi's medical condition will impact her ability to participate and no information regarding the types of services and accommodations that Naomi needs.

Unless other information comes to light the FEP must proceed to work with Naomi as though s/he does not have a barrier to participation in the W-2 program or employment.

The FEP should continue to watch Naomi's case closely for a pattern of non-participation without good cause and re-offer a formal assessment when appropriate.

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5.6 Domestic Violence and Sexual Assault

5.6.1 Domestic Abuse and Sexual Assault Services Information and Referral

If a *FEP* or other *W-2* agency employee identifies a participant, or a participant self-identifies, as a past or present victim of sexual assault or domestic abuse or as being at risk of domestic abuse, the FEP or other W-2 agency employee must provide information on community-based sexual assault and domestic abuse services.

Information must be provided on shelter and other programs for battered individuals, sexual assault provider services, medical services, sexual assault nurse examiners services, domestic abuse and sexual assault hotlines, legal and medical counseling and advocacy, mental health care, counseling and support groups.

The FEP must talk to the participant about these services and offer a resource list in writing that the participant may take with them. If a participant wishes to receive a referral to counseling or to a supportive service provider, the FEP or other W-2 agency employee must also make a referral to the appropriate local agency.

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5.6.2 Work Place Safety for Domestic Abuse Victims

When developing or modifying the *EP*, the *FEP* must take into consideration the results of the Domestic Abuse Screen and any follow-up assessment information to ensure the participant is not at-risk of violence by a partner while the participant is engaging in assigned *W-2* activities. Consideration should be given to time of day, location and on-sight supervision for each activity.

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5.7 Sharing Information with SSA

5.7.1 Sharing Information with SSA

The [Mental Health Report \(form 126\)](#) and the [Medical Examination & Capacity \(form 2012\)](#) may be used as a communication tool between SSA and the W-2 agency on SSI or SSDI applications. The form can be shared with SSA at any point in the application or appeal process as long as the FEP obtains a written release of information from the participant. The participant can complete a release of information form from the W-2 agency or hand write a note that grants permission for the FEP to contact SSA. A release of information allows the FEP to obtain information but it does not give the FEP authority to automatically get appointment letters or decision notices regarding a W-2 participant's case.

If information contained on either the [Mental Health Report \(form 126\)](#) or the [Medical Examination & Capacity \(form 2012\)](#) conflicts with SSA's decision, the FEP may need to follow up with both SSA and the provider to obtain correct information. Conflicting decisions can be detrimental to participants who are seen as completely restricted from activity by the provider and deemed able to work by the SSA.

See the SSI Advocacy section for more information on assisting a participant with the SSI application process. (See [7.4.3](#))

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06 Employability Plan

6.1 Employability Plan Overview

6.1 Employability Plan Overview

An Employability Plan (EP) is a written agreement developed jointly by the *FEP* and the applicant or participant. However, the Resource Specialist (RS) may write the initial EP during the W-2 application period if the applicant is assigned up-front job search.

The EP is a single written document outlining how an applicant or participant will achieve a specific employment goal or, if appropriate, a goal to obtain *SSI* and/or *SSDI* benefits. The EP details what the individual will do through his/her participation in the program to achieve that goal and how the W-2 agency will assist.

The EP must be developed using the information gathered through the assessment process. ([See 5.1.1](#) and [5.1.2](#)) The worker uses information from the assessment process to build the plan around the applicant's or participant's:

- strengths, interests and aptitudes, and needs;
- prior education and work history;
- strategies to overcome barriers to employment identified through informal and formal assessment; and
- assignment of work and training activities to achieve the employment goal.

Each time an EP is developed or changed, it must be filled out in CARES, printed, signed by the FEP (or RS if in the application phase) and the applicant or participant must be given the opportunity to sign the EP. If the applicant or participant refuses to sign the EP, the agreement is still considered binding because the individual committed themselves to W-2 participation when signing the W-2 Participation Agreement.

The EP must be developed with all applicants assigned to Up-Front Job Search ([See 2.9.2](#)) and with all participants who are assigned to any of the following:

- A Trial Job, CSJ, or W-2 T employment position;
- A CMU, CMF, CMD or CMN placement;
- A CMC, CMP, ARP, or CMM placement only in circumstances where the participant has volunteered to participate in activities as part of the W-2 program; and
- A second parent in a two-parent household who participates in W-2 activities. (See Chapter 21)

Learnfare Case Management plans, which are similar to EPs, are developed for children age 6 to 17 whose parent is placed in a W-2 employment position and who are required or volunteer to participate in case management for Learnfare. (Children not enrolled in school, minor parents, dropouts, returning dropouts, and habitual truants are required to participate in case management). ([See 12.3.4](#))

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6.1.1 Parts of the Employability Plan

The EP consists of three parts:

Part 1: Program Employment Goals and Related Goals

Program Employment Goals

This section of the EP identifies shorter term employment goals that can be achieved through participation in the W-2 program. The FEP and the applicant or participant must jointly develop the employment goals. The Primary and Secondary Employment Goals should be based on:

1. The applicant's or participant's strengths, interests and aptitudes, and needs. Consideration should be given to the individuals' prior work experience, prior education and training and assessments (e.g., educational assessments, career inventories, formal assessments).
2. What can realistically be achieved through participation in the W-2 program. Consideration must be given to all types of activities that may enable the applicant or participant to achieve his/her goal including, but not limited to job search/job readiness activities, work experience, educational activities, job skills training and technical college participation. ([See W-2 Manual Appendix - Activity Codes](#))
3. Industry and employment opportunities in the local labor market. The FEP must review relevant labor market data to determine if employment goals are in line with the local labor market. [Wisconsin's WORKnet](#) is an excellent resource for labor market information.

If the applicant or participant is not ready to identify a specific occupation when the goals are initially developed, the focus of the goal may be broadened to a field of interest or an industry sector.

Related Goals

1. Short-Term: This section must identify concrete short-term goals or outcomes the applicant or participant must achieve through W-2 participation in order to move in the direction of his/her employment goal. This may involve completing education or training courses or acquiring work experience in his/her field of interest. It may also involve overcoming a barrier to employment through assigned activities such as physical rehabilitation, treatment or counseling.
2. Long-Term: As the EP is developed, it is important to consider how the program employment goals and the related short-term goals fit into the applicant's or participant's longer-term career plan. Many industries have career pathways that enable employees to start in lower-skilled jobs and progress into increasingly higher

paying jobs through training. This section should identify any goals that are part of the individual's longer-term career plan.

Part 2: Personal Goals

The applicant's or participant's personal goals are outside the scope of the program. They are goals set by the individual that will strengthen his/her family and empower the individual to achieve his/her employment goals. Examples of personal goals include:

- Addressing child and family relationship problems;
- Obtaining financial counseling; Involvement in support groups;
- Moving to a safer neighborhood;
- Weight-loss and exercise regimens; and
- Purchasing a home.

Part 3: Program Activity Plan

The applicant's or participant's program activity plan portion of the EP includes the specific program activities the individual will undertake to achieve the primary employment goal. The full list of activities that may be assigned under W-2 are found in the [W-2 Manual Appendix - Activity Codes](#).

The activity portion of the EP, recorded on CARES screen WPAS, must include the following detail for each assigned activity:

1. The activity to be completed. The activity must be described in some detail on the EP to ensure that the applicant or participant fully understands what the activity involves.
2. Planned begin and end date.
3. The number of hours per week, the specific days of the week and the specific number of hours on each day that the activity is assigned. The EP in CARES has limited space to record this information. A separate work schedule may be developed to capture the detail and given to the applicant or participant as part of the EP.
4. Provider of service.
5. Address of the site where the activity is located.
6. Supportive services required to complete the activity.

7. Any additional remarks to assist the applicant or participant.

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6.1.2 How Formal Assessment Impacts the Employability Plan

The FEP must make necessary adjustments to the participant's placement and revise the EP based on the formal assessment within 30 days after receiving the results of the formal assessment. The participant's EP must be modified to include the services and accommodations that are recommended in the formal assessment to help a participant succeed in a work setting. ([See 5.5.1.2](#))

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6.2 Employability Plan Development and Review

6.2.1 Developing the Employability Plan

The *EP* is developed through a collaborative process between the *FEP* and the applicant or participant taking into consideration the individual's personal strengths and barriers identified through assessment. It details what the individual will do to reach his/her employment goal (or goal to obtain SSI/SSDI) and what the W-2 program will do to assist in that effort. When the applicant or participant has a role in developing the EP, s/he will be more committed to completing the plan and working towards the employment (or SSI/SSDI) outcome.

When appropriate, the applicant's or participant's family members may also provide input. In a two-parent household, a meeting with each parent must be conducted to assess total family strengths and determine which parent is more appropriate for W-2 placement.

Before placing a W-2 participant into an employment position or case management placement (see 6.1.0), an EP must be developed during a face-to-face meeting, except in the following circumstances:

1. When there are extreme circumstances that prevent a participant from coming to the agency such as when a participant is hospitalized or homebound due to illness. When one of these circumstances prevent a participant from coming to the agency, the worker must either conduct a home visit or communicate with the participant by phone to ensure that the participant has the opportunity to provide input into the development of the EP and understands what is expected of him/her.
2. If an individual who is transitioning from a paid placement to a CMF placement has a work schedule that makes it difficult to come into the office for a face-to-face EP appointment, the agency may conduct the EP appointment by phone.

If the agency has attempted but is unable to connect with the participant by phone, the agency may in this circumstance only change the placement to CMF prior to the EP appointment.

When this occurs, the agency must mail an updated EP to ensure that the individual has in his/her possession an EP that aligns with the changes in activities. Prior to printing and mailing the EP, the agency must reset the expiration date on the EP in CARES to expire 30 days after the date the CMF placement started. This will give the participant the option to complete an EP appointment (either face-to-face or by phone if unable to come in person due to work schedule) within 30 days or allow W-2 to close for noncooperation with program requirements.

The EP must be written for a duration of no more than 6 months. The EP may be updated during that timeframe to reflect any changes in assignment of activities without a face-to-face meeting. However, under no circumstances, except as described above in item #2, can the FEP change the

activities in the EP without first discussing the change(s) with the participant.

Each time an EP is developed or changed, it must be filled out in CARES, printed, signed by the FEP (or RS if in the application phase) and the applicant or participant must be given the opportunity to sign the EP. If the applicant or participant refuses to sign the EP, the agreement is still considered binding because the individual made a commitment to participate in assigned activities when signing the W-2 Participation Agreement.

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6.2.2 Employability Plan Review

An EP review must be scheduled to occur before the date the EP is set to expire. This will ensure a review is scheduled at least once every 6 months. EP reviews may occur more frequently as needed.

The purpose of an EP review is to discuss with the participant his/her goals and currently assigned activities and determine if adjustments are needed to help move the individual towards his/her employment goal.

The EP review must be completed during a face-to-face meeting except in the following circumstances:

1. When there are extreme circumstances that prevent a participant from coming to the agency such as when a participant is hospitalized or homebound due to illness.
2. When a CMF, CMU or Trial Job participant has a work schedule that makes it difficult to come into the office for a face-to-face EP appointment.

When one of these circumstances prevent a participant from coming to the agency, the worker must either conduct a home visit or communicate with the participant by phone to ensure that the participant has the opportunity to provide input into the development of the EP and understands what is expected of him/her.

When an EP review is conducted by phone, the EP must be mailed to the participant for signature and returned to the agency. The worker must document in CARES case comments how the EP was distributed and the date it was distributed.

If an EP review does not occur before the date the EP is set to expire because the participant fails to keep an EP review appointment without good cause, the W-2 agency may close the case for noncooperation with program requirements. (See [11.4](#))

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6.2.3 Coordination with Other Programs

6.2.3.1 DVR Collaboration in Employability Plan Development

When developing the EP, the FEP and applicant or participant should consider and incorporate input from other programs the individual is connected with such as the Workforce Investment Act (WIA) program, the Division of Vocational Rehabilitation (DVR), the Wisconsin Technical College System (WTCS), the Refugee Assistance Employment and Training Program, mental health, child welfare safety services, housing, domestic violence and alcohol and other drug abuse (AODA) programs.

EXAMPLE: Monica is working with a domestic violence victim program. Her advocate there is helping her find housing. Monica also attends weekly group counseling sessions and brings her daughter to individual counseling sessions every other week. Monica has signed the [Authorization for Disclosure of Confidential Information form](#) allowing her FEP to consult with her DV advocate and counseling professionals as needed. In developing her EP, Monica's FEP incorporates her housing search and domestic violence activities.

W-2 agencies are required to work with local Job Center partner agencies to jointly serve persons under the Job Center network delivery model. Applicants or participants should be encouraged to seek out opportunities for dual enrollment in other Job Center programs such as Job Service/Labor Exchange Services, WIA and DVR and take advantage of all resources available through the Job Center system. Any activities included in the W-2 applicant's or participant's EP must conform with W-2 policy.

Working cooperatively with local partner agencies on EP development reduces duplication of effort across work programs and maximizes the resources available to the applicant or participant. Therefore, the FEP should consult with other Job Center agencies as appropriate when developing the W-2 EP. However, W-2 agency staff must ensure that a W-2 CARES printed EP is attached to any jointly developed EP since this is the primary EP document for W-2 applicants or participants.

6.2.3.1 DVR Collaboration in Employability Plan Development

Through a collaborative effort with DVR, a DVR counselor may provide employment planning consultation for a W-2 participant with a disability. W-2 participants are not required to be enrolled in the DVR program to receive this service. For these W-2 participants, DVR may provide technical assistance in the development of the W-2 employability plan using the recommendations from a disability or vocational assessment. This technical assistance may include:

- recommending work and/or training activities to help move the participant towards employment in the local labor market; or
- identifying specific disability accommodations and/or assistive technology to make work and/or training accessible to a participant.

When an individual is co-enrolled in the W-2 and DVR programs, the W-2 case manager and the DVR counselor should coordinate the W-2 Employability Plan and the DVR Individual Plan for Employment (IPE). ([See W-2 Manual Appendix - W-2/DVR Technical Assistance Guide](#) and [Operations Memo 10-01](#))

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6.3 Special Policies For Assignment of Activities

6.3.1 Travel Time

Workers must use the following guidance to determine when travel time should be included as part of the assignment of hours.

1. When two or more activities are assigned for the same day, the travel time (if any) between the two activities may be counted toward hours of participation. Travel time to the first activity and the time spent returning home after the last activity cannot be counted towards hours of participation.
2. When Employment Search (ES) is assigned, the travel time between interviews may be counted toward hours of participation. Travel time to the first job interview and the time spent returning home after the last one cannot be counted.

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6.3.2 W-2 Work Participation Documentation, Verification and Supervision

The Federal TANF Regulations require states to have work verification procedures for all individuals receiving cash assistance through the TANF program. These procedures apply to all W-2 participants who are in a CSJ or W-2 T placement. The requirements also pertain to individuals in the CMC and ARP placements who are voluntarily participating in activities. The TANF Regulations are explicit in requiring that all hours of work participation be supervised, documented and verified. ([See W-2 Manual Appendix - TANF Work Participation Requirements](#))

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6.3.3 Making Up Missed Hours of Participation

There may be times, when the participant's work schedule fluctuates due to the need to make up work hours missed earlier in the week. No action is necessary on the part of the worker when the participant makes up the missed hours in the same week. If the participant misses hours of participation for a day, and does not make up those missed hours at some point during the week in which they were assigned, all remaining missed hours must be recorded as non-participation and good cause policy must be applied when appropriate. (See [11.2.1](#), [11.2.2](#), [11.2.3](#) and [11.2.4](#))

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6.4 Assignment of Activities in CARES

6.4.1 CARES Screen WPCS

In conjunction with developing and documenting detailed activities for a W-2 applicant or participant on his or her EP, the FEP must also enter correlating CARES activity codes on screen WPCS. The way in which activities are listed on the EP should not, under most circumstances, replicate the activity codes, however. The activities listed on the EP should be more detailed and descriptive than the codes entered on WPCS.

See the [W-2 Manual Appendix - Activity Codes](#) for a complete listing of the W-2 activity codes.

The activity information entered on WPCS/WPCH must be accurate (i.e., begin date, weekly scheduled hours, daily scheduled hours, actual end date) and align with the applicant's or participant's EP on WPAS.

EXAMPLE: While developing an EP for Nancy, the FEP and Nancy talk about the many employment opportunities that exist for women in nontraditional careers such as welding and construction. The FEP informs Nancy about a six-week full-time training program geared towards giving women an introduction to the building trades and hands on experience with tools and building materials. The program includes basic hands-on shop classes in carpentry, electrical work, painting, lifting and carrying, trades math, and health and safety training. Nancy, who based on an assessment, enjoys working outdoors and has some aptitude for mechanical work, agrees that this program would be a good match for her.

On Nancy's EP in CARES, in the section marked Activity 1, the FEP enters the following: "Participate in New Opportunities for Women (NOW) Program - Construction." The FEP goes on to fill in the relevant information for the activity (address, hours, begin and end dates, etc.). The FEP includes in the "Remarks" section for Activity #1 the days of the week and times each day when Nancy must participate.

On CARES screen WPCS, the FEP enters the details for the activity "JS" for Job Skills Training.

06 Employability Plan

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07 W-2 Placements

7.1 Introduction

When determining the initial placement for *W-2* applicants, *FEPs* must use all of the information gathered from the:

- Informal assessment; (See [5.2](#))
- Educational needs assessment; (See [5.3](#))
- *BST*, if completed; (See [5.4.1.1](#))
- Progress made in up-front job search, if assigned; (See [2.9.2](#)) and
- Results of any other vocational evaluations or formal assessments. (See [5.1.1](#))

When making initial placements, FEP must also:

- Discuss and review the factors impacting the placement decision with the applicant;
- Never delay placement because a formal assessment is pending (See [5.1.1](#)), and
- Document the reasons for the placement decision in case comments.

FEPs are required to provide on-going case management which includes periodic reassessment of the current placement. Depending on circumstances at the time, the individual's appropriateness for a particular placement may change. Participants must always be placed at the highest level of participation possible.

The W-2 program has the placement options described in this chapter. Some placements are specifically for applicants and others are specifically for on-going participants.

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7.2 Unpaid Placements

7.2.1 Unpaid Placements

Employment is the primary goal of the *W-2* program. Ideally, all W-2 participants end up in a placement related to unsubsidized employment.

The following three placements are related to unsubsidized employment:

- CMU is for employed applicants,
- CMF is for participants who obtain employment while on W-2, and
- CMJ is for individuals who are unemployed but are ready for unsubsidized employment.

Participants placed in case management positions are not subject to federal TANF or State W-2 time limits and are not required to cooperate with Child Support.

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7.2.2 Individuals Working in Unsubsidized Employment (CMU)

[7.2.2.1 General CMU Participant Description Characteristics](#)

[7.2.2.2 Case Management Services for CMU Participants](#)

[7.2.2.3 Job Loss and CMU](#)

The CMU placement is for applicants who enter the W-2 program employed and are either already working full-time or do not have any barriers to full-time employment. The goal of CMU is to give participants the assistance they need to stay employed and advance in their career. Applicants with farming and self-employment income may be placed in a CMU. Participants may stay in CMU as long as they are financially and nonfinancially eligible. Applicants who are marginally employed must not be placed in a CMU. Depending on the individual's specific circumstances, the person may be placed in a CMJ or a paid placement such as CSJ or pro-rated CSJ. CMU is not for ongoing W-2 participants who find employment. The appropriate placement for these individuals is CMF. (See [7.2.3](#)).

7.2.2.1 General CMU Participant Description Characteristics

- Working in unsubsidized employment;
- Will benefit from W-2 services; and
- Has no barrier to maintaining employment.

7.2.2.2 Case Management Services for CMU Participants

Case management services for employed individuals placed in CMU include, but are not limited to:

- Career Planning & Counseling (CE);
- Career Advancement Services (CR);
- Employer Intervention Services (EI);
- Job Retention Services (JR);
- Working Full-Time (WF); and

- Working Part-Time (WP).

CMU participants are required to have an Employability Plan that reflects their assigned activities. The FEP must maintain bi-weekly or monthly contact with the participant and update the Employability Plan as needed and at least every 6 months. (See [6.2.2](#))

Example 1: On Thursday, Maria applied for W-2 and was assigned to complete up-front job search during the application process. On Friday, Maria was hired on the spot to work at a fast-food restaurant. She would start the following Monday, and be scheduled to work 15 hours per week making \$7.25/hr. Maria meets all financial and non-financial W-2 eligibility requirements. Through assessment, the FEP finds that there are no limitations to Maria finding a second job or gaining more hours in her current job. The FEP explains the types of CMU services that could benefit Maria. Maria believes that she could benefit from transportation assistance and some career planning services. The FEP begins the CMU placement and creates an employability plan designed to assist Maria with retaining her job and advancing in it.

7.2.2.3 Job Loss and CMU

If a participant loses his or her job, the FEP must reassess the individual's placement. If additional barriers are suspected, the individual must be placed in TJ, CSJ, or W-2 T and offered a formal assessment and other appropriate services.

If additional barriers are not suspected and the FEP determines that the individual is capable of obtaining employment, a CMJ placement may be appropriate (See [7.2.4](#)).

Example 2: After two months of employment, Maria calls to report that she lost her job in a fast food restaurant because she could not wake up early enough for the breakfast shift. The FEP schedules an appointment for Maria to reassess her situation and determine the most appropriate W-2 placement. Maria completes the barrier screening tool, and it indicates that she is at risk for an alcohol and other drug abuse (AODA) barrier. Maria agrees to see an AODA counselor for a formal assessment. The FEP immediately makes a W-2 T placement for Maria and assigns the formal assessment as one of the activities. A week later, the assessment results are faxed to the FEP. They indicate that Maria has a serious alcohol addiction. The report indicates that Maria agreed to enroll in an outpatient alcohol and drug rehabilitation program. The report also states that Maria's addiction usually causes her to drink heavily late at night. Maria and her AODA counselor think that a 2nd shift job would be best for Maria as she works to manage her alcoholism. The FEP keeps Maria in a W-2 T placement with the AODA rehab classes and job search as activities.

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7.2.3 Employed Individuals Previously Assigned to a Subsidized Employment Position (CMF)

7.2.3.1 General CMF Participant Description Characteristics

7.2.3.2 Case Management Services for CMF Participants

7.2.3.3 Job Loss and CMF

The CMF placement is for on-going *W-2* participants who find employment while in *W-2*. The goal of CMF is to give participants the assistance they need to stay employed and advance in their career. *W-2* agencies are expected to provide at least 12 months of follow-up services.

These services can be provided even after the participant loses nonfinancial and/or financial eligibility. There is no time limit to CMF services and the *W-2* agency may provide these services as long as the participant is interested. If a CMF placement lasts less than 12 months, the *FEP* must document the reason(s) why in case comments.

7.2.3.1 General CMF Participant Description Characteristics

Participants who were previously placed in a paid placement are eligible for CMF services; this includes TJ, CSJ, *W-2 T*, and CMC. Prior to placing an individual in CMF, the *FEP* must verify that the participant is working and verify the wages and hours.

7.2.3.2 Case Management Services for CMF Participants

The *W-2* agency must offer CMF services for at least 12 months. During the 12-month period, the *FEP* must provide appropriate services and maintain regular contact; most CMF participants should receive bi-weekly or monthly contact.

Activities provided through case management services may include:

- Job Retention Services (JR);
- Literacy Skills (LS);
- Vocational Literacy Skills (VL);
- Vocational Adult Basic Education (VA);

- English as a Second Language (EL);
- Vocational English-as-a-Second-Language (VE);
- Adult Basic Education (BE);
- General Educational Development (GE);
- High School Equivalency Diploma (HE);
- Working Full-Time (WF); or
- Working Part-Time (WP).

7.2.3.3 Job Loss and CMF

If the participant loses his or her job, the FEP must reassess the individual to determine if there are possible unidentified barriers. If additional barriers are suspected, the individual must be placed in the appropriate paid placement (TJ, CSJ, or W-2 T) and offered a formal assessment and other appropriate services.

If additional barriers are not suspected and the FEP determines that the individual is capable of obtaining additional employment, a CMJ placement may be appropriate. CMF participants who change to a CMJ placement must sign a CMJ agreement form.

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7.2.4 Unemployed Individuals Capable of Obtaining Employment (CMJ)

[7.2.4.1 CMJ at Application](#) [7.2.4.2 Moving from Other W-2 Placements to CMJ](#) [7.2.4.3 General CMJ Participant Description Characteristics](#) [7.2.4.4 CMJ Activities](#) [7.2.4.5 Case Management Services in CMJ](#) [7.2.4.5.1 Supportive Services in CMJ](#) [7.2.4.6 Job Development in CMJ](#) [7.2.4.7 30-Day Review](#) [7.2.4.8 Ending CMJ Placements](#)

The CMJ placement is for unemployed individuals who are able to find and keep employment. The goal of the CMJ placement is to rapidly connect the individuals who are job ready to employment. CMJ is only available to *W-2* applicants, and in limited situations, to case management follow-up (CMF) participants, case management for underemployed (CMU) participants, and Caretaker of an Infant (CMC) participants.

7.2.4.1 CMJ at Application

Prior to placing an unemployed W-2 applicant in CMJ, the FEP must conduct a thorough informal assessment, educational needs assessment and offer the Barrier Screening Tool (BST). (See [5.1-5.4](#)) In most instances, potential CMJ participants will be assigned to up-front job search activities (See [2.9.2](#)). Applicants who made a good faith effort to obtain employment by completing assigned up-front job search activities are appropriate for a CMJ.

There may be limited circumstances in which applicants who are not assigned to up-front job search are appropriate for the CMJ placement. For example, up-front job search may not be assigned because child care has not been authorized. In addition, up-front job search may not be assigned if the applicant has a family issue that needs to be resolved, for example homelessness. If these issues can be resolved quickly, but not necessarily within the 12 days prior to placement, then these individuals may not have been assigned up-front job search, but still may be appropriate for the CMJ placement.

In addition, not all applicants assigned to up-front job search are appropriate for a CMJ. For example, through the up-front job search, the W-2 agency may discover that the applicant has significant barriers that make it difficult for the applicant to obtain employment within the next 30 days. The W-2 agency may also discover that the applicant is not job-ready because there may not be jobs available that meet the applicant's skill set. These individuals must be placed in a W-2 paid placement.

W-2 participants who move between balance of state geographical areas or in or out of Milwaukee County must re-apply at the W-2 agency providing services in the geographical area

in which they live (new residence) and are considered applicants. An applicant who was recently in a paid placement is unlikely to be appropriate for a CMJ.

7.2.4.2 Moving from Other W-2 Placements to CMJ

CMJ is only available to W-2 applicants, and, in limited situations, to CMC and other case management participants. The chart below shows when a participant in a specific W-2 placement can and cannot move into the CMJ placement. In each instance in which a W-2 participant can move into the CMJ placement, the individual must meet CMJ eligibility requirements outlined in Section [7.2.4.3](#).

W-2 Placement	Move to CMJ?
Trial Job (TJB)	No
Community Service Job (CSJ, CS1, CS2, CS3)	No
W-2 Transitions (W-2 T)	No
Custodial Parent of an Infant (CMC)	Sometimes If the CMC participant was not in an At Risk Pregnancy (ARP), Trial Job (TJB), CSJ (including partial CSJ) or W-2 T placement prior to going into CMC, the individual may be considered for a CMJ placement.
At-Risk Pregnancy (ARP)	No If the woman in an ARP placement gives birth, she is eligible for a CMC placement. See CMC above.
Case Management Follow-up (CMF) Case Management Unsubsidized (CMU)	Yes Individuals in a CMF or a CMU may be considered for a CMJ placement. However, moving from CMU or CMF to CMJ is only appropriate for individuals who are able to find and keep full-time employment. This includes individuals who may be able to work full time, but choose to only pursue part-time work. The W-2 agency must individually assess each CMF and CMU participant who loses employment to determine the reason for that employment loss. Loss of employment may indicate a hidden barrier that is making it difficult for the individual to maintain employment. The W-2 agency must pay particular attention to CMU and CMF participants who lose their jobs after only a short time.
Case Management Minor Parents (CMM)	Sometimes

	If the minor parent turns 18, already has a high school diploma or equivalent and a work history, that minor parent may be considered for a CMJ.
Case Management Pregnant Woman (CMP)	No The CMP placement is for women who are pregnant and have no other custodial children. CMJ placement is only for custodial parents. If the woman in an CMP placement gives birth, she is eligible for a CMC placement. See CMC above.
Case Management Noncustodial Parents (NCP)	Sometimes If the NCP becomes a custodial parent, he or she may be considered for a CMJ placement.
Case Management Denied (CMD)	Sometimes If the extension denial reason was that the local labor market has jobs the participant could have gotten, the individual may be considered appropriate for CMJ.

7.2.4.3 General CMJ Participant Description Characteristics

For the W-2 agency to determine that an individual is appropriate for a CMJ placement, all of the following must apply:

1. The individual is willing to work. Because W-2 is a work program, individuals who apply for the program are assumed to be willing to work; and
2. The individual has no barriers to work that cannot be addressed with W-2 services so that the individual is ready for immediate employment within 30 days.

Below are examples of barriers that the W-2 agency can address through services:

- Child care subsidies through Wisconsin Shares and help locating child care;
- Housing assistance through Emergency Assistance, W-2 supportive services funds, and/or referrals to other local housing programs;
- Transportation assistance through W-2 supportive services funds, a Job Access Loan and/or referrals to other local transportation assistance programs;
- Help paying for work related expenses through W-2 supportive services funds, a Job Access Loan and/or referrals to other local assistance programs; and

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- Help completing a resume, providing targeted job leads, job coaching, job development, etc.

Individuals who have more significant barriers, e.g., physical or mental impairments, family issues, legal problems, etc., that take longer than 30 days to resolve are not appropriate for CMJ.

If the FEP identifies barriers that can be addressed through W-2 services so that the individual is ready for immediate employment, the barriers and the services that will address those barriers must be documented on appropriate CARES screens including:

CARES screen WPJR - *Assessment-Participation Readiness*, CARES screen WPBD

Assessment-Barrier Details and the Employability Plan CARES screens WPJS and WPAS. Additional details must be documented in case comments.

3. The individual has a recent or steady employment history. When considering recent or steady employment, the FEP must consider the types of work performed, the duration of any job, and the reasons for leaving the job. If the applicant's employment history is solid with some long-term employment, a CMJ placement is appropriate. However, an employment history with many short-term jobs may be an indication that the applicant is capable of getting a job, but not keeping a job. Through the informal assessment process, the FEP must determine whether the barriers to maintaining employment can be addressed with W-2 services and resolved within 30 days.

Example 1: Maria applied for W-2 and met with the Resource Specialist. She did not have child care available when she applied, so she was not assigned up-front activities. The FEP meets with her and determines that she is eligible for W-2. She reports during the interview that she now has child care in place for her two children, ages 3 and 4. Ongoing issues with relatives who provided child care in the past was a major reason that she lost her last job as a beginner pet groomer at a local pet supply store. She is now using a certified provider. An informal assessment indicates that she has a high school diploma and her recent work history gives her skills necessary for entry level employment in the local labor market. She says she has no other barriers and declines the BST. Based on the results of the informal assessment, the FEP places Maria in a CMJ placement.

Example 2: Pat has applied for W-2. The informal assessment indicates that he is job ready. Up until a year ago, he worked for a machine company for 5 years. He has a high school diploma and a welding certificate from a local technical college. However, Pat tells his FEP that last year he injured both of his knees while working in a warehouse. The employer did cover some of the physical therapy he participated in, but that coverage has been exhausted and Pat says he "still feels it like an ice pick to the knees when the weather changes." He expects that although he can walk around decently enough, he is not sure he can withstand the rigors of returning to a similar job that he left after the injury. He declined the BST, but is willing to complete a formal vocational assessment. Based on the results of the informal assessment, the FEP places Pat in a W-2 Transition (W-2 T) placement and refers him for a vocational assessment.

7.2.4.4 CMJ Activities

Because the goal of the CMJ placement is to rapidly connect the individual to sustainable employment, the W-2 agency must immediately engage CMJs in individualized, targeted activities that will help the participant quickly gain employment. The agency must employ an intensive case management strategy in order to coach participants through the job search process and assist the participant with resolving personal and family challenges.

Job Search Activities

The activities assigned to CMJ participants are similar to those assigned during up-front job search. Because these participants are expected to be able to obtain full-time employment,

FEPs may assign up to 40 hours per week of appropriate activities, but must assign no fewer than 30 hours per week of activities. Activities include:

- Employment search (ES);
- Career planning and counseling (CE);
- Job readiness/motivation (MO); and
- Life skills (LF).

A CMJ participant may be assigned to education and training activities if the attainment of further education would provide an applicant with better employment prospects. Education and training activities include:

- Adult Basic Education (BE);
- English-as-a-Second-Language (EL);
- General Educational Development (GED);
- High School Equivalency Diploma (HE);
- Literacy Skills (LS);
- Job Skills Training (JS); and
- Regular School (RS).

7.2.4.5 Case Management Services in CMJ

Once the placement has been made, the W-2 agency and CMJ participant have equal share in the responsibility of finding employment. The FEP must maintain weekly, face-to-face, contact with CMJ participants. During these weekly contacts, the FEP must provide an array of structured employment services and supports including:

- Providing participants with job leads that match the individual's skills (based on career assessment results) with specific jobs open in the local labor market;
- Creating and updating the participant's employability plan (EP) with appropriate activities based on feedback obtained from the participant and from employers that either did not offer the participant an interview or did not offer the participant a job. In the EP, the FEP will include the CMJ participant's employment and personal goals;
- Offering career assessment services, providing guidance in career decision making skills and helping identify jobs that might match the participant's skills, interests and abilities;
- Monitoring participants' job search efforts in a face-to-face setting to find out what specific jobs the participant has applied for, what interviews the participant has had, the outcome of those interviews, and discussions about why the participant thinks they did not get the job. This requires the FEP to do more than solely collecting participant's job contact logs on a weekly basis;
- Discussing any nonparticipation with the participant and the reasons for the nonparticipation. Agencies must exercise due diligence in determining whether previously identified or unidentified barriers (such as personal and family challenges) are the underlying cause of the nonparticipation. The FEP must work quickly to re-engage in job search activities CMJ participants who are able to work or quickly reassess and place in a paid position CMJ participants who are found to have more severe barriers;
- Convening staffings with the CMJ participant and with agency staff who assist in developing job leads and employer contacts; and
- Discussing with the participant any barriers that may be preventing the participant from obtaining employment, including necessary supports, such as housing, transportation, and child care.

Participants with barriers that cannot be mitigated by W-2 services within a 30 day timeframe must be placed in a paid W-2 employment position while the barriers are being addressed. If these types of barriers are discovered after the FEP has placed the participant in a CMJ, the FEP must not wait for the 30-day review period to move a CMJ participant to a paid W-2 employment position. (See 7.2.4.2)

7.2.4.5.1 Supportive Services in CMJ

W-2 agencies must pay for supportive services that are needed for participation in the W-2 program, e.g., work uniforms, transportation, etc. Additionally, participants in a CMJ:

- Are eligible for Wisconsin Shares child care while in the placement;
- May apply for a Job Access Loan to meet immediate employment related needs when they receive a bona fide offer of employment (See 13.2.1); and
- Must have a Supportive Service Plan that is developed during a face-to-face meeting between the case manager and the participant.

CMJ participants are not eligible for Emergency Payments.

7.2.4.6 Job Development in CMJ

The W-2 agency and agency staff who assist with developing job leads must actively work with local area employers in order to:

- Solicit job openings;
- Market participants to employers with jobs that match the participant's skills, abilities and interests;
- Set up job interviews;
- Provide bilingual support for job contacts and interviews for persons who are not proficient in English; and
- Follow up with employers to determine why a referred participant was not offered an interview or a job.

7.2.4.7 30-Day Review

Every 30 days, the W-2 agency must review the appropriateness of the CMJ placement.

Overall, the 30-day reassessment focuses on the level of effort required for CMJ participants to complete the requirements. When participants have exhibited the level of effort required to get a job, but remain unemployed, they must be placed in a W-2 paid placement at the 30-day review point. When participants have not exhibited the level of effort required to get a job, and they do not have any barriers to work, and the W-2 agency has provided appropriate case management services, or they request to continue in the CMJ placement, the W-2 agency may keep the participant in the CMJ placement for another 30-day period or end the CMJ placement depending upon the circumstances of the case. (See 7.2.4.8)

In determining the level of effort of the CMJ participant, the following must be considered during the CMJ 30-day reassessment:

1. Was the participant given multiple specific job leads in the local labor market that matched the participant's skills, abilities, and interests?
2. Did the participant get any job offers in the local labor market compatible with the participant's skills, abilities, and interests?
3. Did the participant refuse or fail to apply for any jobs in the local labor market compatible with the participant's skills, abilities, and interests?
4. What were the reasons the participant did not get a job in the local labor market or did not apply for a job(s), e.g., poor interview skills, poor presentation, another individual was more

qualified, criminal background, did not possess the minimum qualifications or education and training, or did not pass the examination?

5. Were W-2 participants with similar skills, abilities, and interests able to secure jobs in the local labor market?
6. Did the participant have previously identified barriers that could be addressed with W-2 services? If so, were the services effective? Did the participant have previously unidentified barriers preventing him or her from obtaining unsubsidized employment? If yes, please identify the barriers and what services the agency will provide to address the barrier(s).

The FEP does not have to wait for the 30-day review period to move a CMJ participant to a paid W-2 employment position. At the weekly meetings, the FEP must discuss with the participant any barriers that may be preventing the participant from obtaining employment, including housing, transportation, child care and other family matters.

The results of the 30-day review must be documented in case comments. FEPs must document the decision (retain an individual in the CMJ placement, move the individual to a paid placement or end the CMJ placement) and the reasons for the decision.

7.2.4.8 Ending CMJ Placements

CMJ participants who obtain employment must be offered employment retention and advancement services in the CMF placement. CMJ participants are required to comply with all nonfinancial eligibility requirements. A FEP must close a participant's case when a CMJ participant fails to cooperate with specific W-2 program requirements without good cause. (See 11.4) If a CMJ participant is not cooperating with ongoing job search activities, the FEP must address this at the weekly meetings.

Then, at the 30-day reassessment, if the participant has not exhibited the level of effort required to get a job by cooperating with ongoing job search activities throughout the 30-day period, and the W-2 agency has provided appropriate case management and job development services, the FEP may either keep the individual in the CMJ placement for another 30-day period or close the case. The FEP must determine whether: a) The CMJ participant will be likely to obtain employment if he or she receives additional job search assistance by remaining in the CMJ placement; or b) The CMJ participant has not cooperated with job search activities and the case must close.

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7.2.5 Denying or Terminating an Unsubsidized Employment Case Management Placement

If any individual placed in a CMU, CMF, or CMJ declines case management services or does not participate, the *FEP* must terminate eligibility for the placement. The FEP must issue a manual *W-2* denial notice. If the participant refuses case management services, the FEP must document the refusal on CARES screen CMCC.

As case management placements, there is no hourly payment reduction for non-cooperation in CMU, CMF or CMJ. However, the FEP may close a CMU, CMF, or CMJ placement if the individual is not cooperating with job search requirements, fails to come in for his or her EP review appointment, or loses contact with the FEP.

In addition, job refusal could affect future W-2 eligibility. (See 180 day policy - Manual Section 2.2.1)

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7.3 Trial Jobs (TJB)

7.3 Trial Jobs (TJB)

The Trial Job placement is for applicants or on-going **W-2** participants who are not quite ready for unsubsidized employment but can succeed in a subsidized job with some assistance from the W-2 agency.

Trial Job placements can last for a maximum of 3 months with an opportunity for a 3-month extension. A participant may take part in more than one Trial Job, but may not exceed a total of 24 months of participation in the Trial Job placement.

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7.3.1 General Trial Jobs Participant Description Characteristics

A person placed in a Trial Job may have some of the following characteristics:

- Capable of working and has a willing attitude;
- Requires a flexible schedule or other reasonable accommodations;
- Has basic skills and/or education;
- Lacks sufficient work experience or skills; and
- Has little or no recent work experience or a poor work history.

EXAMPLE: Mary lives in a small rural town in Wisconsin. She has two children, ages 4 months and 3 years. Mary worked at a paper mill for five years and it was well documented in her performance reviews that Mary was a good worker. Mary had to quit her job at the mill because she was put on bed rest in the third month of her pregnancy. Once Mary had her child, she was anxious to get back to the mill but, unfortunately, it had closed. A new factory had taken the place of the paper mill; Mary is not familiar with the machinery and could not get a job there on her own. As a result, Mary applied for W-2. Based on Mary's excellent work history with the paper mill, the job developer worked with the factory to hire Mary in a Trial Job position. The factory provided Mary with training to learn the new skills to obtain a permanent position. After three months, Mary was hired permanently by the factory.

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7.3.2 Trial Job Participation Requirements and Case Management

Trial Job placements are generally 40 hours per week. An individual may, in unique circumstances, be placed in a Trial Job that is less than 40 hours per week. For example, the participant requests to work only 30 hours per week because she is attending night school, even though she will not be paid for the hours in school. The hours a person is required to work are determined by the employer, the FEP, and the participant, and must be stated in the contract. If the Trial Job is less than 40 hours per week, the subsidy is prorated based on the number of assigned hours.

As working individuals, Trial Job participants in most cases are not assigned any other activities. The participant may volunteer for other activities. The W-2 agency is expected to provide case management services that help the participant succeed in subsidized employment. Some examples of these types of services include:

- Frequent follow-up, including employer site visits;
- Arranging for an onsite mentor;
- Mediating conflicts between employers and participants; and
- Arranging adequate transportation and child care.

Trial Job placements must include an EP which in many cases will contain Trial Job/Private Employer, the activity code (TJ).

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7.3.3 Employer Wage Subsidy

The W-2 agency may contract with an employer to pay a subsidy with the expectation that if the W-2 participant performs satisfactorily, the employer will offer the participant permanent employment.

A Trial Job employer receives a wage subsidy up to \$300 per month for full-time employment. If a Trial Job employee begins work after the first day of the month, if the Trial Job is for less than 40 hours per week (or the employer's standard full-time week for regular employees, i.e. standard full-time work week for regular employees is 37.5 hours), or if the Trial Job employee fails to participate during the contracted period, the wage subsidy would be \$300 multiplied by the following fraction:

Numerator: number of hours worked in the month

Denominator: 160 (average number of hours worked in a month)

Deviations from the 160 hours per month are allowed to account for extra work days in the month as determined by the W-2 agency.

EXAMPLE: If the participant is scheduled for and works 80 hours during the month, and full-time employment for that particular job is 160 hours per month, multiply 80/160 (or 1/2) by \$300 to get a \$150 wage subsidy to be paid to the Trial Job employer.

In this same situation, if the participant is scheduled for 80 hours during the month and works only 60 hours, multiply 60/160 by \$300 to get a \$112.50 wage subsidy to be paid to the Trial Job employer.

A Trial Job employer may not request or accept a subsidy under a Trial Job contract for a period when no wages were paid to a participant.

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7.3.4 Employer Contract

The W-2 agency must complete a contract with the employer for every Trial Job placement. A specific Trial Job placement may be up to 3 months with an opportunity for an extension up to 3 additional months. Extensions may be granted for a specific placement when the W-2 agency determines the extension increases the likelihood that the participant will be retained as an unsubsidized employee as a result of the extension.

The W-2 agency can use the Employment Agreement form DWSP 10759 which is found in the forms repository: <http://dwd.wisconsin.gov/dcf/forms/>.

The agency can develop its own individualized Employer Agreement which at a minimum must contain:

1. Trial Job participant's name;
2. Employer's name;
3. Site of employment;
4. Number of hours to be worked;
5. Wage;
6. Subsidy amount;
7. Length of the contract;
8. Provision of worker's compensation by the employer;
9. Provision of unemployment compensation by the employer;
10. Agreement to provide information about Earned Income Credit (EIC);
11. Agreement to provide the same education and training opportunities available to unsubsidized employees;
12. Employer's intent to retain the employee in an unsubsidized position if the employee is successful;
13. Agreement to notify the W-2 agency by the next working day of the termination of any Trial Job participant; and
14. Employer's understanding that subsidies obtained for periods in which no wages were paid are subject to investigation and possible penalties.

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7.3.5 Intent to Retain

The Trial Job employer must agree to make a good faith effort to retain the participant as a permanent employee after the wage subsidy has ended.

W-2 agencies must monitor the retention of Trial Job participants in unsubsidized employment by Trial Job employers. Employers who routinely fail to offer unsubsidized jobs to participants who have succeeded in their Trial Job experience should not receive future contracts.

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7.3.6 Trial Job Training

The Trial Job employer must provide a structured work environment that includes close supervision, mentoring and coaching of Trial Job employees. The Trial Job employer must incorporate education and training needed for the Trial Job participant to move into unsubsidized employment. Trial Job employers are expected to provide, at a minimum, the same education and training opportunities as provided to unsubsidized employees in similar circumstances. The Trial Job participant may enroll in additional education and training opportunities through W-2 that will assist with job success.

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7.3.7 Trial Job Time Records

Employers will report Trial Job participants' hours monthly for the subsidy.

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7.3.8 Trial Job Wages and Benefits

The Trial Job employer must pay the participant a wage that is comparable to the wages paid to regular employees in similar positions. The Trial Job employer must provide the participant with benefits comparable to benefits provided to regular employees in similar positions. Employers must pay at least federal or state minimum wage.

The Trial Job employer must provide worker's compensation and unemployment compensation to the same extent as regular employees as required by federal and state law.

The Trial Job employer must agree to provide information on the federal and state Earned Income Credit (EIC).

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7.4 Paid Placements

7.4.1 Community Service Jobs (CSJ)

[7.4.1.1 General CSJ Participant Description Characteristics](#)
[7.4.1.2 CSJ Participation Requirements](#) [7.4.1.3 Kinds of CSJ Work Site Placements](#) [7.4.1.4 Prorated CSJs](#) [7.4.1.4.1 General Prorated CSJ Participant Description Characteristics](#) [7.4.1.4.2 Prorated CSJ Participation Requirements](#) [7.4.1.4.3 Prorated CSJ Payments](#) [7.4.1.5 CSJ Placements for Parents Temporarily Unable to Care for Their Children](#) [7.4.1.6 CSJ Administration](#) [7.4.1.7 Attendance Records](#) [7.4.1.8 CSJ Placements as Employment](#)

The CSJ placement is for applicants and on-going *W-2* participants who are not ready for unsubsidized employment or a Trial Job. A CSJ placement provides the opportunity to practice work habits and skills that are necessary to succeed in any regular job environment, including punctuality, reliability, work social skills, and more. CSJ work site providers are expected to offer an environment which generally replicates regular employment, realizing that job coaching and mentoring may be needed to help the participant succeed. An individual is permitted to participate in more than one CSJ for a cumulative total of no more than 24 months. (See [2.10.3](#)). A participant placed in a CSJ receives a monthly payment of \$653 for full time participation.

7.4.1.1 General CSJ Participant Description Characteristics

Persons placed in CSJs may have:

- Little or no work history;
- No evidence of reliable work habits;
- A work history with frequent voluntary quits or terminations;
- Physical or mental conditions or other personal limitations to regular employment; or
- Domestic violence, temporary illness or incapacity of self, family member, or other family crises.

Example 1: Jane has two children (ages 1 and 5) and a very limited work history. She worked a year and a half ago at a restaurant when she was forced to quit due to a difficult pregnancy. She has been off work since that time. She completed her 12th grade of school but did not

receive her diploma because she failed to complete one class. She is eager to get back into the workforce, but she is worried that her limited experience and lack of high school diploma will prevent her from getting a job. She is interested in becoming a child care provider. Jane applied for W-2. The RS assigned Jane to up-front job search and the job developer connected Jane to local child care employers who had openings. Jane was not hired because of her lack of experience and no high school diploma. The FEP places Jane in a CSJ. During her CSJ, Jane will be assigned to 10 hours per week of education in order to complete her high school course work and obtain her diploma. The FEP will also assign Jane to 30 hours of work experience at the Job Center daycare site.

Example 2: Jennifer applied for W-2. She is 24 years old, has a high school diploma, and she completed a clerical training course a year ago but has never had a full time job. Her seven-year old son Jason has severe behavioral problems and has recently been diagnosed with Attention Deficit Disorder (ADD). Jason's doctor is currently trying to get Jason's condition stabilized using medication. Jason goes to school for a full day, but about two to three times a month Jennifer is called to pick him up because of bad behavior. Jennifer wants to work and put her clerical skills to use, but doesn't see how she can until Jason's medication stabilizes his behavior.

The FEP places Jennifer in a CSJ. The FEP designs a CSJ placement to allow Jennifer time to practice her clerical skills and provide flexibility for her to care for her son. In order to do this, the FEP sets up a CSJ worksite in the front office of Jason's school so that she is readily available if Jason begins to act out. The school is understanding of Jennifer's situation and allows her flexibility to care for her son whenever necessary. Once Jason's medication stabilizes his behavior and Jennifer has the necessary clerical experience, the FEP will focus on moving Jennifer to an unsubsidized job or a Trial Job.

7.4.1.2 CSJ Participation Requirements

CSJ participants are expected to complete 40 hours of activities per week but can be assigned fewer hours depending on the participant's circumstances. Of these 40 hours, up to 10 hours per week can be in education and training activities.

Education and training may be assigned:

- Up to 10 hours per week of allowable education and training (See [8.3.2.2](#));
- By aggregating education and training hours to enable a participant to engage in an education and training program that can be completed within a one year period (See [8.3.2.3](#));
- Through participation in a full-time technical college education program (See [8.3.2.4](#)): or
- 18- or 19-year who do not have a high school diploma or equivalent, can attend high school or enroll in a course of study meeting the standards either full or part-time (see [8.3.2.1](#))

CSJ work training hours countable toward the maximum 40 hours of activity as approved by the FEP may include:

- Work experience (WE);
- Training activities conducted at the CSJ work training site;
- Other assigned work training activities, such as;
- Job search activities (ES);
- Vocational rehabilitation (VA, VE, VL) and
- Meetings with child support agency staff, social workers, health care professionals or other meetings approved by the FEP and necessary to prepare a participant for employment (Activity Codes may vary.)

7.4.1.3 Kinds of CSJ Work Site Placements

CSJ work sites may be with public, private non-profit and private for-profit employers. Each CSJ placement may be scheduled for up to six months with an opportunity for a three month extension. The following is a sample list of entities which may offer opportunities for CSJ work sites:

1. Municipal or other government - Jobs with easily expanded work crews.
 Example employers: housing authorities, school systems, parks and recreation, and sanitation departments
 Example job tasks: public housing painting and preparation, maintenance of parks or other facilities, city gardening, neighborhood watch patrol, clean up of city property or vacant lots, graffiti removal
2. Community-based organizations and government agencies - Participants proven to be reliable in the positions listed in the category above, but are still not ready for private employment, may be placed into these positions.
 Example employers: community non-profits, religious organizations, hospitals, schools, government agencies
 Example job tasks: health aide, clerical or administrative aide, child care aide, teacher's aide, personal assistant, driver, outreach worker in languages other than English, elder or youth services worker
3. Contract organizations - Private or public companies which bid for contracted services.
 Example employers: private non-profits, W-2 agencies, specialized for-profits such as industrial laundry, packaging and distribution, recycling recovery, cleaning and maintenance.
 Example job tasks: same as community-based organizations and other government.

Keep in mind that participants placed in positions may have to pass criminal back ground checks to work in certain facilities or positions.

7.4.1.4 Prorated CSJs

The prorated CSJ placement is for W-2 applicants and participants who are working in unsubsidized employment for less than 30 hours per week and have limitations to increasing their work hours, or obtaining additional job(s). Hours of activities and payments are prorated to one of the following three levels:

- 1/3 CSJ: Participants placed into 1/3 CSJs receive a payment of \$218 for up to 10 hours of work training and up to 10 hours of education and training per week. (Participant working in unsubsidized employment 20 to 29 hours per week)
- 1/2 CSJ: Participants placed into 1/2 CSJs receive a payment of \$327 for 11 to 15 hours of work training and up to 10 hours of education and training per week. (Participant working in unsubsidized employment 15 to 19 hours per week)
- 2/3 CSJ: Participants placed into 2/3 CSJs receive a payment of \$435 for 16 to 20 hours of work training and up to 10 hours of education and training per week. (Participant working in unsubsidized employment 10 to 14 hours per week)

The total combined number of hours of activities and unsubsidized employment must not exceed 40 hours per week for anybody placed in a prorated CSJ. Participants working up to nine hours per week in an unsubsidized job or a non-W-2 funded subsidized job may be granted a full CSJ payment. Participants working greater than 30 hours per week in an unsubsidized job or a non-W-2 funded subsidized job would not usually be eligible for a prorated CSJ.

Activities assigned to prorated CSJ participants must be specifically designed to assist the participants with overcoming their employment limitations within a reasonable time period.

PRORATED CSJ HOURS TRACKING CHART

	Hours in Unsubsidized Job	Maximum Work Activities	Maximum Education & Training	Total
Full CSJ \$653.00	1	29	10	40
	2	28	10	40
	3	27	10	40
	4	26	10	40
	5	25	10	40
	6	24	10	40
	7	23	10	40
	8	22	10	40
	9	21	10	40
2/3 CSJ \$435.00	10	20	10	40
	11	19	10	40
	12	18	10	40
	13	17	10	40
	14	16	10	40
1/2 CSJ \$327.00	15	15	10	40
	16	14	10	40
	17	13	10	40
	18	12	10	40
	19	11	10	40
1/3 CSJ \$218.00	20	10	10	40
	21	9	10	40
	22	8	10	40
	23	7	10	40
	24	6	10	40
	25	5	10	40
	26	4	10	40
	27	3	10	40
	28	2	10	40
	29	1	10	40
Generally Not Eligible	30	0	0	30
	31	0	0	31
	32	0	0	32
	33	0	0	33
	34	0	0	34
	35	0	0	35
	36	0	0	36
	37	0	0	37
	38	0	0	38
	39	0	0	39
	40	0	0	40

7.4.1.4.1 General Prorated CSJ Participant Description Characteristics

A prorated CSJ placement may be appropriate for individuals with the following employment limitations:

- Barriers to increased unsubsidized employment opportunities which cannot be addressed through supportive services;
- A lack of skills to be competitive for available jobs;
- A sporadic work history;
- Little evidence of reliable work habits;

- No high school diploma, GED or HSED; and
- A work history with frequent voluntary quits or terminations.

Example 1: Brenda completed specialized manufacturing training. Shortly after completing her training, the two major manufacturing plants in Brenda's area announced large lay-offs. There were no manufacturing jobs in town, but Brenda was able to secure a job at a local fast food restaurant working 23 hours per week. Unable to support her family with the income, Brenda applied for W-2. After a thorough assessment and an unsuccessful job search, the FEP determines that Brenda will not be able to increase her hours at work or obtain unsubsidized employment because the local job market for manufacturing workers is extremely limited. Also, Brenda lacks other skills that would allow her to compete for other available jobs in the local labor market. However, Brenda believes that she can compete for a full time supervisor position at the fast food restaurant if she finishes her final GED courses. Brenda is assigned to GED courses in the evenings for 10 hours per week and to job search for 7 hours per week during the day. Her 1/3 CSJ payment, based on less than 10 hours of work activity per week, is \$230.

Example 2: Maria is a single mom with two teenagers. She works 20 hours per week as a program assistant for an insurance company. Maria has a physical disability which causes her severe pain and is preventing her from increasing her work hours. Maria is unable to support her family on her current income and applies for assistance from W-2. After receiving appropriate documentation from her doctor concerning her work limitations and abilities, Maria is placed in a prorated CSJ position. Maria's FEP reviews the medical documentation and together they create an employability plan focusing on moving Maria towards employment that utilizes her abilities. Maria makes a career goal of becoming a technical writer. Maria is assigned to participate in a college-based writing workshop over the internet for 4 hours per week. In addition, Maria is referred to the agency's disability advocate to assist her in initiating an application for SSI. With her current hours of unsubsidized employment at 20 hours per week and less than 10 hours of assigned work activity per week, Maria will receive a 1/3 CSJ payment of \$230 per month.

7.4.1.4.2 Prorated CSJ Participation Requirements

CSJ participants eligible for a prorated CSJ payment are also expected to participate up to 40 hours per week in a combination of hours working in their jobs, work training activities and education and training activities.

In some cases, the combination of CSJ activities and employment may be less than 40 hours per week, such as when the participant's limitations are severe. When a participant's limitations are severe enough, the FEP should work closely with the assessing agency or medical professional to determine the types of activities the participant can reasonably perform. However, these activities must be allowable work training hours, such as vocational rehabilitation, meeting with social workers and health care professionals, etc. Participants must be assigned CSJ activities that do not interfere with the hours they are expected to work in their jobs.

7.4.1.4.3 Prorated CSJ Payments

Initial and ongoing payments are issued according to current W-2 payment policies and procedures (See [Chapter 10](#)). Payment reductions are applied according to current W-2 payment reduction policies and procedures (See [Chapter 11](#)). There is no separate prorated CSJ payment clock. The CSJ clock ticks regardless of whether the participant is in a prorated or a full CSJ (See [7.4.1](#)).

7.4.1.5 CSJ Placements for Parents Temporarily Unable to Care for Their Children

CSJ participants who, for medical reasons determined by a qualified assessing agency or individual, are out of the home or are unable to care for their children for periods of less than 60 days may remain in a CSJ placement. The participation requirement will be to cooperate with the prescribed treatment plan. In most cases the (PR) Physical Rehabilitation activity code will be used during this time frame.

7.4.1.6 CSJ Administration

The W-2 agency is responsible for identifying, creating and managing CSJ positions that prepare CSJ participants for Trial Jobs or unsubsidized employment. The agency may contract for all or part of the operations.

1. CSJ positions must:
 - Replicate actual conditions of work;
 - Have responsibilities and expectations similar to unsubsidized employees to the extent feasible;
 - Have a work training site supervisor. The work training site supervisor must provide a structured work environment to include close supervision and a willingness to mentor and coach CSJ participants to succeed in the workplace. See the TANF Work Participation Requirements appendix for more information on requirements for supervising W-2 activities, and
 - Serve a useful public purpose or be a project of which the costs are partially or wholly offset by revenue generated from it.

If a W-2 agency develops a community service job worksite with a for-profit organization, there must be some agreement in place that the organization, using revenue or profit generated by the use of the CSJ participants, reimburses the agency for costs associated with the CSJ. This can include the organization using the profit to provide on-the-job training that is valuable to the participant or the organization may make a payment back to the W-2 agency to cover some of the administrative costs of the CSJ.

2. Management of CSJ positions include:

- Obtaining new work training sites;
- Maintaining relationships with existing providers;
- Creating CSJ placements within the W-2 agency;
- Ensuring that an adequate number of CSJs exist;
- Providing special or additional supervision of CSJ participants at the work training site when necessary;
- Providing or arranging for reasonable accommodations, translator or other supportive services;
- Acting as a liaison between work training providers and CSJ participants;
- Maintaining and updating an inventory of CSJ work training sites;
- Providing worker's compensation coverage for all participants, except when the W-2 work training provider provides the coverage; and
- Requiring all work training sites complete the W-2 Work Training Site Agreement form (10792).

7.4.1.7 Attendance Records

The CSJ work training provider is responsible for keeping hourly time records and reporting nonparticipation to the FEP as it occurs. See the TANF Work Participation Requirements appendix for guidelines on documenting and verifying W-2 activities.

CSJ Payments

The W-2 agency will issue a monthly payment of \$653 to the CSJ participant if all participation requirements are met. The monthly payment of \$653 will not be prorated or otherwise reduced if the assigned hours are less than 40 hours per week. Payments will be reduced by \$5.00 for each hour that the participant fails to participate without good cause.

7.4.1.8 CSJ Placements as Employment

The U.S. Department of Labor has stated that all federal employment laws apply to welfare employment and training participants, the coverage of this law is intended to be very broad and in some cases to cover a person who is not an "employee" in other contexts.

The W-2 Agency should conform to the standards described below for ensuring that a CSJ activity qualifies as "training" rather than "employment" for the purposes of wage withholding requirements (including FICA), the Earned Income Credit, and unemployment compensation taxes.

- The training is similar to that given in a vocational school;
- The training is for the benefit of the trainees;
- Trainees do not displace regular employees;
- Employers derive no immediate advantage from the trainees' activities;
- Trainees are not entitled to a job after the training is completed; and
- Employers and trainees understand that the trainee is not paid.

If there should be a finding that a particular CSJ activity is "employment" which results in liability for wage withholding or EIC payments under federal law, the individual is an employee of the state rather than the W-2 agency. It is the obligation of the W-2 agency, in following this policy, to use its best efforts to ensure that CSJ activities comply with the criteria listed above for "training."

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7.4.2 W-2 Transition (W-2 T)

[7.4.2.1 General W-2 T Participant Description Characteristics](#)

[7.4.2.2 W-2 T Participation Requirements](#) [7.4.2.3 Marginally](#)

[Employed W-2 T Participants](#) [7.4.2.4 W-2 T and Work](#)

[Training](#) [7.4.2.5 W-2 T Time Records](#) [7.4.2.6 W-2 T Payments](#)

The W-2 Transition (W-2 T) employment position is 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.

7.4.2.1 General W-2 T Participant Description Characteristics

Participants placed in a W-2 T must have a formal assessment, as described below, scheduled and documented in CARES within 30 calendar days of the W-2 T placement. The FEP must not assume that participants who have a disability are unable to participate in an employment position other than W-2 T, including unsubsidized employment. The FEP may place a participant in a

W-2 T when the participant is incapable of performing a CSJ or Trial Job, as determined by the W-2 agency, for reasons which may include:

1. The participant is determined, based on an independent assessment by a medical professional, DVR or similar qualified assessing agency or individual, to be or expected to be incapacitated for a period of at least 60 days. Examples of incapacitation that would warrant an assessment may include:
 - Physical limitations;
 - Mental health limitations;
 - Cognitive limitations;
 - Learning disabilities;
 - Victim of Domestic Violence; and

- Substance abuse.

Section 5.5.4, obtaining a Complete Assessment, describes the types of information that must be gathered through assessment and the methods for obtaining the information.

Example 1: Ms. Anderson is a single parent with two children. She was a waitress until three months ago when her rheumatoid arthritis worsened to the level that she was no longer able to work. Ms. Anderson is placed in a W-2 T position and is referred for a vocational assessment. The results of the assessment show that with special sitting accommodations, rehabilitation and training, Ms. Anderson will be able to perform a sedentary job. Areas of employment recommended by the assessing agency include computer data entry, customer service, or telemarketing. Ms. Anderson and her FEP agree to revise her employability plan, emphasizing activities that will allow her to work towards a job in customer service. Her participation requirement is 27 hours per week in a physical rehabilitation program, which involves physical therapy and teaches independent mobility, plus three hours of work training. After completing three months of rehabilitation, Ms. Anderson is moved to a CSJ, where she is able to participate a full 40 hours per week in a combination of work training and education activities. Five months after placement in the CSJ, Ms. Anderson is successfully employed in a manufacturing company in their customer service department.

2. The participant is needed in the home to care for another member of the W-2 group who is ill or incapacitated;
The following steps must be taken when determining the need for a W-2 adult to remain in the home to care for a family member:
 - a. Using the [*Need to Care for Disabled Family Member \(DWSP-10786\) form*](#) (or an agency-developed form that, at a minimum, has the same elements), verify the incapacity/disability of the affected family member and the appropriateness of day/child care outside of the home through third party sources. The FEP may consider statements from sources such as medical professionals, the Social Security Administration, Family Support Program, Birth to Three Early Intervention Program, Program for Children with Special Health Care needs, and Exceptional Educational Needs Program. Supportive adult programs under the 51.42 service board or Independent Living Centers for a physical disability or mental health issues are other verification sources.
 - b. Determine whether day/child care outside the home is available for the disabled/incapacitated family member so that the participant can engage in work training activities outside the home. The Americans with Disabilities Act (ADA) requires that any day treatment or day care facility accommodate a child or elderly person and provide reasonable accommodations for individuals with disabilities. However, where a reasonable accommodation cannot be made or the care is not available, lack of adequate child care is a good cause reason for not participating in W-2 requirements outside the home. Written documentation from one or more local day/child care providers is sufficient verification that appropriate care is not available.

Example: Ms. Johnson applies for W-2. Her daughter Kathy, age 8, is in an advanced stage of leukemia. Kathy has been hospitalized numerous times over the school year and has had extended absences from school. She has an extremely fragile immune system and can no longer be exposed to other children in a school or day care setting. The FEP places Ms. Johnson in a W-2 T employment position and assigns her 38 hours per week of care for her child with a disability. Ms. Johnson indicates to her FEP that her mother is available for two hours per week so she can also attend grief mental health counseling sessions. The activities are recorded in CARES and on Ms. Johnson's EP.

7.4.2.2 W-2 T Participation Requirements

An in-depth formal assessment will determine the appropriate level of W-2 participation, the person's ability to engage in specific work and training activities and the need for supportive services, accommodations, auxiliary aids or communication assistance. (See [5.5.1](#)) Attendance and cooperation with an in-depth assessment may satisfy participation requirements pending the results of the formal assessment. A W-2 payment reduction cannot be imposed on a participant for declining to complete a formal assessment. (See [5.5.7](#))

Based on the results of the assessment the participant may be assigned up to 40 hours per week in activities which may include work training, other W-2 T activities and education and training.

W-2 T work training activities approved by the FEP may include activities such as a:

- 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. Services may include vocational assessment, job readiness training, job placement and on-the-job support targeted at individuals with disabilities. Assignable activities will vary depending on the focus of the program, but may include:
 - Disability and Learning Assessment (AD);
 - Career Planning & Counseling (CE);
 - Employment Search (ES);
 - Mentor/Coach (MN);
 - Job Readiness/Motivation (MO);

- Occupational Testing (OC);
 - On-The-Job Training (OJT);
 - Paid Work Experience in the public sector, not funded by TANF (SW); or
 - Work Experience (WE).
- Activities similar to a CSJ but with more supervision
 - Volunteer activity. Assignable activity is Work Experience (WE)

Other common activities assigned to W-2 T participants include:

- AODA detoxification, assessment and treatment. Assignable activities may include AODA Counseling (CA) and AODA Assessment (AA) and Personal Development (PD);
- Mental health activities, as prescribed by an appropriate health care professional. Assignable activities may include Mental Health Assessment (AM) and Mental Health Counseling (CM);
- Counseling or physical rehabilitation activities. Assignable activities may include Physician's Assessment (AL), Ongoing Medical/Personal Care (MP), Physical Rehabilitation (PR);
- Court ordered activities. Assignable activity is Court-Related/Legal Appointments (LA);
- Activities related to obtaining shelter or retaining safety in a domestic abuse situation or other activities needed to stabilize a family. Assignable activities may include Domestic Violence Assessment and Supportive Services (AV) and Personal Development (PD);
- Activities that will provide support for children with special needs. Assignable activity is Family Member Treatment/Counseling (FC); and
- Caring for a family member with an incapacity of such severity that without home care, the incapacitated member's health and well-being would be significantly affected, as determined by the W-2 agency. Assignable activities are Caring for Other Family Member (CF) and Caring for Disabled Child (CD).

Education and training may be assigned through any of the following means:

- Through the assignment of up to 12 hours per week of allowable education and training (See Section [8.3.2.2](#));
- By aggregating education and training hours to enable a participant to engage in an education and training program that a participant can complete within a one year period with participation in up to 516 hours of education and training activity (See Section [8.3.2.3](#)); or
- Through participation in a full-time technical college education program (See Section [8.3.2.4](#)).

7.4.2.3 Marginally Employed W-2 T Participants

A W-2 applicant/participant who is marginally employed in an unsubsidized job only a few hours per week may also be placed in a W-2 T placement when the participant has long-term, severe barriers to increasing the hours in the existing unsubsidized job or obtaining additional unsubsidized employment. In these instances, the FEP must schedule flexible activities around the unsubsidized employment. W-2 T assigned activities must be specifically designed to assist the applicant/participant in overcoming these severe barriers while maintaining flexibility and sensitivity.

Example: Ms. Smith's son Jason, age 8, has been diagnosed with a brain disorder. Jason is able to attend school most of the time, however, the school often asks Sue to remove Jason when he is uncontrollable. Appropriate child care is often not available during these periods. Ms. Smith is marginally employed and works approximately 10 hours per week in a small town pharmacy. Her employer has been sensitive to Ms. Smith's need for a flexible, part-time job. This situation is not likely to change for some time. Ms. Smith's FEP places her in a W-2 T position since she will not be able to move to full-time employment in a short period of time. The FEP enters her marginal unsubsidized employment as assigned activity and also assigns Ms. Smith to 2 hours per week in a life skills motivational course and 28 hours per week to care for her disabled child.

7.4.2.4 W-2 T and Work Training

The W-2 agency is responsible for the creation and management of work training sites that prepare W-2 T participants for unsubsidized employment. The agency must act as a liaison between providers and W-2 T participants when necessary.

W-2 T work training providers must complete the [W-2 Work Training Site Agreement \(form DCF-F-DWSP 10792\)](#) and comply with all provider assurances outlined in the form. In addition, agencies must develop work training sites that:

- Are sensitive to participants with employment barriers;
- Offer part-time and flexible schedules to meet the special needs of participants;
- Provide comprehensive supervision of participants. See the TANF Work Participation Requirements appendix for more information on requirements for supervising W-2 activities; and
- Provide or arrange any needed supportive services, accommodations, auxiliary aids or communication assistance.

The W-2 Agency must provide worker's compensation coverage for all participants, except when the W-2 work training provider provides the coverage.

7.4.2.5 W-2 T Time Records

The participant is required to provide verification for education and training hours as well as other hours in W-2 T activities. See the TANF Work Participation Requirements appendix for guidelines on documenting and verifying W-2 activities.

7.4.2.6 W-2 T Payments

The W-2 agency will issue a monthly payment of \$608 to the W-2 T participant if all participation requirements are met. The monthly payment of \$608 will not be prorated or otherwise reduced if the hours assigned are less than 40 hours per week. Payments will be reduced by \$5.00 for each hour that the participant fails without good cause to participate.

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7.4.3 SSI/SSDI Advocacy for W-2 Placements

[7.4.3.1 SSI/SSDI Application and Appeals](#) [7.4.3.2 SSI/SSDI Advocacy](#)

[7.4.3.3 Services Provided by an SSI Advocate](#)

[7.4.3.3.1 Authorized Representative](#) [7.4.3.4 Communication](#)

[with SSA and DDB as an Advocate](#) [7.4.3.5 SSI/SSDI Eligibility](#)

[and Receipt of Benefits](#)

Through screening, formal assessment and consultation with other providers of disability-related services, the *W-2* agency is responsible for identifying participants who have a reasonable chance of obtaining *SSI/SSDI*. When there is agreement between the participant and the agency that the participant is appropriate for SSI/SSDI advocacy, the agency is responsible for assisting with the SSI/SSDI application and appeals process to the extent needed by each participant. Participants who are determined to be appropriate for SSI/SSDI advocacy should be placed in W-2 T throughout the SSI/SSDI application process.

7.4.3.1 SSI/SSDI Application and Appeals

An SSI/SSDI application is submitted to the SSA. The SSA looks at the severity of an individual's impairment(s), as well as current age, education and work history, to determine whether the individual is disabled according to Social Security regulations.

During the SSI/SSDI application process, the local SSA office is responsible for verifying non-medical eligibility requirements (financial and non-financial), which may include age, employment, marital status, or Social Security coverage information. The SSA office then sends the case to the Disability Determination Bureau (DDB) for evaluation of the disability.

The application process includes provisions for an applicant to appeal an SSI/SSDI eligibility decision. There are four levels to the application and appeal process:

1. Initial application;
2. Request for Reconsideration;
3. Request for Hearing with SSA office of Hearing and Appeals; and
4. Appeals Council Review.

A [Disability Starter Kit](#) is available on the SSA website to assist individuals with an online application or to prepare for a disability interview. Kits are available for adults and for children under age 18.

The starter kits provide information about the specific documents and the information that SSA will request. The kits also provide general information about the disability programs and the decision-making process.

7.4.3.2 SSI/SSDI Advocacy

SSI/SSDI advocacy must be provided either directly by the agency, through subcontract, or referral to an SSI/SSDI advocate. An SSI/SSDI advocate provides specific services to facilitate the approval of a W-2 participant's application for SSI/SSDI or appeal of an SSA decision. The roles and responsibilities of the advocate are the same whether a W-2 agency provides for advocacy through its own in-house staff or through an outside resource. A W-2 participant may receive SSI/SSDI advocacy services at any point in the SSI application process (initial application, reconsideration, or appeal).

In general, a qualified SSI advocate must have the program background and knowledge necessary to successfully assist W-2 participants to navigate the SSI application process. In particular, an SSI advocate should have the following background and knowledge:

- Experience working in an SSI/SSDI advocacy role;
- General knowledge of W-2 policy and procedures;
- Knowledge of the SSI/SSDI application processes; and
- Legal or medical background or experience in the field of disabilities.

7.4.3.3 Services Provided by an SSI Advocate

Services outlined below may be provided during all phases of the SSI process or may be provided at a specific phase of the process.

1. Review medical documentation;
2. Assist in supplying initial and subsequent documents including non-medical documentation;
3. Coordinate with the case manager or an appropriate service provider to schedule additional evaluations that may support the disability claim;
4. Communicate information to and facilitate contacts among involved parties;
5. Attend meetings, hearings, and appointments with the participant as needed or requested;

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6. Present the facts in a participant's case that favor a decision of disability;
7. Assure all pertinent documentation is available to the DDB;
8. Maintain regular contact throughout the process with SSA, DDB and the W-2 participant;
9. Assist the participant in complying with the SSI claim requirements;
10. Act as a liaison among SSA, DDB and medical professionals; and
11. Coordinate with the W-2 agency and the FEP to establish a referral process and an ongoing communication network, to include SSI related activities on the Employability Plan and to provide supportive services such as transportation and childcare for SSI related activities.

7.4.3.3.1 Authorized Representative

If a participant wants more involvement from the SSI/SSA advocate, s/he may appoint the advocate to be an authorized representative. The authorized representative may do all of the activities listed above, plus:

1. Review the applicant's file at the local SSA office;
2. Get information from SSA about the claim, including notices and letters, just as the applicant does;
3. Represent the applicant at informal or formal hearings; and
4. Provide SSA with evidence for the applicant; and/or help with appeals process.

SSA has devoted a webpage, <http://www.socialsecurity.gov/representation/>, specifically designed to provide authorized representatives with information and forms needed to effectively assist individuals with their SSA application or appeal.

No W-2 agency, W-2 agency staff member, or W-2 agency subcontractor may charge the participant a fee for being the person's authorized representative,

7.4.3.4 Communication with SSA and DDB as an Advocate

1. Authorization to Send Information to SSA

To share necessary information with the other providers working with the participant, including SSA and DDB, be sure to have the participant sign the [Authorization for Disclosure of Confidential Information \(DWSP-10779\) form](#).

2. Authorization to Receive Information from SSA

If you are not an authorized representative, but want to receive information from SSA or DDB about the participant during the application or appeals process, send a signed [SSA Consent for Release of Information \(SSA-3288\) form](#) to SSA or DDB.

7.4.3.5 SSI/SSDI Eligibility and Receipt of Benefits

In determining the monthly SSI/SSDI payment, SSA divides the amount of the W-2 benefit by the number individuals in the W-2 group and uses the resulting dollar amount to determine the SSI applicant's share of the W-2 benefit. The SSI applicant's share of the W-2 benefits is then used in the budget to determine the SSI/SSDI payment. This calculation is used whether the SSI/SSDI applicant is the W-2 participant or another W-2 group member.

If the SSI/SSDI applicant is also the W-2 participant, SSA will use a portion of the W-2 benefits to determine the monthly SSI/SSDI benefit amount until the participant is no longer receiving W-2 benefits. Generally the SSI/SSDI applicant will be eligible for monthly SSI/SSDI benefits back to the month of application.

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7.4.4 SSI/SSDI Transition Plan

[7.4.4.1 SSI/SSDI Transition Plan](#) [7.4.4.2 Developing the SSI/SSDI Transition Plan](#)

7.4.4.1 SSI/SSDI Transition Plan

The case manager may begin to develop a written Transition Plan with the participant early in the SSI advocacy process using the automated SSI/SSDI Transition Plan. This can be accessed from the [W-2 Plans Application webpage](#).

The Transition Plan must be developed during a face to face meeting between the FEP and the participant. Once there is a formal decision handed down from the Social Security Administration regarding eligibility for SSI/SSDI the Transition Plan should be finalized with the participant. The final Transition Plan should be issued to the participant no sooner than 90 days prior to W-2 eligibility ending and reviewed regularly with the participant up until W-2 eligibility ends. The case manager must document in CARES case comments when the final plan was printed and given to the participant.

7.4.4.2 Developing the SSI/SSDI Transition Plan

Circumstances will vary greatly from one family to another, requiring case managers to be resourceful as they work through the plan with the participant. Areas of need that should be addressed include:

- Emergency Needs;
- Housing Needs;
- Household Budgeting/Money Management Needs;
- Access to Economic Supports;
- Education and Training Needs (Participant and other family members);
- Legal Assistance Needs;
- Employment Support Needs with particular emphasis on work connection resources targeted at individuals with disabilities;
- Child Care Needs (for job search and work);
- Transportation Needs;
- Personal and Family Health Care Needs; and
- Other needs identified by the participant.

The Transition Plan must include at a minimum, the following elements for each need that is identified:

1. A plan of action. A short-term plan of action should help the participant address emergency or short-term needs. A long-term plan of action includes the steps necessary to carry out a goal towards self-sufficiency such as completing an education or training program or securing permanent housing; and
2. Resource and referral information for any known government and community resources that may help to address the need. The plan should explain the purpose of each resource and how it addresses or relates to the identified need.

Important Topics to Be Covered in the SSI/SSDI Transition Plan

1. Benefits and supportive services targeted at individuals with disabilities, including recipients of SSI/SSDI. Examples include:
 - a. Ticket to Work: The Ticket to Work and Self-Sufficiency Program is an employment program for people with disabilities who are interested in going to work. The Ticket Program is part of the Ticket to Work and Work Incentives Improvement Act of 1999 – legislation designed to remove many of the barriers that previously influenced people’s decisions about going to work because of the concerns over losing health care coverage. The goal of the Ticket Program is to increase opportunities and choices for Social Security disability beneficiaries to obtain employment, vocational rehabilitation (VR), and other support services from public and private providers, employers, and other organizations. To access a list of Ticket to Work providers for Wisconsin, go to: <http://www.chooseworkttw.net/resource/jsp/searchByState.jsp>
 - b. Division of Vocational Rehabilitation (DVR):
 - Provides employment services and counseling to people with disabilities;
 - Provides or arranges for services to enable an individual to go to work; and
 - Provides training and technical assistance to employers regarding disability employment issues.

A person is presumed eligible for DVR services if they are receiving SSDI or SSI and want to work. DVR service locations are available at: <http://dwd.wisconsin.gov/dvr/locations/default.htm>

Independent Living Centers (ILC): Wisconsin ILCs are community based, consumer directed, not for profit organizations. ILCs are nonresidential organizations serving persons of any age with any disabilities in all 72 counties. Unique in the world of human services, ILCs are governed and operated by board and staff composed of a majority of people with disabilities. All ILCs provide four core services, which include:

- Peer Support – staff and trained volunteers provide support, encouragement and guidance for individuals with disabilities;
- Information and Referral – one-stop shopping for information related to disability or services for individuals with disabilities, families, employers, and the community;
- Independent Living Skills Training – assessment and training to people with disabilities in areas such as money management, housekeeping, communication, self-advocacy, prevocational skills and socialization; and
- Individual and Systems Advocacy – consistent with the philosophy of independent living, individuals with disabilities are taught to advocate for themselves. In addition, ILCs can engage in activities designed to affect positive change in local, state, and federal systems affecting individuals with disabilities.

More information about these centers and where they are located is available at: <http://il-wisconsin.net/coalition>

- c. Application Information for Caretaker Supplement: Wisconsin’s Caretaker Supplement (CTS) is a cash benefit available to parents who are eligible for Supplemental Security Income (SSI) payments. Caretaker Supplement benefits are \$250 per month for the first eligible child and \$150 per month for each additional eligible child. More information on what CTS is and how to apply is available at: <http://dhs.wisconsin.gov/ssi/caretaker.htm>
 - d. Aging and Disability Resource Centers (ADRCs): ADRCs are service centers that provide a place for the public to get accurate, unbiased information on all aspects of life related to aging or living with a disability. These centers are friendly, welcoming places anyone can contact to receive information and assistance regarding not only the public benefits that may be available, but all of the programs and service available throughout the area. Individuals, concerned families or friends, or professionals working with issues related to aging, physical disabilities, developmental disabilities, mental health issues, or substance use disorders, can receive information specifically tailored to each person's situation. ADRC services can be provided at the Center, or via telephone or through a home visit, whichever is more convenient to the individual seeking help. More information on what services are provided and ADRC locations is available at: <http://dhs.wisconsin.gov/LTCare/Generalinfo/RCs.htm>
2. Government-funded economic supports, including but not limited to:
 - a. Caretaker Supplement;
 - b. FoodShare;
 - c. BadgerCare Plus (for dependent children of the SSI/SSDI recipient);
 - d. Child Support;
 - e. Wisconsin Shares Child Care Subsidy Program – for individuals who plan to work in unsubsidized employment or attend job skills training while employed; and

- f. Wisconsin Home Energy Assistance Program (WHEAP).
3. Community-based supportive services that may address unmet needs and prevent crisis situations from arising. Examples include:
- a. Subsidized housing programs;
 - b. Household Budgeting/Money Management Services;
 - c. Transportation Services;
 - d. Legal Assistance Services;
 - e. Mental Health and AODA Services;
 - f. Domestic Violence Services;
 - g. Adult Literacy services; and
 - h. Other services including volunteer organizations.

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7.4.5 Custodial Parent of an Infant (CMC)

[7.4.5.1 Eligibility for CMC](#) [7.4.5.1.1 Other Adult Living In The Home](#) [7.4.5.1.2 Paternity Establishment](#) [7.4.5.2 CMC Verification, Placement, and Payment](#) [7.4.5.3 60-Month Time Limit for CMC](#) [7.4.5.4 Ending CMC](#)

The CMC placement is for low-income mothers with newborns so that they may provide care for their children during the first months of the children's lives as well as to successfully adjust to the challenges of motherhood. A custodial parent of an infant 8 weeks old or younger who meets *W-2* financial and nonfinancial eligibility may receive a monthly CMC payment of \$673 and will not be required to participate in *W-2* activities unless he/she volunteers to participate in activities.

During the 8-week period, it is expected that in addition to physically recuperating from the birth of their child and nurturing their infants during this critical period, new mothers will also find childcare and take other steps necessary in order to prepare to enter or re-enter the workforce. *W-2* agencies should encourage CMC participants to take advantage of the employment-related services offered within the *W-2* program during the 8-week CMC period.

7.4.5.1 Eligibility for CMC

The *custodial parent* must meet all *W-2* nonfinancial and financial eligibility requirements (See Chapters 2 & 3). In addition, a custodial parent of an infant must meet the following criteria:

1. Have a child 8 weeks old or less; and
2. No other adult member of the custodial parent's *W-2* group is participating or eligible to participate in a *W-2* employment position or be working in an unsubsidized job.

7.4.5.1.1 Other Adult Living In The Home

The family is not eligible for a CMC payment if another adult is included in the *W-2 Group* and is working or if he/she is not working but is eligible to participate in a *W-2* placement. This is regardless of the other adult's income level. Even if the income of the other adult results in the family's income being at or below 115% of federal poverty, the family is still ineligible for a CMC payment. If the family's income is at or below 115%, the other adult must be considered for placement in a *W-2* employment position. In this situation, this family would be considered a two-parent family and be treated according to two-parent family policy.

Example 1: Diane gave birth to Marina on July 8, and applied for CMC. During intake, Diane stated that Marina’s father, her boyfriend, does live in the home with them and they signed the PATH form in the hospital. When asked whether he was employed, Marina said that he hauls lumber part-time for a man in town. Because the boyfriend is the nonmarital co-parent and lives in the home, he is considered the “other adult in the W-2 group” and because he is working in unsubsidized employment, the family is not eligible for CMC. The FEP must offer the family other employment services if otherwise eligible such as case management services in the CMU placement.

Example 2: Dorothy gave birth to a girl on September 1, and applied for CMC. During intake, Dorothy stated that she is married to John, but John is not the biological father of the baby girl. They do have a child in common in the home. She also says that John is employed as a laborer at a local construction site making a little over \$6.00 hour. Because the spouse is included in the W-2 group and because he is working in unsubsidized employment, the family is not eligible for CMC even though John’s income results in the family being below the 115% level of poverty. The FEP must offer the family other employment services.

Example 3: Mia gave birth to a baby on June 14. Prior to giving birth, Mia was employed full-time at a local grocery store. Mia’s husband Jeff is the biological father of the baby. Jeff has not had a job in a year and has been staying at home and caring for his 3-year-old son. Because the baby’s father lives in the home and he is eligible to participate in a W-2 employment position, the family is not eligible for the CMC benefit. When the FEP conducts an informal assessment, the FEP takes into consideration a difficult birth that will not permit Mia to return to work for a number of weeks and determines that the father would be appropriate for placement in a CSJ. Jeff, on the other hand, says that he will not participate in W-2 as he would like to stay home and care for the baby. The FEP determined that Jeff was appropriate for W-2 placement and, because he refused to accept the appropriate placement, the family is not eligible for W-2, including CMC.

Example 4: Sonia gave birth to a baby boy on February 23. Sonia’s husband Victor is the biological father of the baby. Victor has been receiving Social Security Disability Insurance (SSDI) since 2000 when he was injured. Although Victor is included in the W-2 group, he is not working and he would not be eligible to participate in a W-2 employment position. The family is eligible for CMC.

7.4.5.1.2 Paternity Establishment

In situations where the CMC participant is not married the FEP must inform the mother that she and the baby’s biological father will have the ability to sign the PATH form to acknowledge paternity in the hospital and encourage the mother to sign the form. The FEP must explain they

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need to have their signatures on the form notarized (witnessed). Typically, a Notary is on staff at the local hospital. The FEP must inform the participant that there is a \$10 fee for the form and, if the mother cannot afford the \$10 fee, the hospital may be able to help with the fee. If the mother has any doubts about who the father may be, the FEP should discuss the option of genetic testing.

FEPs must stress the importance of legally establishing paternity at the time of the child's birth.

Reasons for establishing paternity:

- The importance of a child knowing his or her mother and father;
- Both parents are responsible for supporting their child;
- The child may be covered under the father's medical insurance; or
- It gives the child the rights to:
 - the father's social security and veterans' benefits
 - know the family's medical history
 - tribal affiliation and/or enrollment (For Native Americans)

If the FEP does not have the opportunity to discuss paternity acknowledgement until after the birth of the baby, the FEP must still review the benefits of establishing paternity with the participant and inform the participant that the PATH form is available at the local child support agency (CSA) or county Register of Deeds office.

The FEP must explain the difference in eligibility for W-2 if the father lives in the household. If the alleged father lives in the child's home and the child's paternity is established while the mother is receiving the CMC payment, the mother's eligibility for CMC ends if the father is working or if he is not working but eligible to participate in a W-2 employment position. The FEP must be clear that although it may mean the household is not eligible for the CMC placement, the father may be placed in a W-2 employment position, education and training or other case management services in order to prepare for work.

In certain situations the FEP must contact the local CSA and request that the paternity establishment for that CMC case be prioritized. The CSA will assist in expediting genetic testing and judicial paternity establishment for CMC cases. These situations include:

- When a mother and father refuse to sign the PATH form;
- When the mother and father sign the PATH form and then later rescind it when they become aware of the potential loss of CMC payment; or
- When a mother and potential father are living together and paternity acknowledgement is not appropriate (for instance, there is more than one potential father).

7.4.5.2 CMC Verification, Placement, and Payment

If an individual meets the eligibility criteria, the FEP must place the participant in the CMC placement. Once the parent has been determined eligible for the CMC payment, the FEP can encourage the participant to volunteer for appropriate services such as parenting classes, budgeting classes, family planning services and, once appropriate, job search. These services are not mandatory activities and can not be used as a basis for eligibility determination while the participant is in the CMC placement.

The CMC placement begin date is either the birth date of the child or the date of application, whichever is later. An applicant has seven days to provide appropriate verification. If the applicant provides verification within that timeframe, the placement must begin as of the date of application but no earlier than the date of birth. The agency has the option of extending the verification period up to 30 days and may still backdate the placement back to the date of the application. (See [4.1.0](#))

The W-2 agency must have verification from a participant of a child's birth prior to placing him or her into the CMC placement. Medical verification requiring the individual to be in the home for 8 weeks is not necessary.

Example 1: Mary gives birth on April 14th. On April 21st, she applies for the CMC payment. Mary did not bring in verification of the birth at application, Mary's FEP instructs her to bring in verification no later than April 28th. Mary brings in her verification on April 25th. Mary is placed in CMC effective April 21st, the date of application.

Example 2: Joan applies for the CMC placement on May 5th because her baby is due on May 8th. The FEP processes the application and informs Joan to bring in verification of the baby's birth as soon as possible. Joan's baby is born on the 8th and she brings verification of birth to the FEP on May 12th. Joan is placed in CMC effective May 8th, the date of the baby's birth.

For ongoing applications, a participant has 10 days to report a change in circumstances. If the change (the birth of the baby) is reported within this timeframe, the payment should begin as of the date of the child's birth. If it is reported outside of 10 days, the FEP determines whether the payment begins as of the date of the child's birth or when the parent verified the birth. The FEP should consider whether or not circumstances prevented the parent from reporting the child's birth within 10 days.

Individuals placed in CMC will receive a monthly payment of \$673.

7.4.5.3 60-Month Time Limit for CMC

Under specific circumstances, the CMC placement will count toward the state 60-month time limit. If the FEP determines that placement in CMC will count toward the individual's 60-month time limit, the FEP must explain the impact this will have on the family's eligibility for future W-2 benefits. If CMC participants reach the 60 month time limit while in the CMC placement they are automatically eligible for 60 month extensions.

See [2.10.8](#) for more guidelines on CMC participants and the 60 month time limit.

7.4.5.4 Ending CMC

The CMC placement must end 8 calendar weeks (7 days x 8 weeks = 56 days) after the child is born. CMC cannot extend beyond the date the child turns 8 weeks of age regardless of the date the CMC placement begins. A CARES alert is generated to remind the FEP to change the CMC placement on the appropriate day.

Example : Joan applies for the CMC payment on December 28th because her baby is due on January 1st. The FEP processes the application and informs Joan she must bring in verification of the baby's birth as soon as possible. Joan's baby is born on the 1st and she brings verification of the birth to the FEP on January 7th. Joan is placed in CMC effective January 1st, the date of the baby's birth. Joan will no longer be eligible for CMC on February 26, which is 8 calendar weeks from the date the child was born.

As a CMC participant approaches her CMC end date, the FEP must contact her to discuss her employment and supportive service needs once the CMC placement ends. If the participant is going to continue in a different W-2 placement, the FEP can end date the CMC placement up to 14 days in the future. This will help prevent cases from exceeding the 56 day timeframe. If the CMC participant is not going to continue in a different W-2 placement, the placement must be end dated by the 56th day. The CMC Placement Detail Report – *Length of Stay of 42 to 56 Days* identifies cases that are approaching the end of their 56 days.

The CMC Placement Detail Report – *Length of Stay > 56 Days* report identifies cases that have been in CMC for longer than 8 weeks. If participants do appear on this report, agencies must act on these cases immediately by contacting the participant to discuss the participant's current and future employment and supportive service needs as well as ending the placement in CARES Worker Web (CWW) on the W-2 Information page.

On both detail reports, the *Youngest Child Part. Status Code* should contain the EC (eligible child) code. If this column is blank or has an XC (excluded child), action should be taken to determine why the child is not coded properly as EC. Quite often, the problem may be associated with:

- Living arrangement (CWW Current Demographics page);
- Household relationship (CWW Household Relationships page); or

- Placement (CWW W-2 Information page) remained open after eligibility has ended.

These reports are located in the “Monitoring Reports W-2 & FSET” folder in Webl. Each report has multiple tabs that provide additional detailed information. The tabs are identified in italics beneath the report name.

Once a participant's child reaches 8 weeks of age, the parent is expected to join the workforce, like other parents of young children or can be placed in a W-2 employment position.

- If the participant moves immediately into full time unsubsidized employment from the CMC placement at the end of 8 weeks, the FEP must offer the participant follow-up case management services regardless of nonfinancial and financial eligibility criteria. If the participant accepts follow-up services, she must be placed in CMF to encourage and support job retention;
- If the participant does not accept case management services, the W-2 case should be closed; and
- If the participant returns to work part-time at the end of 8 weeks, the FEP must consider placing the participant in a prorated CSJ placement, if appropriate, as determined by an assessment.

There may be situations in which a CMC participant chooses to return to work *prior* to his or her child reaching 8 weeks of age. If the mother chooses to return to part-time work (or can only find part-time work) before her child turns 8 weeks of age, she will remain eligible for CMC until the 8th week unless the FEP and the participant agree to the prorated CSJ placement or case management follow-up (CMF), or the mother declines W-2. Part-time work is defined as 29 hours or less per week.

Ongoing placement in CMC or prorated CSJ will allow the mother time outside of her part-time work hours to continue to take steps necessary to prepare for full-time work.

If the participant and W-2 agency agree to place the individual in a prorated CSJ, all prorated CSJ policies apply. The W-2 agency must inform the participant that the prorated CSJ placement will tick the CSJ clock and that the parent will be required to participate in activities during those hours she is not working.

Example 1: Five weeks after the birth of her child, Genevieve returned to work 15 hours per week washing dishes at a local restaurant. Genevieve lives at home with her mother, but informs the FEP that she must move out when the baby is three months old. The W-2 agency reassesses Genevieve’s employability and determines that she would benefit from obtaining her high school diploma in order to make her competitive for full-time employment. The FEP discusses the *option* of a prorated CSJ with her and points out that her diploma would help her obtain full-time employment in a higher paying job. Genevieve agrees to the optional one-half prorated CSJ placement. This one-half prorated CSJ requires Genevieve to participate 11 to 15 hours in work training and up to 10 hours of education and training per week. The GED courses require Genevieve to participate in classroom activities 5 hours per week. In addition to the education and training activities, the FEP assigns Genevieve to 5 hours per week of clerical work experience, 3 hours per week in a mother/baby course at the local hospital which Genevieve and her child can participate in together and 3 hours to devote to looking for new

housing. Genevieve could have opted to remain in the CMC placement, volunteered for GED or other appropriate training activities and obtained child care for the volunteer activities.

Example 2: Ruth begins her CMC placement on August 16. After three weeks, Ruth and her FEP discuss the possibility of working on her GED and attending job skills refresher training in order to update her data entry skills. Because Ruth volunteers for these activities, her FEP places her in both GE (GED) for her GED activities and EC (Child Care for Employment Skills Training – 2 yr) for the job skills refresher training and shows these placements in WPCH. With placements in these components, Ruth will be eligible for child care.

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7.4.6 At Risk Pregnancy (ARP)

[7.4.6.1 ARP Eligibility Requirements](#) [7.4.6.2 ARP Medical Information Requirements](#) [7.4.6.3 ARP Placement/Payment Start Date](#) [7.4.6.4 Child Support Requirements and Time Limits](#) [7.4.6.5 ARP Case Management Requirements](#) [7.4.6.6 Ending ARP Placement/Payment](#)

The ARP placement is for a pregnant woman in her 3rd trimester who is diagnosed with an At Risk Pregnancy. The participant receives a monthly payment of \$673. A pregnant woman in an ARP placement must not be subject to requirements of W-2 employment positions, such as Employability Plans (EPs). Pregnant teens younger than eighteen (18) years are not eligible for an ARP placement.

7.4.6.1 ARP Eligibility Requirements

A pregnant woman who meets all of the following requirements must be placed in an At Risk Pregnancy (ARP) placement:

- Meets W-2 financial and nonfinancial eligibility requirements, except the woman is not a *custodial parent* of a dependant child who resides in the woman's home;
- Is unmarried;
- Is in the third trimester of pregnancy, defined as the three months prior to the estimated delivery due date, which must be medically verified. (See ARP Medical Information Requirements below.);
- Has a medically verified at risk pregnancy; and
- Is unable to work as a result of the at risk pregnancy, and the inability to work due to the at risk pregnancy must be medically verified.

The following W-2 nonfinancial eligibility criteria do not apply to ARP Eligibility:

"Have made a good faith effort, as determined by the W-2 agency on a case-by-case basis, to obtain employment and have not refused any bona fide offer of employment, including a job quit, within 180 calendar days immediately preceding application." (See W-2 Manual Section [2.2.1](#), #8)

Example: Sophia is seven months pregnant with her first child and has never been married. Sophia's doctor recently ordered Sophia to bed rest for the remainder of her pregnancy to treat problems in Sophia's medical conditions that developed from Sophia's pregnancy. Sophia contacted the local W-2 agency for assistance. The W-2 agency provided Sophia with information about W-2 and ARP, and Sophia indicated she wanted to apply. While Sophia is on

bed rest, the FEP contacted Sophia by phone and went to Sophia's home to complete Sophia's W-2 application. The FEP determined Sophia is eligible for W-2, except without custody of a minor child which is not a W-2 requirement for an ARP placement. The FEP gave Sophia an ARP Medical Information/Verification Form for Sophia to provide for her doctor's completion and return to the W-2 agency. The W-2 agency already had filled in the form with:

- The W-2 agency's name, address, telephone and fax numbers; and
- Sophia's name and birthdate.

Based on the information from Sophia's doctor in the completed form, and the information Sophia already had provided to the W-2 agency, the FEP placed Sophia in an ARP placement.

7.4.6.2 ARP Medical Information Requirements

The required medical information/verification for ARP must be provided on either:

- The ARP Medical Information/Verification Form (see form DCF- F- 4070); or
- Letter/memo from the physician on the physician's letterhead that includes all of the information described below.

The required medical information/verification must be provided by the patient's physician based on the physician's medical examination of the patient. The physician's specialty area must be one of the following: General Medical; Family Medicine; or Obstetrics.

The physician's signed statement on either the ARP Medical Information/Verification Form or on the physician's letterhead must be completed no earlier than thirty (30) days prior to the beginning of the pregnant woman's third trimester of pregnancy. Medical information/verification completed earlier must be resubmitted and updated by the physician within the required time frame.

The required medical information/verification must be provided by the patient's physician based on the physician's medical examination of the patient. The physician's specialty area must be one of the following: General Medical; Family Medicine; or Obstetrics.

Example 1: Christa is pregnant with her first child and is currently on bed rest because her pregnancy is high risk. She is in her first trimester when she applies for W-2, Christa is placed in a CMP placement. It is possible that her medical condition could change between her first trimester and her third trimester when she may become eligible for an ARP placement. Therefore, Christa has to obtain an updated medical information/verification no earlier than thirty (30) days prior to the beginning of her third trimester of pregnancy to be eligible for the ARP placement.

ARP medical information must include all of the following:

1. Patient's full name;
2. Patient's date of birth;
3. Patient's estimated delivery date (which must be provided by the patient's physician);
4. Physician's statement that the patient is in an at risk pregnancy (which the patient's physician must provide based on the physician's determination of an at risk pregnancy);
5. Physician's statement of the cause/reason for the physician determining the patient's pregnancy is an at risk pregnancy;
6. Physician's statement that the patient is unable to work due to the patient's at risk pregnancy;
7. Start date for the patient being unable to work due to the at risk pregnancy;
8. Any other comments (by the physician);
9. Physician's specialty area (which must be General Medicine, Family Medicine or Obstetrics);
10. Physician's National Provider Identifier (NPI);
11. Physician's signature;
12. Physician's name legibly printed;
13. Date of the physician's signature (must be no earlier than thirty (30) days prior to the beginning of the woman's third trimester of pregnancy); and
14. Physician's contact information: e-mail address; phone number; fax number; and office address.

Note: The W-2 agency may verify a National Provider Identifier (NPI) based on a medical provider's name or may verify a medical provider's name based on an NPI by accessing the NPI Registry website at: <https://nppes.cms.hhs.gov/NPPES/NPIRegistryHome.do>

The W-2 agency must date stamp the ARP Medical Information/Verification Form or the physician's letter with the date when the W-2 agency received the document.

7.4.6.3 ARP Placement/Payment Start Date

The start date for an ARP placement must be the latest of the following dates:

- Date of W-2 eligibility;

- Start date of the third trimester defined as three months prior to the medically verified estimated delivery due date; or
- Date specified by the physician in the ARP medical information/verification as the start date of the patient's inability to work due to her at risk pregnancy.

7.4.6.4 Child Support Requirements and Time Limits

ARP payments do not require cooperation with child support or the assignment of Child Support payments. ARP placements do not count towards the TANF 60 months time limits because it is considered short term assistance under TANF regulations.

If an ARP participant transitions to another placement, the child support rules and requirements for that placement should be implemented when the participant changes placements.

7.4.6.5 ARP Case Management Requirements

The W-2 agency must contact ARP participants at least once a month. These contacts must be initiated by the W-2 agency. The contacts may occur in-person or by phone depending on the needs of the ARP participant.

The purpose of the monthly contact is to discuss the ARP participant's needs. The W-2 agency must provide W-2 services or refer the participant to other agencies/services to meet her needs. For example, discussion with the ARP participant may reveal that periodic visiting nurse services may be helpful, and then the W-2 worker would follow-up with a referral for those services.

7.4.6.6 Ending ARP Placement/Payment

The end date for an ARP placement is the earliest of the following three dates:

- When she changed to a different W-2 placement, for example the placement change to a Caretaker of an Infant (CMC) placement when the woman's child was born.
- If an ARP participant regains custody of a dependent child, the ARP participant may be eligible for a W-2 Transition (W-2 T) placement.
- When one or more of the five ARP eligibility requirements are no longer met. Examples include: the woman regained custody of her minor child; the woman got married; or the woman is no longer pregnant.
- When CARES batch process ends the ARP placement; this in twenty (20) days after the estimated delivery due date.

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7.5 Other Unpaid Placements

7.5.1 Noncustodial Parents (CMN)

7.5.1.1 Children First

The Noncustodial Parents (CMN) placement is for individuals who are *noncustodial parents* (NCPs). One of the goals of W-2 is to enable *custodial parents* to achieve economic stability by ensuring regular child support payments in combination with employment. For this reason, W-2 agencies should provide case management and assistance in obtaining employment to NCPs. When appropriate, W-2 agencies should explain available NCP services to the custodial parent.

For a noncustodial parent to be eligible for W-2:

1. The custodial parent must be participating in W-2;
2. The noncustodial parent must be subject to a child support order; and
3. The noncustodial parent must meet all financial and non-financial eligibility criteria (See Chapters 2 & 3) except that the individual is a noncustodial parent.

Example 1: Norman is the noncustodial parent to Thomas, his 9 year-old son. Thomas lives with his mother, Mary, who has "full" custody of Thomas. Mary continues to be a W-2 participant. Norman has a Child Support order that requires him to pay the ordered support for Thomas every other month. Although Norman typically is a few months late in making his Child Support payments, he is cooperating with the Child Support Agency and he also meets all other W-2 financial and non-financial requirements except he is not a custodial parent. Norman meets all of the Noncustodial Parent (CMN) placement requirements.

The W-2 agency may provide the following services to individuals in a noncustodial parent placement (CMN):

- Employment Search (ES);
- Job Retention Services (JR);
- Career Advancement Services (CR);
- Education and Training activities, including;
 - JS - Job Skills Training;
 - GE - GED;
 - HE - HSE;

- LF - Life Skills; and
- And other Case Management activities (See appendix –activity codes for a full list).

7.5.1.1 Children First

Children First provides employment and training services for eligible NCPs. It also provides services and support to help NCPs increase their involvement in the lives of their child(ren).

The NCP may be court-ordered to participate in the Children First Program if he/she is unable to meet his/her child support obligation. Eligibility for Children First is not tied to W-2 eligibility. A *noncustodial parent* who meets all of the eligibility criteria in [14.2](#), may receive both Children First and W-2 services at the same time.

An NCP successfully completes the Children First Program when he/she makes timely child support payments for three consecutive months or participates in the Children First Program for 16 weeks. Children First may be administered by the county child support agency, county human/social services agency, tribal governing body or W-2 agency.

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7.5.2 Minor Parents (CMM)

The Minor Parents (CMN) placement is for individuals who are custodial minor parents. A custodial minor parent (under the age of 18, male or female) is eligible for W-2 regardless of the minor parent's living arrangement and his/her financial or nonfinancial eligibility status.

Example: Kerrie is the mother of Olivia. They live with Kerrie's mother Sandra. Kerrie is 17 years old. Anthony, also 17 years-old, is Olivia's father and Kerrie's boyfriend. Anthony lives in the home with Sandra, Kerrie and Olivia. Sandra's income provides the household's only income and exceeds W-2 financial eligibility requirements. However Kerrie and Anthony both meet all of the Minor Parent (CMM) placement requirements simply by being a minor parent regardless of W-2 financial and non-financial eligibility status and regardless of living arrangement.

FEPs should provide individuals in a case management of a minor parent ([CMM](#)) placement with

Information regarding:

- Available child care services;
- Employment and financial planning;
- Family planning services;
- Community resources: and
- Eligibility for BadgerCare Plus, FoodShare and other food and nutrition programs.

The *FEP* should counsel a minor parent living independently on the importance of living in an adult-supervised living arrangement and should discuss optional living arrangements such as living with relatives, beginning with the assumption the minor parent would live with his or her parents. When appropriate, a referral for the minor parent must be made to the county or tribal social/human services agency or another appropriate community based organization for assistance in finding an adult-supervised supportive living arrangement.

If there is reasonable cause to suspect that the minor parent or a child of the minor parent has been abused or neglected, has been threatened with abuse or neglect, or that abuse or neglect will occur, the W-2 agency must make a report to the child welfare agency. By law, FEPs are mandated reporters of child abuse and neglect.

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7.5.3 Pregnant Women (CMP)

The Pregnant Women (CMP) placement is for pregnant women who do not have custody of any children. These individuals may receive services through a case management pregnancy placement.

For a pregnant woman to be eligible for a CMP placement, she:

- Must have a medically verified pregnancy; and
- Must meet all the financial and non-financial eligibility criteria (see Chapters 2 & 3), except that she is not the custodial parent of a dependent child.

Example: Shawna is five months pregnant and does not have custody of any children. Shawna's doctor provided medical verification of Shawna's pregnancy, and Shawna meets all W-2 financial and non-financial eligibility requirements except she is not the custodial parent of a dependent child. Shawna meets all of the Pregnant Woman (CMP) placement requirements.

The W-2 agency may provide the following services to individuals in a CMP placement:

- Employment Search (ES);
- Child Care Related Activities (CC); and
- Other Case Management activities (See appendix –activity codes for a full list).

Once the child is born, the woman may be eligible for a caretaker of an infant (*CMC*) placement. CMPs typically transition to the CMC placement after the birth of the child, if the woman has a medically verified at-risk pregnancy and also meets the other eligibility criteria, she may be eligible for case management services through a paid ARP placement.

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7.5.4 Case Management Denied (CMD)

The CMD placement is for individuals who have reached their time limit and are no longer eligible for a paid placement. When a participant is denied or declines an extension, the *FEP* must offer the *CMD* placement.

The goals of the CMD placement are to:

- Help match the individual to employment;
- Connect the individual and family to services in the community; and
- Reassess on a monthly basis whether the individual is eligible for an extension.

To be eligible for the CMD placement, the participant must meet *W-2* financial and nonfinancial eligibility criteria, with the exception of the 60-month time limit.

Example 1: Karl has been a CSJ participant for 18 months. The activities he was assigned to were life skills, job readiness/motivation, mental health counseling for his daughter Kassandra, work experience, and employment search. He completed the BST while in the program and as a result of that screening was referred for a formal assessment with a mental health provider. Karl never followed through with that referral. With Karl's 24th month approaching, the FEP wanted to discuss with him his eligibility for an extension. His FEP attempted to reach him by phone and mail a number of times to discuss an extension, but Karl never responded. In Karl's 22nd month, he contacted his worker and told her that he was feeling depressed again. The FEP discussed with Karl the fact that he was going to reach his 24-month time limit and that he had not been participating. However, due to the potential depression, the FEP gave Karl a three month extension and scheduled another referral to a mental health provider in addition to work experience and employment search. Karl never followed through on the second referral and only participated sporadically in the assigned activities. The FEP denied eligibility for a subsequent 24-month extension due to Karl's nonparticipation and placed Karl in a CMD to try and assist Karl in finding employment.

Services provided to a CMD participant will depend largely on the reason for the extension denial or the reason the participant declined an extension and the placement the individual was in at the time of the denial or the time the participant declined an extension. Participants who were denied an extension due to nonparticipation would likely be assigned to activities similar to what was assigned while in the placement.

FEPs must meet with CMD participants weekly. Every 30 days, the FEP must review the CMD placement. The placement review must be held in a face-to-face meeting with the participant, either at the W-2 agency or some other agreed upon location. At this meeting, the FEP must reassess the case. If the individual has consistently participated, the FEP must reassess

whether barriers to employment exist. The FEP must also reconsider whether the individual is appropriate for an extension.

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7.6 W-2 Supportive Service Plan

7.6 W-2 Supportive Service Plan

The goal of a Supportive Service Plan is to proactively help individuals address family and work-related needs. The Supportive Service Plan must include information necessary to connect applicants/participants with supportive services available within the agency as well as other resources in the community. The Supportive Service Plan must also include strategies for addressing family and work emergencies before these situations result in family crisis and/or loss of employment.

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7.6.1 W-2 Supportive Service Plan

The *W-2* agency must offer assistance in developing a Supportive Service Plan with:

1. Applicants who withdraw their W-2 applications prior to W-2 placement. In this circumstance, the Supportive Service Plan would generally be developed between the Resource Specialist and the applicant.
2. Participants who are placed in a case management placement, including: Case Management Follow-up (CMF); Case management for those in unsubsidized employment (CMU); Case management for participants who are denied or decline an initial or subsequent extension (CMD); Unemployed Individuals Capable of Obtaining Employment (CMJ); Non-custodial parent case management; Minor parent case management; and Case management for pregnant women.

The Supportive Service Plan must be developed during a face-to-face meeting between the case manager and the applicant/participant using either:

1. The automated W-2 Supportive Service Plan. This can be accessed from the [W-2 Plans Application webpage](#)
2. The paper version of the [W-2 Supportive Service Plan form \(12956\)](#)

The automated plan cannot be accessed until after an applicant has been referred to CARES Work Programs. When developing a Supportive Service Plan with an applicant who withdraws his or her W-2 application prior to placement and no referral to CARES Work Programs was made, the worker must use a paper version of the plan.

If a case has been established in CARES, the worker must document in CARES case comments when the plan was printed and given to the individual. If the paper version of the Supportive Service Plan was used the worker must also scan the form into ECF.

An applicant/participant may refuse the offer to develop a Supportive Service Plan. If this occurs, the refusal should be documented in CARES case comments.

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7.6.2 Developing the W-2 Supportive Service Plan

Circumstances will vary greatly from one family to another, requiring case managers to be resourceful as they work through the plan with the applicant/participant. Areas of need that should be addressed include:

- Emergency Needs;
- Housing Needs;
- Access to Economic Supports;
- Household Budgeting/Money Management Needs;
- Education and Training Needs (Participant and other family members);
- Legal Assistance Needs;
- Employment Support Needs (i.e. Work Connection and Retention Services);
- Child Care Needs (for job search and work);
- Transportation Needs;
- Personal and Family Health Care Needs; and
- Other needs identified by the participant that impede the participant's ability to find and retain a job.

The Supportive Service Plan must include at a minimum, the following elements for each need that is identified:

1. A plan of action. A short-term plan of action to help the participant address emergency or short-term needs. A long-term plan of action includes the steps necessary to carry out a goal towards self-sufficiency such as completing an education or training program or securing permanent housing.
2. Resource and referral information for any known government and community resources that may help to address the need. The plan should explain the purpose of each resource and how it addresses or relates to the identified need.
3. W-2 Agency contact information.

Example 1: Susie has never attempted to get her driver's license. While she was in a CSJ, she was able to take a bus to her work site with little difficulty and preferred this mode of transportation. But her new job requires a much longer bus ride making it difficult for her to get home from work before her children arrive home from school. Susie confides to her worker during the Supportive Service planning meeting that she is considering quitting her job.

Together, the FEP and Susie talk through her options. As a result, her long-term plan of action is to pursue her driver's license and purchase an automobile. Her short-term plan of action is to

locate an after-school program that the children may attend so that they are not left alone during the time Susie is on the bus returning home from work. Susie is informed that she can apply for a child care subsidy through Wisconsin Shares to help cover costs for any child under the age of 13.

The FEP identifies four community resources that Susie may benefit from. These include: a community driver's education program; two after school programs that are near Susie's home; and a community bank that assists low-income individuals with automobile loans.

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08 W-2 Education & Training

8.1 Introduction

W-2 emphasizes that education and training is a pathway to meaningful employment, rather than an alternative to employment. Education and training activities should be short-term and provide tangible employment skills. Combining work or work training activities with education and training should, at a minimum, prepare participants for entry-level employment.

All W-2 participants, including those placed in case management positions, may participate in education and training. W-2 agencies must:

1. Establish a referral relationship with other employment and training programs for participants to make use of varied education and training opportunities; and
2. Encourage employers to make training sites available on the business site for participants.

The FEP should emphasize the importance of education and training as an ongoing process. The W-2 program acknowledges the importance of life-long learning and encourages participants to pursue further education and job training once they have established an attachment to the workforce. In addition, child care subsidies are often available for those participating in these educational opportunities.

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8.2 Educational Needs Assessments For W-2 Applicants

8.2.1 Educational Needs Assessments For W-2 Applicants

The W-2 agency is required to conduct an educational needs assessment with all new W-2 applicants and before making a change in W-2 placement (See [5.3.1.](#))

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8.3 Education And Training Activities For W-2 Participants

8.3.1 Education and Training Activities for Unsubsidized Employment and Trial Jobs Placements

If a participant is placed in CMF, CMU, or a Trial Job, the case management services may include:

- employment skills training;
- English as a second language classes;
- a course of study meeting the standards established under 115.29(4), Stats., for the granting of a declaration of high school graduation; or
- other remedial education courses (e.g., adult basic education, literacy services).

If the W-2 agency determines that the appropriate placement for an individual is CMF, CMU or a Trial Job, and that the individual needs and wishes to pursue basic education, including a course of study meeting the standards established for the granting of a declaration of high school graduation, the W-2 agency must include the activity in the participant's EP and pay for the education services .

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8.3.2 Education And Training Activities For Community Service Jobs And W-2 Transitions Placements

[8.3.2.1 Education Activities for 18 and 19-year-old CSJ Participants](#)

[8.3.2.2 Assignment of Up to 10 or 12 Hours Per Week of Education and Training](#)

[8.3.2.3 Aggregating Education and Training Hours](#)

[8.3.2.4 Combining Aggregated Education and Training with Prorated CSJ Policy](#)

[8.3.2.5 Full-Time Technical College Education](#)

Participants assigned to a CSJ or W-2 T placement may be assigned education and training activities through any of the following means:

- Through the assignment of up to 10 hours per week of education and training for individuals placed in a CSJ and up to 12 hours per week of education and training for individuals placed in a W-2 T (See [8.3.2.2](#));
- By aggregating education and training hours to enable a participant to engage in an education and training program that a participant can complete within a one-year period with participation in up to 516 hours of education and training activity (See [8.3.2.3](#)); or
- Through participation in a full-time technical college education program (See [8.3.2.4](#)).

For CSJ participants only:

- When an 18- or 19-year old CSJ participant has not obtained a high school diploma or equivalent, the W-2 agency must allow the participant to decide whether to attend high school or to enroll in a course of study meeting the standards established under 115.29(4), Wis. Stats, in order to satisfy, in whole or in part, the required hours of participation in a CSJ (See [8.3.2.1](#)):

Participants who are interested in education and training activities that are not covered in W-2 policy should be counseled on their options which may include:

1. Pursuing the education or training program while meeting their W-2 participation requirement through other assigned activities. While this is not a viable option for everyone, some participants may be able to manage both participation in required W-2 activities up to 40 hours per week plus education and training that is not part of assigned W-2 activities. Any employment search activities assigned by the W-2

agency should target employment that aligns with the training the participant is enrolled in.

2. Ending his or her participation in the W-2 program and applying for and using financial aid and other work supports (FoodShare, child care, etc.) to complete the training program. Individuals who wish to pursue education and training outside the scope of the W-2 program should be referred to a career counselor at the nearest Wisconsin Technical College to explore his or her options.

Individuals who elect to pursue training outside of W-2 should be informed that child care eligibility for the training may be affected if the participant is not employed at least 5 hours per week. Information regarding Child Care policy can be found in the [Child Care Policy Manual](#).

8.3.2.1 Education Activities for 18 and 19-year-old CSJ Participants

When an 18- or 19-year old CSJ participant has not obtained a high school diploma or equivalent, the W-2 agency must allow the participant to decide whether to attend high school or to enroll in a course of study meeting the standards established under 115.29(4), Wis. Stats, in order to satisfy, in whole or in part, the required hours of participation in a CSJ. The W-2 agency must monitor each participant's progress towards achieving a high school diploma or equivalent. During the summer months, the agency must assist these participants in finding employment. If employment is not obtained for the summer, these participants must be assigned to appropriate employment-related activities.

Although it is expected that most 18- or 19-year old CSJ participants will want to obtain a high school diploma or equivalent, some may choose not to do so. If this is the case, they should be assigned to other work training and education and training activities as appropriate.

8.3.2.2 Assignment of Up to 10 or 12 Hours Per Week of Education and Training

The FEP may assign CSJ participants up to 10 hours per week of education and training activities, and may assign W-2 T participants up to 12 hours per week of education and training activities. If there are hours spent in the classroom, doing lab work or study time, those hours must be included as part of the assigned education and training activities.

The following types of activities are allowable under the education and training hours for CSJ and W-2 T participants.

W-2 Education

1. A course of study meeting the standards established under 115.29(4), Stats., for the granting of a declaration of equivalency of high school graduation.
2. English-as-a-Second Language.
3. Adult basic education courses.

W-2 agencies may coordinate with the Wisconsin Technical College System and the University of Wisconsin-Extension Program or other educational programs to provide a variety of Adult Basic Education opportunities including literacy skills and remedial math and reading courses.

The W-2 activity codes associated with these education activities include:

- Adult Basic Education (BE);
- English-as-a-Second-Language (EL);
- General Educational Development (GED);
- High School Equivalency Diploma (HE);
- Literacy Skills (LS); and
- Regular School (RS).

Up to one hour of unsupervised study time for each hour of class time plus supervised study time may be assigned under these activities and tracked for attendance purposes.

A statement from the educational program indicating the amount of study time required must be used to determine the assignment of hours.

For more information on W-2 activities, see [Activity Codes Appendix](#).

W-2 Training

1. Technical college courses and other educational courses that provide an occupational skill.

W-2 agencies can coordinate with technical colleges to offer certified (or diploma/degree) training programs, and also work directly with employers to develop on-site training opportunities.

These training courses must be tied directly to occupations for which there are job openings in the community. Examples include:

- Basic welding;
- Keyboard/data entry;

- Certified nursing assistants;
- Utility installation;
- Office software;
- Food preparation;
- Electronic assembly;
- Child care;
- Press production;
- Entrepreneurial/small business; and
- Hospitality training.

2. Employer-sponsored training.

The W-2 activity code associated with these training activities is Job Skills Training (JS). Up to one hour of unsupervised study time for each hour of class time plus supervised study time may be assigned under Job Skills Training (JS) and tracked for attendance purposes. A statement from the educational program indicating the amount of study time required must be used to determine the assignment of hours.

If these activities are not available through the Job Center or other community resources, W-2 agencies must take responsibility for funding these services if assigned as a required activity, with the exception of a full-time technical college program (see [8.3.2.4](#)).

8.3.2.3 Aggregating Education and Training Hours

The FEP may aggregate education and training hours to allow W-2 T and CSJ participants access to short-term intensive training programs that require more than 10 or 12 hours of participation per week. Totaling education and training hours in this manner allows the FEP to place the CSJ or W-2 T participant in a short-term program.

The aggregation policy can be applied and should be considered for education and training programs that a participant can complete within a one-year period with participation in up to 516 hours of education and training activity. In addition to the education and training activities, the FEP must assign some work training activities each week, not to exceed a total of 40 hours of participation per week.

In the case comments section of the EP, the FEP must document that the aggregation policy was used, the amount of aggregated education and training hours, the occupational skills to be gained, and the expected number of weeks needed to complete the training.

Wisconsin's Technical College system offers many one- and two- semester certificate programs that are accessible to W-2 participants under the aggregated education and training policy.

Example: Jennifer is found eligible for a CSJ. Based on an occupational assessment, she is found to be a good candidate for a short-term intensive training program. Jennifer enrolls at her local technical college in a 16 week certificate program, requiring 15 credits.

Lecture time and lab work requires her to attend school 20 hours per week. In addition, her instructor provides a written statement estimating that Jennifer will need to spend an additional 10 hours per week studying. Using the aggregation policy, the FEP assigns her to participate 30 hours per week in the program. The FEP also assigns another 10 hours of work training activity for a total of 40 hours per week.

Jennifer's total aggregated education and training hours over this 16 week timeframe is 480 hours (30 hours per week x 16 weeks), keeping her well within the policy's one-year completion period and the 516 hour limit.

The goal of this policy is full-time unsubsidized employment. If the agency is unsuccessful in connecting Jennifer to unsubsidized employment, her hours of participation in education and training activities are limited to the following:

- For the remainder of the year beginning with the date of her assignment to the education and training program, Jennifer cannot be assigned to more than 36 hours of education and training ($516 - 480 = 36$).
- One year following the date of her assignment to the education and training program, if Jennifer is still in a CSJ placement, 10 hours per week of education and training activity may be assigned.

8.3.2.4 Combining Aggregated Education and Training with Prorated CSJ Policy

A prorated CSJ placement is appropriate for individuals who are already working in an unsubsidized job less than 30 hours per week and are determined through an informal assessment to have barriers that prevent him or her from obtaining an additional unsubsidized job or from increasing the number of hours in the current job. This includes individuals who lack the skills needed to be competitive for jobs available in the current unsubsidized market. See Chapter 7.4.1.4.2. for additional characteristics of an employed individual who may be appropriate for a prorated CSJ.

In certain circumstances, these individuals would also benefit from an intensive short-term training program using the aggregated education and training policy. When combining the prorated CSJ policy and the aggregated education and training policy, the FEP must keep in mind that total hours of participation, including unsubsidized employment, must not exceed 40 hours per week.

Example: Laura works 15 hours per week washing dishes at a local restaurant. The W-2 agency assesses Laura's employability and determines that she is in need of additional training in order to make her competitive for full-time employment. The FEP assigns her to a half-time CSJ.

A prorated CSJ would normally require Laura to participate 11 to 15 hours in work training and up to 10 hours of education and training per week. But Laura is motivated and would like to participate in a certificate program on Medical Billing offered through the local technical college. The 16 week certificate program requires Laura to be in the classroom 14 hours per week. In addition, her instructor provides a written statement estimating that Laura will need to spend an additional 6 hours per week studying. Laura's total aggregated education and training hours over the 16 week timeframe is 320 hours (20 hours per week x 16 weeks) of education and training. In addition to the training activity, the FEP assigns Laura to 5 hours per week of work experience at a site specifically related to the training. Laura is participating a total of 40 hours (15 hours in unsubsidized employment, 20 hours in education and training and 5 hours in work experience). She is meeting the requirements of the prorated CSJ policy while also benefiting from the aggregated education and training policy.

8.3.2.5 Full-Time Technical College Education

An individual placed in a CSJ or W-2 T may participate in a full-time technical college education program when specific requirements listed below are met. An individual may participate for the duration of the program but for no longer than 2 years as long as the agency has determined that the program will likely lead to employment. An agency must consult with its Community Steering Committee and local technical college board to determine if a technical college education program will likely lead to employment.

Agencies are encouraged to detail their own internal policies governing how appropriate programs will be identified and how FEPs will make a determination for placement in a technical college education program. In all circumstances, the decision should be documented in case comments.

An individual placed in a CSJ or W-2 T may participate in a full-time technical college education program as part of that placement if the participant meets all 3 of the following requirements:

1. Is enrolled full-time (up to 15 hours per week) in a program offered through the Wisconsin Technical College System that requires between one and two years of class-time to complete and regularly attends all classes;
2. Maintains a grade point average of at least 2.0 (or the equivalent, as determined by the technical college);
3. Is employed or engages in work activities under a CSJ or W-2 T for 25 hours per week in addition to class time. The 25 hours must include the study time required for the program as well as other work activities that relate to the training the participant is engaged in that will improve the likelihood of obtaining employment once the training is completed. This may include activities such as work study/internships, career planning and counseling, job shadowing and work experience activities that relate to the training program.

Including the technical college program on the EP does not obligate the W-2 agency to pay for the program out of its W-2 budget. If the participant has not identified available funding for the program, the agency may require the participant to do so. The agency must assist the participant is applying for financial aid.

The W-2 activity codes associated with full-time Technical College are:

- Technical College (TC)
- Technical College Study Time (TT)

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8.4 Workforce Investment Act

8.4.1 Workforce Investment Act

Education and training opportunities may also be available through the Workforce Investment Act (WIA). Under WIA, a number of agencies and programs are to work together to provide employment, training and education services through Job Centers. They are:

1. WIA activities for Adults, Youth & Dislocated Workers
2. Adult Education and Family Literacy (WTCS)
3. Job Service- - Labor Exchange such as [Job Center of Wisconsin](#) (Wagner-Peyser Title III)
4. Vocational Rehabilitation
5. Community Service Employment for Older Americans
6. Post Secondary Vocational Education
7. Trade Adjustment Assistance (and NAFTA-TAA)
8. Veterans E & T Services, & local veterans outreach programs
9. Community Services Block Grants
10. Housing and Urban Development E & T Activities
11. Unemployment Insurance
12. TANF (known as W-2 in Wisconsin)

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09 W-2 Work Training Provider/Employer Guidelines

9.1 W-2 Work Training Providers/Employers

Sustainable, family-supporting employment is the goal of most W-2 participants. Work training experience provided by W-2 work training providers/employers can help TJ, CSJ, and W-2 TW-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.

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9.2 W-2 Work Training Provider/Employer Guidelines

9.2.1 W-2 Work Training Provider/Employer Guidelines

The following guidelines must be adhered to by both the [W-2](#) 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;

09 W-2 Work Training Provider/Employer Guidelines

- 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:

1.
 - 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.

- 2.
- 3.
- 4.

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9.3 Employee Displacement Grievance Procedure

9.3.1 Grievance Procedure

A regular employee of a *W-2* work-training provider/employer may file a complaint with the local *JCCC* 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*, *CSJ* or *W-2 T* 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—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* 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* 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 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.

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10 W-2 Payments

10.1 Paid W-2 Employment Positions

W-2 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:** Participants placed into full CSJs receive a monthly payment of \$653.
 - **1/3 CSJ:** Participants placed into 1/3 CSJs receive a payment of \$218 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 \$327 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 \$435 for 16 to 20 hours of work training and up to 10 hours of education and training per week.
- **W-2 T:** Participants placed into W-2 T receive a monthly payment of \$608.
- **CMC:** Participants placed into CMC receive a monthly payment of \$673.
- **ARP:** Participants placed into ARP receive a monthly payment of \$673.

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10.2 Understanding W-2 Payment Issuance

10.2.1 W-2 Payment Issuance

In order to understand how **W-2** payments are issued, it is important to understand the **CARES** 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**: 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.
2. **W2L**: This W-2 payment cycle occurs around the 7th of the month with participants receiving their checks by the 10th of the month.

These payment cycles run on different days of each month. Specific monthly dates can be viewed on the **TBIC** located in **CWW** 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)

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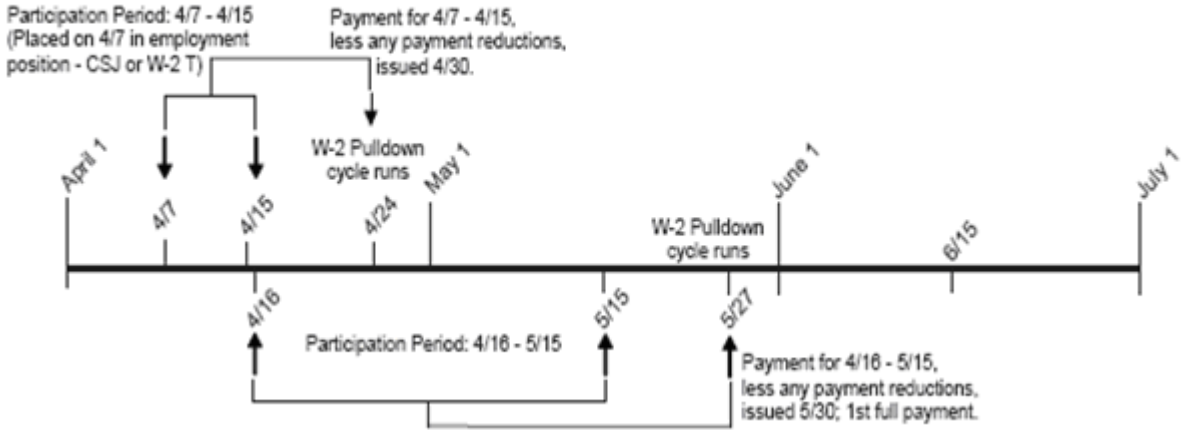
10.2.2 Payments to New W-2 Participants

When and how a new participant receives the first few W-2 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. The second and subsequent payments cover full participation periods and are also issued in W2P at the end of the following month.

Example:

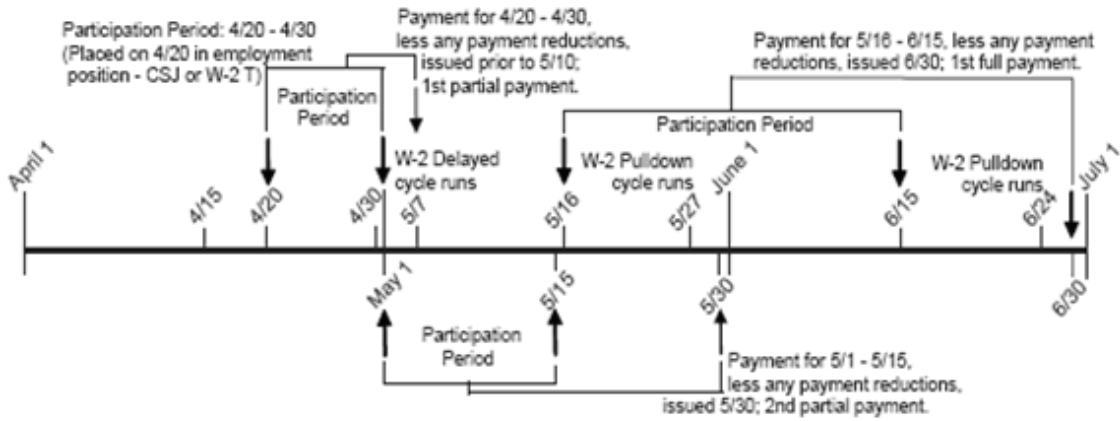
1. Placement between 1st and 15th of the Month



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 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:

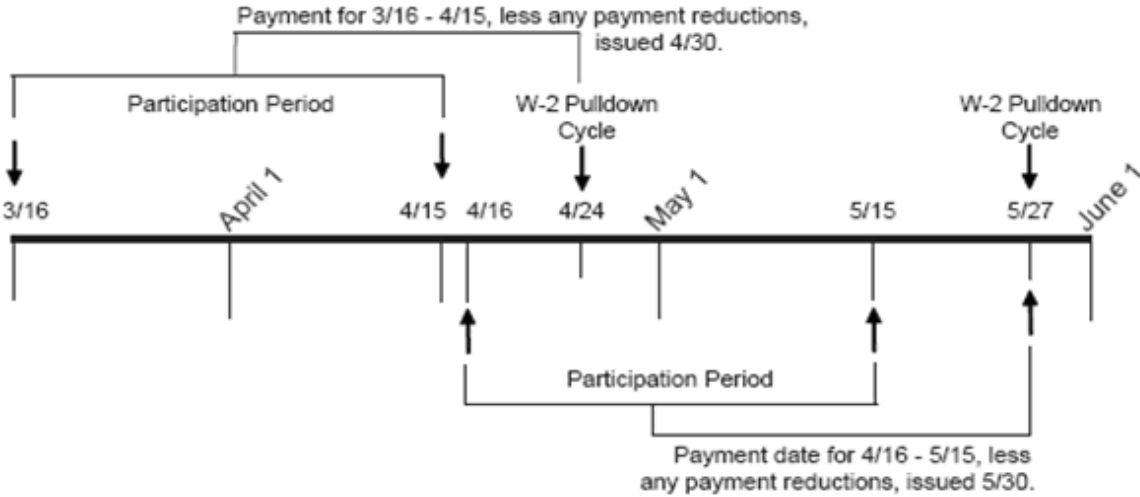
2. Placement between 16th and End of the Month



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10.2.3 Payments to Ongoing W-2 Participants

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



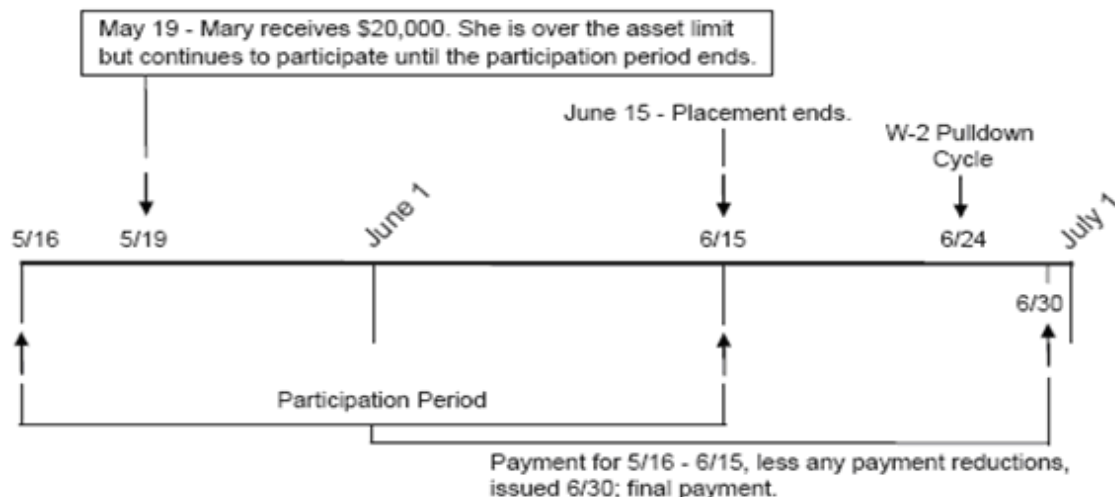
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10.2.4 Final Payments

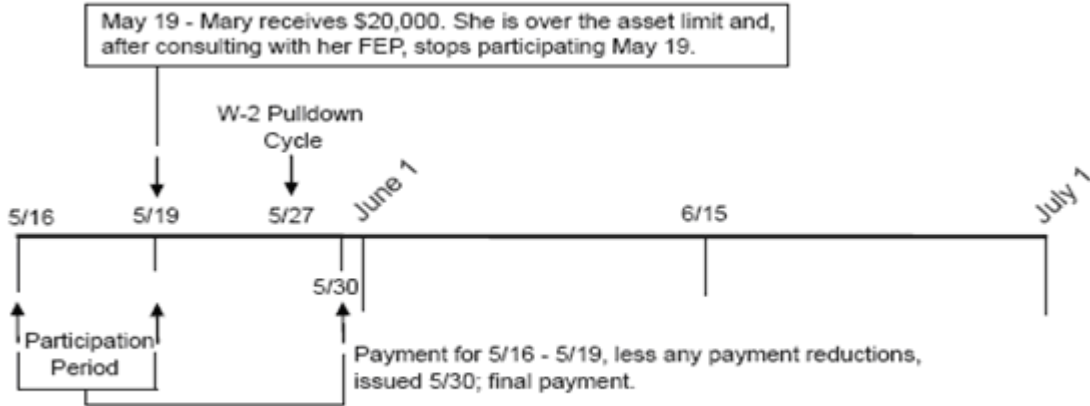
As with unsubsidized employment, a final check is issued for the current participation period when an individual leaves a **W-2** employment position. The W-2 agency may terminate a W-2 employment position anytime following a change in circumstance as is reasonable for both the W-2 work training provider/employer 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** screen WPWW.

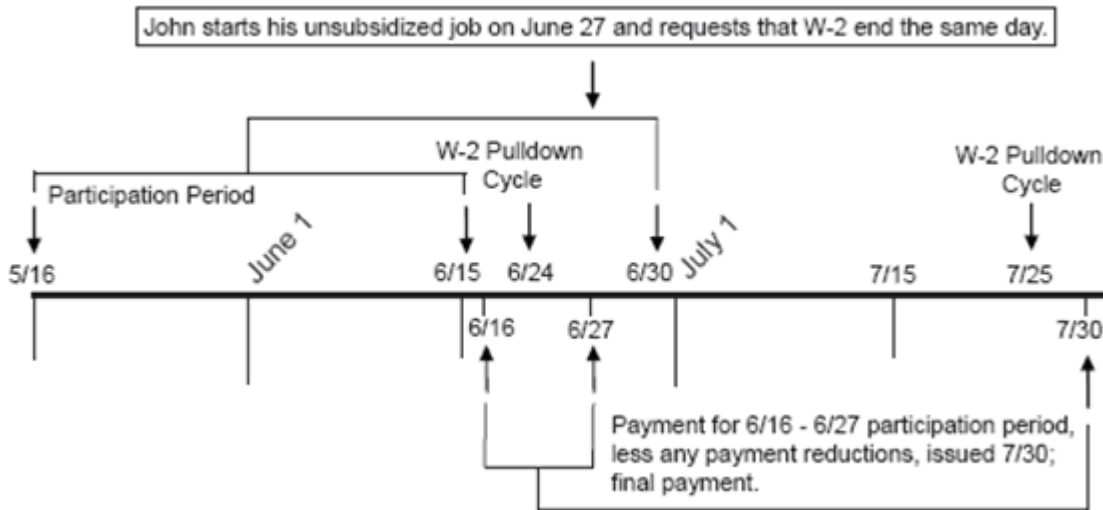
Example 1, Option 1: Mary reports on May 19 that she received \$20,000 from a family friend. It will benefit Mary if the **CSJ** provider keeps Mary on-site through the end of the participation period. Mary's W-2 placement end date is June 15th, and she receives final payment at the end of June.



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* 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** 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** and a **CSJ** 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** 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** 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* 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 – 8/31 is issued on or about the 7th of September during *W2L*. The next payment is also a prorated payment issued at the end of September for the participation period 9/1 – 9/15. Regular ongoing payments for 9/16 – 10/15 begin at the end of October during *W2P*.

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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* payments are generally calculated and issued by *CARES*, 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](#).

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*. 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 \$608, \$653, 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* 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.)

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10.3 W-2 Overpayments

10.3.1 W-2 Overpayments

W-2 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. 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** or **W-2 T** 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* 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 overpayments are recovered (sometimes referred to as recouped) at the rate of 10% per month from *CSJ* and *W-2 T* 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*. 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* placements and closed cases must be sought by the W-2 agency. *CARES* 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** 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** 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** participant who has an **AFDC** 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** 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.

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10.4 Electronic Funds Transfer

10.4.1 Electronic Funds Transfer Option

W-2 agencies are encouraged to provide money management and banking information to W-2 participants and to promote the direct deposit of W-2 benefits into a bank account rather than receiving the check by mail. Advantages of direct deposit, or Electronic Funds Transfer *EFT* include:

- Payments are more safe and timely.
- Avoids expensive check cashing fees.
- Many banks and credit unions offer a no-fee, no-minimum-balance checking or savings account with direct deposit accounts.
- Less staff time dealing with phone calls, documentation, completion and mailing of affidavit forms associated with lost, stolen, or destroyed checks.

Some participants may decline the EFT option because they are chronically overdrawn and may owe fees associated with their negative balance. For these participants, money management workshops or classes may be appropriate.

The FEP should discuss various options with the participant, such as opening a limited account with a debit card only option that does not allow expenditures in excess of available funds. Participants with credit problems may still have access to a checking or savings account. Those who have "non-fraudulent" activities reported on their ChexSystems report and have been denied access to a checking account in the past may benefit from participation in a program to repair their standing with banks. Agencies should assist participants in connecting with these community resources.

Some participants may have a prepaid debit card and use this option when electing EFT. Prepaid debit cards may offer advantages such as helping build good credit and providing an option to participants with bad credit. However, some prepaid card vendors may charge excessive fees. Fees are sometimes hidden or hard to find. In addition to the monthly fee, other fees may include: initiation or activation fees, point of sale transaction fees, cash withdrawal fees, balance inquiry fees, customer service fees, bill payment fees, and/or fees to add or "load" funds. If the participant chooses EFT using a prepaid debit card, the FEP must discuss the possible fees with the participant.

Example 1: While meeting with her FEP, Destiny asks if she can have her W-2 payments electronically deposited onto her prepaid debit card. Her FEP gives Destiny the *Electronic Funds Transfer* form and asks Destiny if she knows about the card's possible monthly fee, customer service fee, inactivity fee, or paper

statement fee. Destiny says that she has only had the card for a few weeks and is not sure of all of the fees. Her FEP advises her to call the 800 number on the back of her card to ask about the fees.

Example 2: Mercedes tells her FEP that she is planning on getting a prepaid debit card so she can have electronic deposit of her W-2 payments. The FEP advises Mercedes to be aware of fees when choosing a card, including possible monthly fees, customer service fees, inactivity fees, or paper statement fees. The FEP suggests that Mercedes compare a few cards before making her choice.

Wage Garnishment

Some participants have a garnishment order for unpaid debts or child support. Per Wisconsin Statutes Section 49.96, W-2 payments cannot be garnished, however banks must honor garnishment actions ordered by the court. Agencies must provide this information to W-2 participants who choose direct deposit of W-2 benefits. If the bank garnishes the W-2 benefits, the FEP should advise the participant to seek legal assistance to stop the garnishment.

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10.5 W-2 Payment Statement

10.5.1 W-2 Payment Statement

When reductions are applied to the *W-2* payment, participants receive a *CARES* 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.

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10.6 W-2 Payment Designations

10.6.1 W-2 Payment Designation

CSJ or *W-2 T* 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* participant's child as determined by the *FEP*, all or part of the *CSJ* or *W-2 T* 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.

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11 W-2 Sanctions and Case Closures

11.1 Hourly Payment Reductions

11.1.1 Applying Hourly Payment Reductions

11.1.1.1 Difficulty Completing Assigned Activities

Community Service Job (CSJ) and W-2 Transitions (W-2 T) participants must participate in all assigned work training activities or education and training activities outlined in the Employability Plan (EP). Payments for CSJ and W-2 T participants who fail to participate in assigned activities are reduced by \$5.00 per hour for hours missed without good cause. (See [11.2.1](#))

If a Wisconsin Works (W-2) participant cannot participate in an assigned activity, the agency must encourage the participant to call the Financial and Employment Planner (FEP) prior to the activity start time. This will help a participant to develop the skills needed to manage issues that arise and prepare for workplace expectations. However, the FEP must not penalize the participant if she or he fails to call the FEP prior to the activity time. A participant has 7 working days after an absence from a W-2 assigned activity to notify his or her worker of the reason for the absence. The FEP can then determine whether the reason meets one of the W-2 good cause reasons. (See [11.2.1](#))

Participants placed in Custodial Parent of an Infant (CMC), At-Risk Pregnancy (ARP) and Trial Job placements are not subject to W-2 hourly payment reductions by the W-2 agency. CMC and ARP participants do not have participation requirements and cannot be subject to a payment reduction. Trial Job participants are paid wages directly by the employer and unplanned and unexcused absences by the participant will be reflected by a decrease in Trial Job wages by the employer, regardless of W-2 good cause criteria. The Trial Job employer and participant are encouraged to work together to allow for planned absences.

11.1.1.1 Difficulty Completing Assigned Activities

On a regular basis, a FEP must work with participants who are not attending scheduled W-2 activities to identify any barriers that might exist and take steps to address those barriers.

W-2 informal assessment policy requires FEPs to conduct ongoing informal assessments, which includes discussing with the participant any underlying causes of nonparticipation. The FEP and participant must discuss the appropriateness of the

assigned activities, the need for additional supportive services, and the provision of accommodations that will allow the individual to participate. (See Chapter 5)

In addition, a pattern of nonparticipation without good cause is one reason the FEP may consider re-administering the Barrier Screening Tool (BST) as it is helpful in identifying potential barriers that may be affecting a participant's abilities to work or participate in work training activities. (See [5.4.1](#))

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11.1.2 Entering Nonparticipation Hours in CARES

In order to apply hourly payment reductions to participants' W-2 payments, the *FEP* must enter nonparticipation hours on Client Assistance for Reemployment and Economic Support (CARES) screen WPNH. When entering nonparticipation on WPNH, the FEP must enter:

1. Nonparticipation hours reported throughout the participation period.
2. Daily nonparticipation hours only. When entering hours of nonparticipation, the date entered in the NON PART DATE field must be the same date entered in the THRU field.
3. Up to 8 hours of nonparticipation per day in the NP HOURS field.
4. Nonparticipation hours even if a participant has good cause.
5. Nonparticipation hours for each assigned activity separately.

CARES calculates the monthly W-2 payment based on the following rules:

1. Payment reductions for missed hours are deducted from the payment for the participation period during which hours were missed.
2. In order to affect the next payment, the final date that nonparticipation and good cause hours can be entered into CARES is the date the W-2 Pulldown payment cycle is scheduled. Once the date for W-2 Pulldown has passed, the worker must make payment adjustments via auxiliary payments or recoupment of overpayments.
3. 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.
4. A payment reduction is not imposed for failing to participate in activities prior to completing or declining the *BST* the first time it is offered at application.
5. A payment reduction is not imposed on a participant for failing to complete a formal assessment.
6. A payment reduction is not imposed while a formal assessment is assigned on CARES screen WPCH. 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.

Payment reductions are specific to a W-2 Group and, therefore, do not follow a participant. Even if a participant moves out of the W-2 Group, 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. Recovery of overpayments continues to follow an individual from W-2 Group to W-2 Group.

For additional information on entering non-participation, see [W-2 Manual Appendix – TANF Work Participation Requirements](#).

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11.2 Good Cause

11.2.1 Good Cause Policy

A participant must notify the FEP of the reason for missing an assigned W-2 activity in order to prevent a payment reduction. The participant must contact the worker within 7 working days following the absence. The FEP will then determine whether the reason for the absence meets any of the W-2 good cause reasons.

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11.2.2 Good Cause Reasons

[11.2.2.1 Child Care Availability](#)

[11.2.2.1.1 Determining Availability of Child Care](#)

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

[11.2.2.2 Death of an Immediate Family Member](#)

The good cause reasons for failing to comply with the W-2 assigned activities are:

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. 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 member's illness, injury or disability or incapacity. It is expected that a participant will need to remain home occasionally 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 or a documented chronic illness, e.g., chronic asthma, panic attacks, disabled child, child with behavioral problems, etc.
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 11.2.2.2)
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.

11.2.2.1 Child Care Availability

A single parent placed in *W-2 Employment Positions* cannot be sanctioned for nonparticipation in any W-2 activities during a period of time when he or she is unable to obtain child care for a child under the age of 13. 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.

An applicant or participant who needs to secure child care arrangements in order to participate in W-2 activities should be assigned the task of securing child care as part of his or her participation requirements on the Employability Plan (EP). The CARES W-2 activity code associated with this activity is Child Care Related Activities (CC). See [W-2 Activity Code Appendix](#).

The applicant or participant should initially be assigned the CC activity for no less than 5 working days and no more than 10 working days to establish a sense of urgency in obtaining child care. If the applicant or participant has not been successful in obtaining needed child care by the end date of the CC activity, the worker must review the individual's circumstances to determine if the applicant or participant has demonstrated an inability to obtain child care. See [11.2.2.1.2](#).

If the applicant or participant has demonstrated an inability to obtain child care, the worker must grant good cause for all non-participation, until:

1. Child care is obtained; or
2. The applicant or participant is no longer demonstrating an inability to obtain child care.

Until child care is obtained (whether good cause is being granted or not), the CC activity must remain assigned on the EP and the applicant or participant must continue to pursue any possible leads about available child care. The worker must continue to closely monitor the applicant's or participant's progress.

Example: Jackie Able applied for W-2 and was placed in a *CSJ*. The *FEP* develops the EP with Jackie and assigns her to Child Care Related Activities (CC) as well as 10 hours per week of GED classes and 10 hours of structured job search.

Because Jackie lives in an urban setting which generally has a wide range of child care providers, Jackie's FEP gives her 5 working days to find child care. The FEP also connects Jackie to the local *Child Care Resource and Referral Network (CCRR)*.

The FEP explains to Jackie that any hours she misses of her assigned activities will be good caused while she is searching for child care. However, if she does not find child care within 5 working days and cannot demonstrate an inability to find child care then she will begin to receive payment reductions for any future hours she misses.

After the 5 working days, Jackie has not found child care. The FEP discusses with Jackie what steps she has taken and it becomes clear from the conversation that Jackie has not followed through with the referrals she received from CCRR. The FEP directly calls the CCRR to verify that child care slots are available in a licensed child care facility, within a reasonable distance from Jackie's home, and that there is no documentation that the facility would be harmful to the health or safety of her children. With this information in hand, it is clear that Jackie has an ability to obtain child care.

The FEP informs Jackie that she is no longer eligible for good cause due to lack of child care. From that point forward, the FEP applies payment reductions for the hours Jackie misses in her assigned GED lab and job club. The FEP encourages Jackie to find child care as quickly as possible so that she can participate in these assigned activities.

11.2.2.1.1 Determining Availability of Child Care

Child care arrangements are ultimately the responsibility of the parent. However, a W-2 applicant or participant may be unfamiliar with the task of locating a child care provider. In these situations, the W-2 agency must help the applicant or participant.

In order to determine if child care is available, a W-2 staff person must discuss child care with each applicant or 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 the applicant or participant his or her 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 applicant's or participant's home, is available. Informal child care arrangements may be discussed, but an applicant or participant cannot be required to use an informal child care arrangement. If another parent is in the home, able and available to care for the child, child care is not needed.
3. Provide information to the applicant or 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 applicant or participant does not currently have child care available, refer the individual to the local Child Care Resource and Referral Network (CCR), 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 applicant or participant locating child care, the W-2 agency may require the individual to demonstrate an inability to obtain child care. (See [11.2.2.1.2](#))
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 applicant or 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.

11.2.2.1.2 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 is considered available if there is at least one licensed or certified child care facility with space available for the child. The certified or licensed child care facility, including a W-2 agency with certified or licensed on-site child care, must not be considered available if there is documentation that the facility would be harmful to the health or safety of the child. 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, Chapter 1) 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 may face payment reductions for non-participation.

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.

11.2.2.2 Death of an Immediate Family Member

A participant may be granted up to 3 working days of good cause if there is a death of an immediate family member. However, if travel for funeral services is required or to accommodate cultural tradition, FEPs may grant good cause for up to 7 working days.

Immediate family is defined as the 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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11.2.3 Approving or Denying Good Cause

FEPs are responsible for determining if a W-2 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.

If the FEP determines that the participant's explanation for the absence or the written verification of the absence meets the allowable good cause reasons, the FEP must enter the hours of nonparticipation, the appropriate number of good cause hours, and the good cause CARES code on CARES screen WPNH and document the reason for approving the good cause in case comments. 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 enter the hours of nonparticipation on CARES screen WPNH and document the reason for denying good cause as well as referencing the number of hours, dates and activities missed in case comments.

When documenting in CMCC the reasons for approving or denying good cause, the FEP must begin the comment with "GCD:". By starting case comments with "GCD:", monitoring staff will be able to easily identify comments related to good cause decisions.

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11.2.4 When to Verify Good Cause

[11.2.4.1 Pattern of Absences](#)

[11.2.4.2 Verifying Good Cause](#)

A FEP must request written verification of good cause if a pattern of absences exists, and the FEP does not believe that a reasonable explanation has been given for the absences or the FEP believes that the participant is misusing the good cause policy. (See [11.2.4.1](#) for a definition of pattern of absences.)

A FEP must not request written verification verifying good cause for a pattern of absences if the FEP believes that there is a reasonable explanation given for the absences and the FEP does not believe that the participant is misusing the good cause policy.

In addition, the FEP must not request written verification verifying good cause for absences that do not meet the definition of a pattern of absences. For example, W-2 participants will occasionally need to remain home to care for an ill child who has to miss school or daycare. Participants will also miss assigned activities due to their own unexpected illness. In addition to these types of situations, the FEP must not require written documentation verifying good cause if a participant misses assigned activities due to an already 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.

11.2.4.1 Pattern of Absences

If a pattern of absences occur, the FEP may require written good cause verification. A “pattern of absences” are absences that extend beyond 3 consecutive working days or are more than 5 working days in a rolling 30 calendar 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 3 consecutive working days or misses more than 5 working days in a rolling 30 calendar 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 3 consecutive days and written verification is not necessary. The FEP determines whether there is a reasonable explanation on a case-by-case basis in which the FEP’s knowledge, experience, and familiarity with the case and the community are factors.

Example 1: A participant misses 3 consecutive working 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 3 consecutive working days because she felt sick. She has no chronic health problems and does not 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 5 working days in a 30 calendar day period because of school appointments. She brings in written verification for 2 of the days but not all 5 days indicating that her child is undergoing an evaluation for suspected learning problems. The participant calls and says that she will miss the next 2 days for the same reason. Because the participant has missed 5 days, even though 2 of the days she was granted good cause, this does constitute a pattern. 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 2 consecutive days of activities because she is ill. These 2 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.

11.2.4.2 Verifying Good Cause

If the FEP determines that written verification is necessary for a pattern of absences, the FEP must first check in the Electronic Case File (ECF) to ensure that written verification does not already exist. 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. If it does not, the participant must be informed in writing of the verification items required, including the due date. The FEP must give the participant 7 working days from the date the good cause request is made to provide the written documentation. The FEP must document in case comments (CMCC) why the written documentation verifying good cause is required and the FEP must begin the comment with "GCD:".

FEPs must not penalize participants when they attempt to obtain the written verification 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 calendar days from the date the good cause verification request is made. In some instances, the W-2 agency may seek the verification directly. (See [4.1.3](#))

The verification due date cannot be extended from 7 to 30 days at the point when the participant receives CARES letter NWSN, which informs participants of a 20% payment reduction. In these circumstances, the nonparticipation has occurred, the participant has had the opportunity to request good cause (within 7 working days of the nonparticipation) and provide any necessary verification of that good cause (within 7 working days of the request for verification, unless extended to up to 30 calendar days). The NWSN letter is sent and it provides a final, but narrow opportunity for the participant to provide good cause for the past nonparticipation.

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11.3 20% Payment Reductions

11.3.1 Rectifying 20% Payment Reductions

[11.3.1.1 20% Reduction Reports](#)

W-2 policy requires FEPs to conduct ongoing informal assessments, which includes the need to discuss with the participant any underlying causes of nonparticipation to identify any barriers that might exist and take steps to address those barriers. (See [11.1.1](#) and [Chapter 5](#)). In addition to working with participants to identify potential barriers, if a participant's payment is going to be reduced by 20% or more, the W-2 agency must:

1. Provide written notice to the W-2 participant of the proposed 20% or more payment reduction and of the reasons for the proposed payment reduction (See [11.3.1.1](#)); and
2. Allow the participant reasonable time to rectify the deficiency, failure or other behavior to avoid the proposed W-2 payment reduction. (See 11.3.1.3) To rectify means that the participant is given one last opportunity to present good cause for nonparticipation or to present late documentation of completed assigned activities.

The FEP must issue the *W-2 Payment Reduction Notification Letter* (CARES letter NWSN) and give the participant one last opportunity to provide good cause.

The FEP must generate CARES letter NWSN no later than the 5 working days following the appearance on the 20% payment reduction report (see [11.3.1.1](#)). The FEP must enter on NWSN the missed activities, the hours missed and the dates the activities were missed. The letter informs the participant to contact the worker as soon as he or she receives the letter to explain why the activities were missed. If the participant is claiming good cause, the FEP determines whether the reason for the missed hours meets any of the good cause reasons and whether to require written verification of good cause (called "proof of good cause" in the letter).

If the participant is submitting late documentation of completed assigned activities, the documentation must be for the dates that the activity was assigned on the Employability Plan.

Because the participant may have to provide written verification, the FEP must also enter on NWSN the date by which the verification must be provided, if required by the FEP. The participant is given 7 working days to provide written verification of good cause. To calculate the date, the FEP must count the next working day after the mailing date as day 1. For example, if the mailing date of the letter is Monday, March 21st, the date by which the individual needs to provide written verification is Wednesday, March 30th. The verification due date cannot be extended from 7 working days to 30 days.

(See [11.2.4](#)) The date provided on NWSN is the final date any verification can be received.

11.3.1.1 20% Reduction Reports

In order to assist the W-2 agencies in identifying participants that must be notified of a 20% or more payment reduction, three Web Intelligence (WEBI) reports are located in the “Monitoring Reports W-2 & FSET” folder.

The first report is the W-2 Cases with 20% or More Benefit Reduction –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% or more.

The second report is the “W-2 Cases with 20% or More Benefit Reduction – 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% or more.

The third report is the “W-2 Cases with 20% or More Benefit Reduction – At W-2 Pulldown Report,” which runs the same night as W2P. 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 provide good cause.

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 screen WPMA. On WPMA, while sanctionable hours roll up as nonparticipation hours are entered, applied hours are only calculated during the monthly W2P. 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, 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.

For those participants that appear on the 1st and 16th of the Month reports, good cause can be entered on CARES 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, FEPs 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.

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11.4 Case Closures for Noncooperation

11.4.1 Noncooperation with W-2 Program Requirements

A FEP must close a case when a participant fails to cooperate with specific W-2 program requirements without good cause. The specific cooperation requirements are:

1. A W-2 participant may be required to search for unsubsidized employment throughout his or her participation in a W-2 employment position. (See [2.9.1](#))
2. A W-2 participant may be required, as determined by the FEP, to apply for and accept other public assistance programs or resources that may be available, prior to being determined eligible for W-2 services or during W-2 participation. (See [2.6.1](#))
3. A W-2 participant may be required to verify certain eligibility information. Participants have 7 working days from the date of the verification request to provide the needed verification. (See [4.1.3](#))
4. If an EP review does not occur before the date the EP is set to expire because the participant fails to keep an EP review appointment without good cause.
5. W-2 participants are required to report changes in circumstances that may affect eligibility within 10 calendar days after the change occurs, except for temporary absence of a child which must be reported within 5 working days. (See [2.8.1](#))
6. The FEP and the participant have not had any contact for at least 30 consecutive calendar days and the FEP has made repeated and varied attempts to contact the participant at the participant's home, assigned worksite or the location of any other assigned activities. "Repeated" attempts means the FEP or another W-2 agency representative must make weekly attempts, at least. "Varied" attempts means a combination of attempts to contact, such as worksite visits, home visits, phone calls, letters, etc.

For policies regarding noncooperation with paternity establishment and child support enforcement services, see [16.3.2](#).

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11.4.2 Prior To Closing a Case for Noncooperation

[11.4.2.1 Exploring Potential Barriers](#)

[11.4.2.2 Rectifying Noncooperation Prior to Case Closure](#)

Prior to closing a case for noncooperation with program requirements, the FEP must:

1. Explore for potential underlying barriers; (See 11.4.2.1)
2. Provide written notice to the W-2 participant of the proposed case closure and of the reasons for the proposed closure; (See 11.4.2.2) and
3. Allow the participant reasonable time to rectify the deficiency, failure or other behavior to avoid the proposed case closure. (See 11.4.2.2)

11.4.2.1 Exploring Potential Barriers

W-2 informal assessment policy requires FEPs to conduct ongoing informal assessments, which includes the need to discuss with the participant any underlying causes of noncooperation. (See Chapter 5) The FEP must explore potential barriers that may be interfering with a participant's ability to cooperate and take steps to address those barriers prior to closing a W-2 case for noncooperation reasons.

Before closing a case for noncooperation, the FEP has a responsibility to:

1. **Initiate action to uncover why the participant has not completed the required activity in the event that unidentified barriers exist.** FEPs must document thoroughly in case comments and on the appropriate CARES screens actions taken to uncover barriers that may be contributing to the noncooperation or other good cause reasons for failing to cooperate.

Examples:

- Ask the participant why she/he has not been cooperating and then fully explore the responses. For example, if the participant says, "I have been busy," the FEP should follow up with probing questions. The FEP should continue to question until there is reasonable certainty that the participant has offered all possible reasons for not cooperating.
- Provide the participant with information on how to cooperate with program requirements and the consequences for ongoing noncooperation.

- Conduct home visits.
- Review the history of the case, including the Barrier Screening Tool (BST) results and any formal assessments, to determine if any issues were identified early on in the participant's connection with W-2 that may still be a factor affecting cooperation.
- Offer the BST again. (See 5.2.1 and 5.4.1)
- Review the Employability Plan to ensure that activities assigned are appropriate. Appropriate activities may include, but not be limited to, education, training, work, treatment, counseling, etc. These activities must be individually designed and based on the participant's strengths, needs, abilities, family circumstances and identified barriers and disabilities. Activities must be designed to assist the participant overcome barriers to employment and provide the skills needed to secure and maintain full-time employment.
- Talk with worksite supervisors and other individuals the participant may be working with such as a child welfare worker or other social service providers.

2. Take steps to address the barriers that may have caused the noncooperation.

Examples:

- Refer the participant to supportive services that are appropriate for assisting with overcoming barrier(s) and work towards finding and maintaining employment.
- Refer the participant for formal assessments in order to identify necessary accommodations.
- Identify and assign appropriate activities.

3. Apply payment reductions if appropriate prior to determining ineligibility.

Although payment reductions are not necessary prior to all case closures, e.g., failing to verify information, it is required prior to closing a case for noncooperation with job search.

11.4.2.2 Rectifying Noncooperation Prior to Case Closure

In addition to exploring potential barriers, if a participant's case is going to close for noncooperation, the W-2 agency must:

1. Provide written notice to the W-2 participant of the proposed case closure and the reason for the case closure; and

2. Allow the participant reasonable time to rectify the deficiency, failure or other behavior to avoid the proposed W-2 payment reduction. Rectifying means that the participant is given one last opportunity to present good cause for failing to cooperate or to present late documentation of completed assigned activities..

The FEP must issue the Notice of Noncooperation with Program Requirements (CARES letter NWNC) and must give the participant one last opportunity to present good cause for failing to cooperate.

The FEP must manually issue NWNC via CARES prior to generating a Notice of Eligibility. The FEP must mark the correct noncooperation reason on NWNC. The letter informs the participant to contact the worker as soon as he or she receives it to explain why the noncooperation occurred. If the participant is claiming good cause, the FEP determines whether the reason for the noncooperation meets any of the good cause reasons and whether to require written verification of good cause (called “proof of good cause” in the letter).

Because the participant may have to provide written verification, the FEP must also enter on NWNC the date by which the verification would need to be provided, if necessary. The participant is given 7 working days to provide written verification of good cause. To calculate the date, the FEP must count the next working day after the mailing date as day 1. For example, if the mailing date of the letter is Friday, January 6th, the date by which the individual needs to provide written verification is Tuesday, January 17th. The verification due date cannot be extended from 7 working days to 30 days. (See [11.2.4](#)) The date provided on NWNC is the final date any verification can be received.

If the participant is submitting late documentation of completed assigned activities, the documentation must be for the dates that the activity was assigned on the Employability Plan.

In the case of a missed EP review appointment, the individual must be allowed to make the appointment up within the 7 working days from the date of the CARES letter NWNC. It is assumed in this scenario that the participant missed an EP update appointment that was scheduled prior to the expiration. The written notice will instruct the participant to contact the worker to reschedule. If the participant calls, the W-2 agency must re-schedule the EP meeting. NWNC informs the participant that if the participant does not appear for the re-scheduled appointment, the case will close unless good cause for the missed appointment exists. In order for the agency to reschedule a missed EP review appointment, the participant does not have to have had good cause for missing the first EP review appointment.

If the participant does not comply with what is requested within the 7-working-day timeframe or if the FEP determines that good cause does not exist for the noncooperation, the worker must generate the case closure and CARES will issue the appropriate Notice of Eligibility. The FEP must not end the participant’s W-2 placement

until the last day of the 7-working-day timeframe even if the FEP determines prior to the last day of the 7-day timeframe that good cause does not exist. If the participant did not appear for a rescheduled EP review appointment, the FEP must not end the participant's W-2 placement until the last day of the 7-working-day timeframe or the date the EP expires, whichever is later. The Notice of Eligibility contains information on filing a Fact Finding Review if the participant does not agree with the decision.

If a participant reapplies after his or her case has closed due to noncooperation and now he or she has written verification of good cause, agencies must not apply the nonfinancial eligibility policy regarding cooperating with the W-2 agency within 180-days of application.

Example 1: During a review, a participant failed to verify her assets. Prior to initiating the case closure, the FEP first took steps to explore potential barriers that may be interfering with a participant's ability to cooperate. The worker then generated the Notice of Noncooperation with Program Requirements, which gave the participant 7 working days to submit the verification and specified the due date. The worker did not hear from the participant and initiated the case closure. The Notice of Eligibility was sent to the participant notifying the participant of the impending case closure and the right to a Fact Finding Review if she disagreed with the decision.

Example 2: A participant's EP was going to expire on December 16. The participant missed an EP review appointment without good cause on December 2. Prior to initiating the case closure, the FEP first took the steps to explore potential barriers that may be interfering with a participant's ability to cooperate. The worker then generated the Notice of Noncooperation with Program Requirements (NWNC), which informed the participant that she should contact her worker by December 14 (last day of the 7-working day timeframe) for a final EP review appointment. The worker did not hear from the participant and initiated the case closure. The worker ended the placement on WPWW as of December 16 because the EP expiration date was later than the last day of the 7-working-day timeframe. The Notice of Eligibility was sent to the participant notifying the participant of the impending case closure and the right to a Fact Finding Review if she disagreed with the decision.

Example 3: A participant had an ongoing pattern of failing to complete job search without good cause. Despite the FEPs interaction with the participant to uncover potential barriers and applying payment reductions, the participant continued to not participate with job search requirements. Prior to initiating the case closure, the FEP made one last attempt to explore potential barriers that may be interfering with a participant's ability to cooperate. Still, there were no reasons given for the missed activities. The worker then generated the Notice of Noncooperation with

Program Requirements, which informed the participant that she should contact her worker. The participant then called the worker and said that she was diagnosed with ulcers and that was causing her to miss her assigned job search activities. The participant was able to provide the FEP with the appropriate medical documentation supporting the diagnosis and the FEP did not close the case. The FEP updated the participant's assigned activities and the employability plan to reflect the ongoing medical attention that was needed to help the participant recover from the ulcers.

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11.5 Incarceration

11.5.1 Incarceration

W-2 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** 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 relating to the incarceration or determines that the incarceration resulted from a situation beyond the participant's control. The **FEP** 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** 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** 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** 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.

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11.6 Intentional Program Violation

11.6.1 Intentional Program Violation (IPV)

An *IPV* may result when a *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.

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 *JALs*.

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11.6.2 Misrepresentation of Identity or Residence

A *W-2* 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* 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.

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11.7 Drug Felons

11.7.1 Drug Felons

For *W-2* 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* or *W-2 T* 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 the participant received a drug felony conviction and that the 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, *FEPs*, etc.

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

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11.7.2 Guidelines for W-2 Applicants or Ongoing Participants

There are three likely scenarios for *W-2* 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* or *W-2 T*, 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* 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 and May. During the CMC placement Holly receives a full W-2 payment. However by the end of May, five months of the sanction period will have lapsed. When she moves back into a CSJ placement in June, 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.

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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** payment. If, at the end of the sanction period, the individual agrees 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 agrees 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** or **W-2 T**, 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* and *FS* 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* 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* 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.

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12 W-2 Dispute Resolution

12.1 Introduction

There are two levels of review under the [W-2](#) 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, Job Access Loans, and Emergency Assistance. A Departmental Review may be requested if an individual or the W-2 agency disagrees with a Fact Finding decision.

Individuals who disagree with an agency's decision regarding Medicaid, BadgerCare Plus, Child Care, FoodShare or Refugee Cash and Medical Assistance benefits must file a separate request for a Fair Hearing with the Department of Administration, Division of Hearings and Appeals. Participants must follow the Fair Hearing time frame which is detailed on decision notices. ([See Income Maintenance Manual, Section 3, Fair Hearings](#))

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12.2 Fact Finding Review (First Level Review)

12.2.1 Request For Fact Finding Review

All Job Access Loans and Emergency Assistance applicants and W-2 applicants and participants have the right to request a Fact Finding Review. The Fact Finding Review is completed by the W-2 agency's Fact Finder. It is the first level of the dispute resolution if an applicant or participant believes:

1. The denial of an application for W-2 services was incorrect;
2. The application was not acted upon with reasonable promptness;
3. The employment position placement was inappropriate;
4. The Case Management Services for Job Ready (CMJ) placement was inappropriate;
5. The W-2 payment was incorrectly ended, reduced or subject to an overpayment;
6. The Emergency Assistance amount was incorrect; and/or
7. The denial of a good cause request for non-cooperation with child support was incorrect.

If an applicant or participant requests a Fact Finding Review for a complaint not related to any of the above reasons, the W-2 agency must provide the petitioner with a completed *Fact Finding Review Denial Notice* (2686) form.

An applicant or participant who requests a Fact Finding Review should be encouraged to use the *Request for Wisconsin Works (W-2) Fact-Finding Review* form (10783).

However, the petitioner may use 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 *Request for Wisconsin Works (W-2) Fact-Finding Review* form (10783).

With the exception of a Learnfare Fact Finding Review request made within 10 calendar days after the date of the Learnfare Penalty Notification, the agency decision stands until it is overturned by a Fact Finding Review or a Departmental Review.

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12.2.2 Timeframe For Requesting A Fact Finding Review

[12.2.2.1 Timeframe for Requesting Learnfare Fact Finding Reviews](#)

Fact Finding Review requests must be made:

- within 45 calendar days from the mailing date of the Notice of Eligibility for W-2 services and *JALs*; or
- within 45 calendar days of the mailing date for manual *EA* 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 working day. If the request is received within the 45-day timeframe, the W-2 agency must schedule a Fact Finding Review.

Fact Finding Reviews are not available if the agency action being contested occurred more than 45 days prior to the Review request. If the request for a Fact Finding Review is received beyond the 45-day timeframe, the W-2 agency must provide the petitioner with a completed *Fact Finding Review Denial Notice form (2686)*.

12.2.2.1 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 request in writing or abandons the request.

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12.2.3 Fact Finding Reasons

A Job Access Loan (JAL) or Emergency Assistance (EA) applicant may request a Fact Finding Review if he or she believes:

1. The denial of an application for EA or a JAL was incorrect;
2. The Emergency Assistance amount was incorrect;
3. An Emergency Assistance application was not acted upon within 5 working days; or
4. A JAL application was not acted upon within 12 working days.

A W-2 applicant or participant may request a Fact Finding Review if he or she believes:

1. The denial of an application for W-2 was incorrect;
2. The application was not acted upon within 12 working days;
3. The employment position placement was inappropriate;
4. The Case Management Services for Job Ready (CMJ) placement was inappropriate;
5. The W-2 payment was incorrectly ended, reduced or subject to an overpayment; and/or
6. The denial of a good cause request for non-cooperation with child support was incorrect.

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12.2.4 Fact Finder

Each W-2 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.

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 thorough and objective Fact Finding Reviews.

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12.2.5 Fact Finding Review

[12.2.5.1 Pre-Fact Finding Review Resolutions](#)

The Fact Finding Review is an informal process to resolve disputes. It permits the petitioner and W-2 agency to present information regarding the action or inaction in dispute. The W-2 agency must date stamp all requests for Fact Finding Reviews on the date the request was received. The agency must notify the petitioner of the scheduled Fact Finding Review appointment within 3 working days after the date the request for Review is received by the agency. The agency must use the [Fact Finding Review Appointment Notice form \(10782\)](#) to notify the individual of the time, place and date of the scheduled Fact Finding Review. The agency must give the petitioner reasonable notice of the scheduled Fact Finding Review and must hold the Review within 8 working days of receiving the request.

If any party requests that the Fact Finding Review be rescheduled and has a reasonable reason for the request, the agency must reschedule the Fact Finding Review. The Fact Finder is responsible for determining the reasonableness of the request to reschedule.

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

12.2.5.1 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 agency must complete the [Fact Finding Review Voluntary Withdrawal form \(11155\)](#) which must be signed by the petitioner. The documented resolution must include any actions agreed upon by both the petitioner and the W-2 agency. If either party fails to take the action(s) by the agreed upon due date, then the form is void and a Fact Finding Review must be scheduled within 8 working days to address the petitioner's complaint.

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12.2.6 Fact Finding Review Attendance

The W-2 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 and/or her/his representative must also attend the Review. The petitioner 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 must 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 or her/his representative fails to attend the Fact Finding Review without good cause, the request for Review is considered abandoned. (See [11.2](#) for more information on good cause.)

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12.2.7 W-2 Agency Representative's Responsibility at the Fact Finding Review

The FEP or W-2 worker must be prepared to introduce as evidence any testimony, exhibits and material from the case record or other sources pertinent to the disputed issue. Additionally, the FEP or W-2 worker must:

- 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 Participation Agreements, 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).

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12.2.8 Testimony and Evidence

Once the FEP or W-2 worker has presented documentation to support the action, the petitioner 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 person providing testimony has been unreliable or inconsistent in the past?

At the conclusion of the Fact Finding Review, the Fact Finder must ask all parties to sign the [Documents Submitted at Fact Finding Review form \(370\)](#). This form is used to list all evidence/documentation submitted and, if the Fact Finding is not recorded, to capture the signature of each person attending the Fact Finding Review, swearing to the accuracy of his or her individual testimony. Please note that the Department recommends audio recording Fact Finding Reviews as a best practice.

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.

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12.2.9 Fact Finding Decision

The Fact Finder must weigh all factors when making the final decision. The Fact Finder must issue a decision within 5 working days after the Review date, unless the Fact Finder has granted the petitioner's request to submit additional evidence. In these cases, the Fact Finder may extend the decision date as appropriate.

The decision must be documented on the [Fact Finding Review Summary and Decision form \(10784\)](#), or its equivalent. On the same day the Fact Finder reaches a final decision, a 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.

The Fact Finder must deny a request for a Fact Finding Review or refuse to grant relief if the petitioner does any of the following:

1. Withdraws the request in writing; or
2. Abandons the request.

Abandonment occurs if neither the petitioner nor his/her representative appear at the scheduled Review without good cause. (See [11.2](#) for more information on good cause.) The petitioner has 7 working days from the date of the scheduled Fact Finding Review appointment to provide good cause.

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12.2.10 Fact Finding Remedies

[12.2.10.1 Remedy for Paid W-2 Placements](#)

[12.2.10.2 Remedy for Custodial Parent of an Infant \(CMC\) and At Risk Pregnancy \(ARP\) Placements](#)

[12.2.10.3 Remedy for Job Access Loans](#)

[12.2.10.4 Remedy for Emergency Assistance](#)

W-2 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 the petitioner and its Regional Administrator/Coordinator on or before the 10th calendar day after the decision date and explain why the decision cannot be carried out timely.

12.2.10.1 Remedy for Paid W-2 Placements

If the decision overturns the agency's denial of an applicant's paid W-2 employment position, the W-2 agency must place the individual in a 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 must restore the W-2 payment to the appropriate level retroactive to the date on which the payment was incorrectly calculated, reduced or terminated.

12.2.10.2 Remedy for Custodial Parent of an Infant (CMC) and At Risk Pregnancy (ARP) Placements

If the decision overturns the agency's denial of a CMC placement, the W-2 agency must place the individual in the CMC placement effective the date of the baby's birth or the date of the application, whichever was later, and a retroactive cash payment must be issued.

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

If the decision overturns the agency's denial of an ARP placement, the W-2 agency must place the individual in the ARP placement effective the date of the application or the date that all the ARP financial and non-financial requirements have been met, whichever was later, and a retroactive payment must be issued. (See [Ops Memo 09-77](#))

12.2.10.3 Remedy for Job Access Loans

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

12.2.10.4 Remedy for Emergency Assistance

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

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12.2.11 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;
- [Fact Finding Review Appointment Notice form \(10782\)](#);
- [Fact Finding Review Voluntary Withdrawal form \(11155\)](#) (if relevant);
- [Fact Finding Review Summary and Decision form \(10784\)](#), or its equivalent;
- [Documents Submitted at Fact Finding form \(370\)](#); and
- Any additional information or evidence presented by the W-2 agency, the petitioner, or the petitioner's representative.

The Fact Finder's file should also include an audio recording of the Fact Finding Review. Recording Fact Finding Reviews is a recommended best practice.

If the petitioner or the petitioner's representative requests a copy of any part of the Fact Finding file, including the audio recording, the agency must provide the requested information. If the cost of providing the information is more than \$30, repayment may be sought. (See [12.2.6](#))

The agency must scan all of the Fact Finding forms and any additional information or evidence presented by the W-2 agency, the petitioner, or the petitioner's representative in to the petitioner's Electronic Case Record.

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12.2.12 Reporting Fact Finding Information in CARES

W-2 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 screen WPFf by the 10th day of each month for the prior month.

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12.2.13 Summary of Fact Finding Timelines

Below is a summary of the timeframes that must be adhered to throughout the Fact Finding process by the applicant, the participant, the W-2 agency or the Fact Finder:

- An applicant or participant must request a Fact Finding Review within 45 calendar days from the mailing date of the Notice of Eligibility for JALs or W-2 services or within 45 calendar days of the mailing date for manual EA notices, or within 45 calendar days from the effective date of the decision announced in the notice, whichever is later.
- The W-2 agency must notify the petitioner of the scheduled Fact Finding Review appointment within 3 working days after the date the request for Review is received by the agency.
- The W-2 agency must schedule the Fact Finding Review within 8 working days from the date the request for Review is received by the agency.
- The Fact Finder must issue a decision within 5 working days after the Review date.
- The Fact Finder must mail a 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.
- The W-2 agency must comply with the Fact Finding decision within 10 calendar days after the decision date.
- The W-2 agency is required to enter Fact Finding information into CARES screen WPFf by the 10th day of each month for the prior month.

If the Fact Finding Review is rescheduled (See [12.2.5](#)), then the dates that the decision must be issued, mailed to the petitioner, acted upon and entered into WPFf are moved back accordingly.

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12.3 Departmental Review (Second Level Review)

12.3.1 Requesting a Departmental Review

If an individual or the W-2 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 Emergency Assistance, but the individual may.

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

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

The request for a Departmental Review of an 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 must date stamp requests for a Departmental Review. DHA will promptly notify the W-2 agency of receipt of a request for a Departmental Review. The W-2 agency must submit the Fact Finding file to DHA within 5 working days after receipt of the request. DHA will fully review the W-2 agency's Fact Finding decision by completing a desk review.

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

- Remand the file to the W-2 agency to provide additional information;
- Hold a teleconference interview with the petitioner and W-2 agency representative; or
- 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.

DHA must complete its Review within 10 working days of the receipt of the Fact Finding file, unless DHA determines the file is inadequate. If the W-2 agency has requested the Departmental Review, the W-2 agency must comply with the Fact Finder's decision while waiting for DHA to issue its decision.

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The Department must deny a request or must refuse to grant relief if the applicant or participant withdraws the request for a Departmental Review in writing.

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12.3.2 Proposed Departmental Review Decisions

DHA may issue a proposed decision rather than a final decision. Whenever a decision concludes that a manual 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 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 calendar day comment period has ended, DHA sends the proposed decision and all comments or objections to the Department of Children and Families (DCF). The Secretary of DCF 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 within 10 calendar days 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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12.3.3 Departmental Review Final Decision

The Departmental Review final decision is based upon the review of the Fact Finding file, and when applicable, the 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.

DHA must issue a copy of the written decision of the Departmental Review to the applicant or participant and the W-2 agency.

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12.3.4 Departmental Review Remedies

W-2 agencies are bound by the Departmental 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 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 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 Regional Coordinator/Administrator on or before the 10th calendar day and explain 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.

The Division of Family and Economic Security (DFES) may find that the final decision's principles and policies require a change in policy. If so, DFES 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 sections [12.2.10.1 through 12.2.10.4](#) for more information on remedies.)

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12.4 Overpayment Tax Intercept Administrative Hearings

12.4.1 Overpayment Tax Intercept Administrative Hearings

The Public Assistance Collection Unit (PACU) located in DCF 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 Central Recoveries Enhanced System (CRES). Delinquent public assistance overpayments may be collected through the interception of Wisconsin state tax refunds and/or credits. Once the individual is notified of the intended tax intercept action, he or she has 30 calendar days to appeal. Public assistance overpayment tax intercept administrative hearings are conducted by the Division of Hearings and Appeals (DHA).

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.

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12.4.2 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 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. Tax intercept hearings can also be requested for Job Access Loans (JAL). The agency should have the JAL application and repayment agreement available to present at the hearing.

Documentation that the W-2 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 budget and issuance screens;
 - CARES case comments;
 - Employment verifications;
 - Fraud investigations, if applicable; and
 - Any related Fact Findings for W-2/JAL.

When a customer requests a hearing on the intended State tax intercept, DHA will email a Request for Summary form to PACU to determine the appeal type. PACU will forward the Request for Summary form to the agency who established the overpayment to complete and return the summary form to DHA. The agency is required to explain the disputed action which is being appealed in the summary form and include any attachments or supporting documentation. This form must be completed and returned to DHA within 10 days of DHA's email date. Once the summary form is received and processed, DHA will notify W-2 agencies of all requested administrative tax intercept hearings. DHA will also notify the agency with the date, time and location of the tax intercept hearing.

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 Administrative Law Judge and his/her telephone number to contact for requested telephone appearances.

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13 Job Access Loans

13.1 Introduction

*JAL*s are short-term interest-free loans that are intended to meet immediate and discrete expenses that are related to obtaining or maintaining employment. *W-2* agencies must not use *JAL*s in place of *W-2* 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 in 13.2.1. There is no entitlement to a *JAL*.

Local *W-2* agencies must approve or deny *JAL* applications based upon the eligibility criteria outlined in this Chapter. Local agencies may not develop more narrow *JAL* eligibility guidelines.

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13.2 Eligibility Determination

13.2.1 Eligibility Criteria

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

1. Pass *W-2* non-financial and financial eligibility criteria as defined in *W-2 Manual* Chapters 2 and 3;
2. 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;
3. Be either:
 - employed and need the loan to continue employment; or
 - have a bona fide job offer and need the loan to obtain employment;
4. Not be in default in the repayment of any current *JAL* or cash assistance overpayment recoupment;
5. Not be a migrant worker; and
6. Have an acceptable repayment plan as defined below:
 - The *W-2* agency has completed a budget with the applicant which demonstrates the applicant's ability to repay the loan in cash within the agreed upon repayment timeframe making regular monthly payments.
 - The *W-2* agency works with the applicant to develop an agreed upon repayment plan which may include in-kind community service work. At least 25% of the loan must be repaid in cash.
 - The initial repayment period may be up to 12 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 the following eligibility criteria apply:

1. Must turn 18 years of age within two months of applying for the *JAL*;
2. Must live in one of the following supervised, alternative living arrangements:

- a. Kinship care;
- b. foster home;
- c. group home; or
- d. an adult supervised independent living arrangement approved by the W-2 agency;

and

3. 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 funding is available.

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13.2.2 Eligibility Determination Process

All **JAL** applicants must meet with a **FEP** to complete the interactive application process and to sign the [JAL Combined Application and Repayment Agreement form \(2482\)](#). This form documents the JAL application date and loan amount requested. The second section of the form acknowledges receipt of the loan and serves as a loan repayment agreement. Loan recipients must sign the lower half of the form to document receipt of the loan check at the time the check is provided to the loan recipient. The form must be scanned into ECF.

The W-2 agency must process all JAL applications within 12 working days unless additional time is needed to obtain verification. ([See 4.1.3](#)) W-2 agencies must have procedures in place to process expedited applications with 2 working days when the applicant has an immediate need for the JAL to maintain a current job or start a job for which the person has a bona fide job offer.

Individuals interested in receiving a JAL who are not in a W-2 placement must complete the W-2 application process within the standard 12 working days timeframe. ([See 1.4.4](#)) The W-2 agency must waive all up-front job search activities for JAL applicants as JALs are for individuals who are already employed or have a bona fide job offer. The W-2 agency must not require JAL applicants to complete the BST or the informal assessment process.

Individuals interested in receiving a JAL who are in an open W-2 placement must complete a modified application process. These JAL applicants have already met W-2 financial and nonfinancial eligibility criteria. To determine eligibility for JAL, a W-2 agency FEP must meet with the JAL applicant to complete the [JAL Combined Application and Repayment Agreement form \(2482\)](#). The FEP must request any additional documentation related to the other JAL eligibility criteria. W-2 agencies must not substitute JALs in place of **W-2** services or other appropriate financial resources.

Note: Individuals remain eligible for a CMF placement even after their income and assets exceeds W-2 limits. For these individuals, W-2 eligibility will end while their CMF placement continues. If a JAL applicant is in CMF and is not open for W-2 eligibility on CWW, the FEP must run W-2 eligibility as part of the JAL application process.

When the JAL request has been in applied status in CARES 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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13.2.3 JAL Budget as Part of the Application Process

The W-2 agency must complete a budget with all JAL applicants. As a step in the eligibility process, the FEP must use CARES screen BVJW to develop a budget using cash as the only means to repay the loan. The FEP must print out BVJW screen and scan it into ECF as documentation of whether the applicant can afford the loan.

Note: Once eligibility is determined, the FEP and the applicant can renegotiate the terms of the loan repayment. Up to 75% of the debt can be repaid through documented in-kind community service work. ([See 13.5.5](#))

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13.3 Uses of JAL Funds

13.3.1 Approved Uses of JAL Funds

[13.3.1.1 JALs for Housing](#)

[13.3.1.2 JALs for Fines](#)

W-2 agencies have the authority to approve or deny proposed uses of *JALs*.

Acceptable uses of JAL funds include:

- Car loans, including down payments and repairs to provide transportation to work;
- Fees for obtaining a driver's license; or
- Clothing/uniforms for work.

13.3.1.1 JALs for Housing

In some circumstances, JALs may also be provided for housing and for the payment of fines.

In rare circumstances, JALs may be approved to cover the costs of rent or security deposits. First, JAL applicants must meet all of the eligibility requirements listed in 13.2.1. Second, the applicant must have exhausted all other housing resources including *EA*. (See Chapter 17) Third, the *W-2* agency must carefully review the budget to ensure the applicant can cover existing housing and other expenses and pay off the loan. Below are two examples of when issuing a JAL for housing is appropriate.

EXAMPLE: For the past year, Jaya and her children have been living with her mother in Oregon, WI and working part-time. She lost her job two months ago and has just received a bona fide job offer with Capital Machinery in north Madison, 20 miles from her mother's house. Her start date is next week. Jaya needs a JAL for \$1,000 to cover her first month's rent and security deposit so that she can move to Madison to be closer to her job. She has found an apartment in Madison that is both close to her job and close to her child care. If she moves, she will be able to take the bus to both her job and her child care provider.

Jaya meets all of the eligibility requirements for a JAL. She has exhausted all other housing resources, including *EA*. She is not eligible for *EA* because she does not have an eviction notice and does not meet the definition for doubled up

housing. The W-2 agency has carefully reviewed the budget with Jaya. With her new salary, she is financially able to cover her ongoing housing costs and other expenses and be able to make the \$83 per month payment to pay off her JAL in 12 months.

The W-2 agency approves Jaya's JAL and works with her to establish a repayment agreement that includes both cash and in-kind payments.

EXAMPLE: Ursula is currently employed 30 hours per week at a fast food restaurant. She recently missed 10 days of work because her daughter Lucia had surgery. Ursula does not have sick leave. Because of the missed hours, she was unable to pay her rent and received an eviction notice. Ursula is short on her rent by \$400 and needs a JAL to avoid an eviction. If Ursula loses her housing she will not be able to keep her job. Ursula's next door neighbor babysits for Lucia when she is at work. If Ursula has to move into a shelter, her neighbor will not be able to babysit. Ursula's rent is due in 2 days and her next pay check is not expected for 7 more days.

Ursula meets all of the eligibility requirements for a JAL. She has exhausted all other housing resources, including EA. Ursula is not eligible for EA because she received EA 10 months ago when her daughter Lucia first became sick. The W-2 agency has carefully reviewed the budget with Ursula. With her salary, she is financially able to cover her ongoing housing costs and other expenses and is able to make the \$33 per month payment to pay off her JAL in 12 months.

The W-2 agency approves Ursula's JAL and works with her to establish a repayment agreement that includes both cash and in-kind payments.

13.3.1.2 JALs for Fines

Under certain conditions, JALs may be approved to cover 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 criteria.

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

1. Assist the applicant in identifying the fines preventing him/her from obtaining a license. This includes identification of the amount owed, and the existence of any

other barriers to obtaining a license. This may be done with the assistance of *DMV* or other community agencies.

2. Verify with the DMV 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.
3. Make the JAL check payable to the JAL recipient. If there are several fines owed to more than one court or municipality, only one check will be issued. However, the sum of the loaned funds for any one individual cannot exceed \$1,600 in a 12 month period.

If insurance is required 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 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 11.2.3](#))
- Paying any fine related to operating a motor vehicle under the influence of drugs and/or alcohol. Including but not limited to fines for Operating While Impaired, Blood Alcohol Content, and Implied Consent Violations.
- Covering expenses that are or could be covered by the Emergency Assistance program;
- Purchasing personal items such as clothing (not work related) household appliances, etc; or
- Paying taxes

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

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13.4 Loan Requirements

13.4.1 Loan Amounts

The local *W-2* agency can approve a *JAL* 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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13.4.2 Loan Issuance

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

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13.4.3 Financial Counseling

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

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13.5 Repaying the Loan

13.5.1 Repayment Agreement

During the application process, the loan recipient and the *FEP* will develop a repayment agreement. Although JAL applicants must be financially able to repay the full loan in cash, JAL recipients may choose to repay up to 75% of the loan through in-kind community service. (See 13.5.2 and 13.5.3) A minimum of 25% of the loan must be repaid in cash.

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 12 months and can be extended an additional 12 months if necessary, for a total of 24 months.

Regardless of when the loan is issued, the first payment is due on the 25th of the following month. All payments must be recorded in CARES 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 past due notice each month a payment has not been received or does not meet the expected repayment agreement.

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13.5.2 Repayment by Cash

JAL 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* agency. Cash payments made at the local *W-2* agency must be posted into *CARES* within 5 days of receipt.

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13.5.3 Repayment Through In-Kind Community Service

Although JAL applicants must be financially able to repay the full loan in cash, JAL recipients may choose to repay up to 75% of the loan through in-kind community service. The FEP must remind recipients choosing to repay part of their loan with in-kind community service, that individuals who miss three payments (either cash or in-kind, or both) will go into loan default. Loans in default are paid through tax intercept. At that point, there is no way to repay any portion of the loan through in-kind community service.

In-kind community service is valued at the higher of federal or state minimum wage.

JAL recipients must provide suitable verification of the in-kind hours worked as required by the **FEP**. JAL recipients that choose to repay a portion of the loan through in-kind must arrange their own child care and **W-2** 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 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, volunteering with religious or non-profit organization, or assisting with the supervision of organized youth activities.

Documentation of in-kind work received by a local agency must be entered into **CARES** within 5 days of receipt.

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13.5.4 Collections

On a monthly basis **CARES** 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 end of the month, a dunning or past due notice will be mailed.

If a loan recipient moves out of a **W-2** 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. The W-2 agency is responsible for posting the payments in CARES.

In most cases, **JALs** 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**: PO Box 8938 Madison WI 53708-8938 Fax: 608/266-8302.

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13.5.5 Overdue Payments

A **JAL** payment and or in-kind service is considered past due if not received in full and reported in **CARES** by the 25th of the month; however, agencies have until the end of the calendar month to enter payments without causing a past due notice to be generated.. **CARES** will issue a notice to inform the loan recipient of the past due payment. This notice is called a “dunning” notice. A second past due payment generates a second dunning notice to the participant.

After the third missed payment and dunning notice, **PACU** will certify the debt to the Wisconsin Department of Revenue to recover the outstanding balance. Once the loan is considered delinquent, which is defined as 3 missed payments over the life of the debt, the entire outstanding balance must be recovered in cash whether or not the initial repayment agreement included a partial repayment through in-kind community service.

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14 W-2 Two Parent Households

14.1 Introduction

W-2 is based on the philosophy that both parents are responsible to care for and support their children. The W-2 agency's goal, whenever possible, is to increase the family's total income by helping both parents find and keep employment.

Not all families with two adults are considered two-parent households for purposes of W-2. W-2 has specific policies for two-parent households. A W-2 two-parent household is a W-2 Group where both adults:

1. are Custodial Parents (CP) who have a child in common (for example, step parents do not meet the definition of a custodial parent however these individuals are considered an *Included Adult* for eligibility purposes);
2. reside in the same household with their child(ren);
3. meet all W-2 eligibility criteria (for example, a custodial parent receiving SSI or a custodial parent who is not a qualified non-citizen are not members of a two-parent household for W-2 purposes because those adults do not meet W-2 nonfinancial eligibility requirements and therefore are "included adults" not eligible adults);
4. are not *Disabled Adult*; and
5. are not caring for a *Severely Disabled Child* in the W-2 Group.

It is important to note that when one parent in a W-2 Group with two adults does not meet the W-2 eligibility requirements and is considered an "included adult" that W-2 Group still may be eligible for W-2 services. However, the W-2 Group will not be considered a two-parent household for W-2 purposes.

EXAMPLE: Ineesha and Nate Tosh apply for W-2. They are married and have two minor children together. Ineesha receives public employers' disability benefits. Nate has been unemployed for the last six months. The family meets all other W-2 financial and nonfinancial eligibility requirements. Nate is not ready for employment due to barriers identified by the FEP. The family is eligible for W-2, and Nate is placed in a CSJ. However because Ineesha meets the definition of a disabled adult, the W-2 Group is not considered a two-parent household for W-2 purposes. Ineesha cannot be required to participate in W-2 activities.

This chapter discusses the policies related to W-2 Groups that meet the definition of a W-2 two-parent household.

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14.2 W-2 Placements

14.2.1 W-2 Placements for Two-Parent Households at Application

While the goal for W-2 two-parent households is to increase both parents' earning capacity, only one parent in a W-2 two-parent household can be placed in a W-2 position at any one time. Because only one parent can be placed, the FEP must determine which parent is "most employable" and place that parent in the appropriate W-2 placement. **Note:** The other parent is not required to participate in W-2 activities unless the family receives Wisconsin Shares. (See [14.3](#))

The "most employable" parent is the parent who is best able to most quickly increase the family's income by getting and keeping employment. Below are some examples:

- In a W-2 two-parent household where neither parent is working, the FEP must place the parent who is best able to find the highest paying job the quickest.
- In a W-2 two-parent household where one parent is working, the FEP must place the parent who is best able to increase the family's income the quickest.
 - If the parent who is working is unable to increase the family's income by increasing his/her work hours or wages, the FEP must place the non-working parent.

In situations where one or both of the parents in a W-2 two-parent household are not able to get and keep employment due to a disability that would qualify for SSI, SSDI or other disability benefits, the FEP must place the parent who is best able to most quickly increase the family's income from either disability benefits or employment.

The **FEP** determines which parent to place in close consultation with each of the parents by carefully assessing all of the following factors:

- The short and long-term employability of each parent;
- The wages each parent is able to earn based on his/her skills, abilities and the jobs available in the workforce;
- The activities needed to prepare each parent for unsubsidized employment;
- Total family strengths and barriers, including the need for child care and other supportive services; and

- The amount of income a parent who is unable to work due to disability will receive in the foreseeable future from SSI, SSDI or other disability benefits.

The FEP assesses these factors by meeting with each parent in a W-2 two-parent household and by completing an informal assessment of each parent. The FEP must offer each parent the *BST* at application and at other times as required by the *BST* policy. (See [5.4](#)) Unless both parents request the *BST* be administered to them together, the *BST* must be administered to each parent separately.

EXAMPLE 1: Kaileigh and Cole Jackson apply for W-2 and meet the definition of a W-2 two-parent household. Kaileigh and Cole are both unemployed. In the past, Kaileigh has worked as a waitress and Cole has worked at the local factory on the line. Although Cole has better long term earning potential, there are not currently any jobs in the area that match his skills. Kaileigh, on the other hand, has many jobs available to her at least part time. Both have barriers to employment but Kaileigh's are easier to address. With this in mind, the FEP determines Kaileigh is the most employable as she is able to get a job more quickly than Cole. The couple agrees that their best plan is to focus on getting Kaileigh a job as quickly as possible. The FEP places Kaileigh in a *CSJ* and encourages Cole to volunteer for activities and services.

EXAMPLE 2: Kimberly Hetto and Jason Lee apply for W-2 and meet the definition of a W-2 two-parent household. Both parents are unemployed and have significant barriers. Jason has more of a work history than Kimberly but he has an uncooperative attitude and does not do well in his mock interviews conducted by the W-2 agency. The FEP determines that Kimberly is most employable because she is best able to prepare for employment and more motivated to work than Jason. The FEP places Kimberly in a *CSJ* and encourages Jason to volunteer for activities and services.

EXAMPLE 3: Gerri and Jeff Kast apply for W-2 and meet the definition of a W-2 two-parent household. Jeff has significant disabilities that prevent him from working and he wants to apply for *SSI*. Gerri has worked in the past but she currently has a drinking problem and other barriers to employment. She has not worked for several years. Although Gerri says she wants to work on her drinking and other problems, it will likely take her some time to address her issues and prepare for employment. However Jeff would be able to receive *SSI* in the foreseeable future. The FEP determines Jeff is most able to most quickly

increase the family's income by getting SSI. The FEP places Jeff in a *W-2 T* and encourages Gerri to volunteer for activities and services.

EXAMPLE 4: Jim Reed and Brandy Carter apply for W-2 and meet the definition of a W-2 two-parent household. Brandy has a verified medical condition limiting her hours of employment to 2 hours per day or less. She currently works 10 hours per week at Goodwill Industries. Jim and Brandy reside with both of their children who are in high school and do not need child care. In the past, Jim has been the family's primary financial provider. He is currently unemployed and wants to work full-time but has some barriers. The FEP determines that because of Brandy's medical condition, she is unable to increase her hours or her wages. As a result, Jim is the most employable because, after Jim addresses his barriers, he is best able to increase the family's income by working full time. The couple agrees that Jim should try to find a job. The FEP places Jim in a CSJ and encourages Brandy to volunteer for activities and services in addition to her 10 hours working at Goodwill.

EXAMPLE 5: LaKeisha and Marcus Clayton apply for W-2 and meet the definition of a W-2 two-parent household. Marcus works 15 hours per week delivering newspapers and LaKeisha is unemployed. Marcus wants to find another job but has not been able to find one on his own due to his criminal record. LaKeisha struggles with depression. As a result, the FEP determines Marcus is the most employable because he is able to increase the family's income by increasing his hours of work and/or finding a better paying job. The couple agrees that their best plan is for Marcus to get a new better paying job. The FEP places Marcus in a pro-rated CSJ and encourages LaKeisha to volunteer for activities and services.

EXAMPLE 6: Natasha Filbert and Anthony Marques apply for W-2 and meet the definition of a W-2 two-parent household. They have five children. Although Anthony is working full-time, the family still meets financial and nonfinancial eligibility for W-2. Anthony is not able to increase his hours or his wages. Natasha has some barriers but once they are resolved, she is able to work at least part time. The FEP determines Natasha is the best able to increase the family's income and places Natasha in a CSJ. The FEP encourages Anthony to volunteer for retention services provided by the W-2 agency.

14 W-2 Two Parent Households

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14.2.2 Re-Determination of W-2 Placement for Two-Parent Households

Over time, the circumstances of a W-2 two-parent household may change. For example, one or both of the parents may:

- Leave the W-2 Group;
- Lose a job;
- Get a job;
- Lose job hours and/or wages;
- Increase job hours and/or wages;
- Become incapacitated for a short period of time; or
- Become eligible for *SSI*, etc.

When changes occur, the *FEP* must determine if the W-2 Group still meets W-2 eligibility requirements. If the W-2 Group still is eligible, the FEP must determine if the W-2 Group still meets the definition of a W-2 two-parent household. If the W-2 Group still is a two-parent household, the FEP needs to determine if the most employable parent is placed and the appropriate W-2 placement. (See [14.2.1](#)) When necessary, the FEP must change the placement and/or the parent who is placed to ensure that the parent who is best able to increase the family's income the quickest is placed in the appropriate W-2 placement.

EXAMPLE 1: Kaileigh and Cole Jackson meet the definition of a W-2 two-parent household. Several months after being placed in a CSJ, Kaileigh gets a part-time waitress job working 20 hours per week. Kaileigh is looking for another part time job to get her hours up to full time. The FEP places Kaileigh into a pro-rated CSJ. Cole continues to volunteer for W-2 activities as the second parent in a W-2 two-parent household.

EXAMPLE 2: Kimberly Hetto and Jason Lee are a W-2 two-parent household. Kimberly is placed in a CSJ. A month after placement, Jason moves out. Kimberly's and Jason's children are residing with Kimberly. With Jason no longer

in the home, the FEP determines this situation no longer meets the definition of a W-2 two-parent household. Kimberly still is eligible for W-2 and her appropriate placement still is CSJ. Kimberly continues in her CSJ as a single parent case.

EXAMPLE 3: Gerri and Jeff Kast are a W-2 two-parent household. Several months into his *W-2 T*, Jeff qualifies for SSI payment. He provides a copy of the award letter. Jeff no longer meets W-2 nonfinancial eligibility requirements due to his receiving SSI. That means he is now an *Included Adult*, instead of an eligible adult and the W-2 Group no longer meets the definition of a W-2 two-parent household. The W-2 Group, however, is still eligible for W-2. The FEP ends Jeff's W-2 T placement and places Gerri in a W-2 T.

EXAMPLE 4: Jim Reed and Brandy Carter are a W-2 two-parent household. Several months after Jim is placed in a CSJ, he gets a full-time job. Brandy still works 10 hours per week at Goodwill Industries. The FEP determines with Jim's full-time income, the household's income exceeds 115% of the federal poverty level (FPL). Jim agrees to follow-up services, and the FEP changes his placement from a *CSJ* to a *CMF* placement. The FEP determines their W-2 Group still meets the definition of a W-2 two-parent household, and encourages Brandy to continue her voluntary W-2 activities and services.

EXAMPLE 5: LaKeisha and Marcus Clayton are a W-2 two-parent household. Several months into his pro-rated CSJ, Marcus gets a full time job. Despite his employment, the W-2 Group still is below 115% of the FPL. The W-2 Group continues to meet the definition of a W-2 two-parent household. The FEP ends Marcus' pro-rated CSJ placement and places LaKeisha in a W-2 T. LaKeisha has been volunteering for W-2 activities during the months Marcus was placed. She has decided to apply for SSI with help from the W-2 agency. The FEP encourages Marcus as the second parent to volunteer for retention services to support his continued employment.

EXAMPLE 6: Natasha Filbert and Anthony Marques are a W-2 two-parent household. Natasha is placed in a CSJ and Anthony is working full-time. Several months later, Anthony loses his job because he has a short term health problem. The FEP determines that Anthony is now the most employable parent. Because the W-2 Group still meets the definition of a W-2 two-parent household, the FEP

ends Natasha's CSJ placement and places Anthony in a CSJ. Natasha agrees to volunteer for activities and services to support her goal of resolving her barriers to work at least part-time.

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14.3 Participation Requirements for Second Parent in a Two-Parent Household

14.3 Participation Requirements for Second Parent in a W-2 Two-Parent Household

Participation requirements for the second parent in a W-2 two-parent household are determined by whether the family is receiving Wisconsin Shares subsidized child care.

When the second parent is required to participate or volunteers to participate, the *FEP* must create an *EP* for the second parent. (See [6.1](#))

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14.3.1 Participant Requirements for Second Parent in a Household Receiving Wisconsin Shares

The second parent in a W-2 two-parent household is required to participate in W-2 activities if the W-2 two-parent household is receiving Wisconsin Shares.

The assigned hours for both parents must add up to 55 total hours. To determine how many hours must be assigned to the second parent, the FEP must subtract the hours assigned to the placed parent (Total Placed Parent Hours) from 55 total hours.

The second parent must be assigned to hours based on the following formula:

$$55 \text{ hours} - \text{Total Placed Parent Hours} = \text{Hours Assigned to Second Parent}$$

Based on the **FEP's** determination, in consultation with both parents, the FEP may assign additional activities to the second parent if those additional hours will help prepare the second parent for unsubsidized employment.

EXAMPLE: Mary Jones and Jesus Pena and their two children are part of a W-2 two-parent household and are receiving W-2 services. The W-2 two-parent household is receiving Wisconsin Shares. Mary is assigned to a **CSJ** placement. She is required to participate in Work Experience for 35 hours per week and GED classes for 5 hours per week for a total of 40 hours of assigned activities. To meet the combined total of 55 hours, Jesus must be assigned at least 15 hours of allowable activities:

$$55 \text{ hours} - 40 \text{ hours assigned to Placed Parent} = \text{a minimum of 15 hours for Second Parent}$$

Jesus needs to improve his English skills and he wants to meet with a job developer regarding employment options. The FEP assigns Jesus to 10 hours of English as a Second Language and 10 hours of Employment Search for a total of 20 hours per week. The couple's combined 60 hours per week meet the minimum of 55 hours required for their W-2 two-parent household receiving Wisconsin Shares.

14 W-2 Two Parent Households

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14.3.2 Participation Requirements for Second Parent in a Household Not Receiving Wisconsin Shares

If the W-2 two-parent household is not receiving Wisconsin Shares, the second parent is not required to participate in W-2 activities. However the second parent may volunteer to participate to W-2 activities that are suggested by, but not required by, the W-2 agency. If the second parent chooses to voluntarily participate in W-2 activities, the W-2 agency must provide the second parent an opportunity to participate in W-2 activities.

The **FEP** must work with both parents to identify activities, taking into consideration the schedules of the parents and children in order to accommodate the fact that the family is not receiving Wisconsin Shares.

EXAMPLE: Leticia and Tom Smith are part of a W-2 two-parent household with their children and are receiving W-2 services. The Smiths are not receiving Wisconsin Shares. Tom is placed in a **CSJ** and is participating in work training experience from 8:00 a.m. until 3:30 p.m., Monday through Friday. The family has two children who are in school from 8:30 a.m. until 3:00 p.m. Monday through Friday. From 9:00 a.m. until 2:30 p.m., Monday through Friday while the children are in school, Leticia may volunteer for W-2 activities that are suggested by, although not required by, the FEP to help Leticia progress toward unsubsidized employment.

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14.4 Non-Participation in Two-Parent Households

14.4.1 Payment Reductions for Non-Participation in W-2 Two-Parent Households

Hourly payment reductions (also known as sanctions) only apply to the placed parent in a W-2 two-parent household. (See [11.1](#)) The *FEP* must not apply an hourly payment reduction when the second parent in a W-2 two-parent household misses required W-2 activities, regardless of whether the household is receiving Wisconsin Shares.

However, when the second parent is required to participate in W-2 activities, the FEP must determine whether there is good cause for the second parent's missed hours of participation and enter that good cause determination. The good cause determination is important because it may be used by the Wisconsin Shares child care program to determine if the second parent's non-participation will affect Wisconsin Shares eligibility.

If either parent in a W-2 two-parent household misses W-2 activities without good cause and these activities are required for Wisconsin Shares eligibility, the family's eligibility for Wisconsin Shares may be affected. (See [Wisconsin Shares Manual](#))

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14.5 W-2 Time Limits

14.5.1 W-2 Time Limits for W-2 Two-Parent Households

See [Chapter 2.10](#) for the policies relating to W-2 time limits and clocks affecting **W-2** two-parent household cases.

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15 Child Support

15.1 Assignment and Distribution of Child Support Payments

15.1.1 Assignment of Child Support Payments

As a condition of eligibility, all parents in the *W-2* Group are required by law to assign to the state all child support payments paid or accrued while the *W-2* Group is in one of the following placements:

- *W-2 T*;
- *CSJ*; or
- *CMC* placement when the individual in a *CMC* placement previously received *AFDC*, *W-2*, or *CTS* payments. If an individual currently in a *CMC* placement did not previously receive *AFDC*, *W-2 T*, *CSJ*, or *CTS*, child support is not assigned during the *CMC* placement.

The “assignment” of support means that child support collections can be retained by the state to pay back some or all of the federal and state costs of the cash assistance paid to *W-2* participants. Not all of the child support collected is retained by the state.

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15.1.2 Distribution of Child Support Payments

As shown in the chart below, current *W-2* participants subject to assignment of child support receive 75% of current child support payments and receive either 75% or 100% of past-due (arrears) child support payments, depending on whether the payment is past-due from the period of W-2 participation or from a period when the W-2 participant was not on W-2.

Type of Child Support	Portion Paid to the Family	Portion Paid to the State
Current child support payments paid to parents in the W-2 Group subject to assignment of child support*	75%	25%**
Past due child support payments that accrued during months when the parent(s) in the W-2 Group was subject to child support assignment*	75%	25%**
Past due child support payments that accrued during months when the parent(s) in the W-2 Group was <u>not</u> subject to child support assignment	100%	None

* The following W-2 placements are subject to child support assignment: *W-2 T*; *CSJ*; and *CMC* when the individual in a CMC placement previously received *AFDC*, W-2 or *CTS*.

** When the child support paid amount is more than the assigned child support amount, the amount that exceeds the assigned child support amount is paid to the family.

Once a W-2 case closes, all child support received is paid to the family. If current or past due child support is paid when the family is no longer on W-2, the family receives 100% of the child support paid even if the child support previously was assigned to the state.

Any child 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 to the family.

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15.1.3 Informing Applicants about Assignment of Child Support Payments

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 the [Good Cause Notice form \(2018\)](#). (For more information on the Good Cause Notice form, see [15.6.1](#).)

Those applicants being referred to the local CSA or applicants already receiving services from the local CSA must sign the Notice of Assignment form (2477) 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 an individual refuses to acknowledge the assignment, the W-2 agency representative must sign the gray shaded box, which indicates the applicant's refusal to acknowledge the assignment. In addition, these referred applicants or applicants already receiving child support services must receive the [Your Guide to W-2 Services, Cash Benefits Programs, & Child Support brochure \(16232-P\)](#).

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15.2 Referral to the CSA

15.2.1 Referral to the CSA

The **W-2** agency must refer the following W-2 applicants to the local **CSA**:

- Unmarried pregnant women, including minors;
- Families where the natural or adoptive parent is absent from the home (but not cases when the absence is because of military service); and
- 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:
 1. Acknowledged father, non-conclusive: voluntary acknowledgement without an effect of a judgment of paternity (pre May 1, 1998 in Wisconsin);
 2. Alleged father: named by custodial parent as probable father; or
 3. Claimed father: father lives with the child, claims to be the father but paternity has not been 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:

- Acknowledged fathers, conclusive: voluntary acknowledgment with an effect of a judgment of paternity (post May 1, 1998 if a Wisconsin birth) (typically the father signed the voluntary Paternity Acknowledgement Through Hospitals (PATH) form); or
- Adjudicated fathers: paternity established through a court order.

An automated referral is sent via CARES screen APGI when W-2 eligibility is confirmed.

W-2 agencies are encouraged to establish a collaborative working relationship with CSAs. Each W-2 agency is encouraged to contact its local CSA regarding any child support issues affecting the W-2 applicant's or participant's family.

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15.2.2 Fees for the CSA's Services

The **CSA** will not charge a fee for services provided to **W-2** participants. 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 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. (See the fees and costs for child support services at <http://dcf.wisconsin.gov/bcs/fees.htm>)

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15.3 Child Support Cooperation

15.3.1 Cooperation with the CSA

The **CSA** determines whether or not a parent is cooperating with the CSA for:

- paternity establishment;
- support order establishment; and
- child support enforcement

In order to be eligible for **W-2** services or a **JAL**, all parents in the W-2 Group must fully cooperate with the CSA in relation to all children for whom the parent is a custodial parent or a noncustodial parent. Note: A parent can be both a custodial parent and a noncustodial parent if the parent does not have custody of all of his or her children.

A custodial parent must cooperate with the CSA by:

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

The CSA must conclude a custodial parent is cooperative if the custodial parent has signed an affidavit attesting to full cooperation and there is no substantial independent evidence or verifiable information that suggests the custodial parent is not cooperating.

The W-2 agency must consider a parent to be cooperative with child support if there is an open child support case for the child in question and there is no indicator of noncooperation from the CSA.

An **NCP** must cooperate with the CSA by:

- 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;
- Appearing at hearings or other legal proceedings;
- Submitting to genetic tests pursuant to judicial order; and

- Paying court-ordered child support to the Department or its designee.

Once W-2 eligibility is determined, child support cooperation must continue in order for the W-2 Group to maintain eligibility unless there is a current exemption or good cause for noncooperation.

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15.3.2 Noncooperation with the CSA

[15.3.2.1 Noncooperation by Custodial Parents](#)

[15.3.2.2 Noncooperation by Noncustodial Parents](#)

The **CSA** determines when a parent is not cooperating with the CSA. An alert is sent to the **W-2** worker via **CARES** from **KIDS** regarding the CSA's determination of a W-2 participant's non-cooperation with child support. KIDS also generates a letter from the CSA to the parent regarding the CSA's determination of the parent's noncooperation with child support.

15.3.2.1 Noncooperation by Custodial Parents

The CSA may determine a custodial parent is not cooperating if the custodial parent does any of the following without adequate reason:

- Misses two consecutive CSA appointments;
- Misses one CSA appointment and fails to respond to a written communication from the CSA within a 90-day period; or
- Fails to appear for a hearing, other legal proceeding, or genetic test.

The CSA must consider any of the following reasons as an adequate reason for a custodial parent's failure to do any of the three noncooperation items above:

- Personal or family illness or injury;
- Family crisis;
- Breakdown in transportation arrangements;
- Inclement weather that causes a general breakdown in travel;
- Failure to receive a hearing notice, appointment notice, or written request for information due to a demonstrable mail problem, address change, or extended time away from home;
- Other reasonable circumstances as determined by the CSA or the Department.

When a custodial parent informs the CSA about any of the adequate reasons above for the custodial parent's noncooperation, the CSA must determine the parent is cooperating due to the adequate reason(s). The CSA may request evidence verifying adequate reason if there are repeated instances of failure to respond based on the above reasons.

15.3.2.2 Noncooperation by Noncustodial Parents

The CSA may determine a noncustodial parent is not cooperating if the noncustodial parent is the subject of a warrant relating to paternity or support, including a criminal warrant for failure to support, a civil warrant for contempt of court, or an arrest warrant, excluding a warrant issued for failure to complete service of process.

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15.4 W-2 Agency's Follow-up on Noncooperation

15.4.1 W-2 Agency's Follow-up After the CSA's Determination of Noncooperation

The W-2 agency must follow-up on any of the following written communications regarding the **CSA's** determination that any parent in the **W-2** Group has not cooperated with child support without adequate reason:

- An alert from **KIDS** regarding the parent's noncooperation with child support.
- A copy of the letter from child support to the parent regarding the parent's noncooperation with child support.
- A written communication, including an e-mail, memo or letter, from the CSA stating the parent is not cooperating with child support.

When the W-2 agency receives any of the written communications listed above, the W-2 agency has 7 working days from the CSA's determination of noncooperation to determine if there are any of the following three situations:

- There is an exemption for the noncooperation (see [15.5](#)).
 1. If yes, the W-2 agency cannot impose any penalty for the noncooperation.
- A good cause claim for noncooperation has been filed (see 15.6.3) and other eligibility criteria have been met, and the parent is cooperating with the W-2 agency in furnishing information to be used in determining the good cause claim.
 1. If yes, the W-2 agency cannot deny, delay, reduce or discontinue W-2 benefits pending the W-2 agency's determination of the good cause claim.
- The CSA determined the parent in the W-2 Group who had not been cooperating now is cooperating.
 1. If yes, the W-2 agency cannot impose any penalty for noncooperation.

If the W-2 agency determines there are none of the situations, the entire W-2 Group is ineligible for W-2 services and/or a **JAL**. On (and not earlier than) the 8th working day from the CSA's determination of noncooperation, the W-2 agency must:

- end the W-2 placement in **CARES**;
- run W-2 eligibility in CARES to close the W-2 case (which generates the Notice of Eligibility Wisconsin Works (W-2) when there was eligibility for W-2 without Child Care eligibility or generates the Notice of Eligibility Child Care and Wisconsin Works (W-2) when there was eligibility for both Child Care and W-2); and
- confirm the W-2 case is closed in CARES.

If the W-2 case closes due to noncooperation with child support and the W-2 Group reapplies while a parent in the W-2 Group is not cooperating with child support without an exemption or good cause for the noncooperation, the parent who failed to cooperate with child support must be left in the noncooperation status. The W-2 Group is ineligible for W-2 services or a JAL until the parent cooperates or establishes good cause for noncooperation.

If a W-2 case closes for a reason other than noncooperation with child support and the W-2 Group reapplies while a parent in the W-2 Group is not cooperating with child support, the W-2 agency has 7 working days after the W-2 application date to determine if there are any of the three situations regarding the noncooperation listed above. Then on (and not earlier than) the 8th working day, if the W-2 agency has determined there are none of the three situations, the parent who failed to cooperate with child support must be left in the noncooperation status. The W-2 Group is ineligible for W-2 services or a JAL until the parent cooperates or establishes good cause for the noncooperation.

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15.4.2 W-2 Group with Multiple Child Support Cases

A parent in a **W-2** Group may be part of more than one child support case. In these situations, it is possible for the **CSA** to determine there is cooperation with child support for one of the child support cases and also determine there is noncooperation for the other child support case. When the W-2 agency has determined a parent in a W-2 Group is not cooperating with child support and there is no exemption or good cause for the noncooperation, then the entire W-2 Group is ineligible for W-2 due to the parent's noncooperation with child support even if the parent or another parent in the W-2 Group is cooperating with child support.

EXAMPLE: Karina is the custodial parent of her daughter Bella age 5 and the noncustodial parent of her daughter Celeste age 6. Karina and Bella are members of a W-2 Group. Karina owes past-due child support for when she previously was the noncustodial parent of her daughter Bella and also owes current and past-due child support for her daughter Celeste. The CSA determined Karina is cooperating with child support for her daughter Bella and not cooperating for her daughter Celeste. The W-2 agency determined there is no exemption or good cause for Karina's noncooperation. Karina is ineligible for W-2 due to her noncooperation with child support for her daughter Celeste even though Celeste is not a member of the W-2 Group and Karina is cooperating with child support for her daughter Bella.

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15.4.3 Three Instances of Non-cooperation

A member of a **W-2** Group who fails to cooperate 3 times without an exemption or good cause remains ineligible until all of the members of the W-2 Group cooperate or for a period of 6 months, whichever is later. If a child support worker notifies the FEP that a report of noncooperation was in error, the FEP must not count that incident as one of the 3 times.

EXAMPLE: Marissa applied for W-2 in August 2010 and again in December 2010. The first time, she was denied W-2 eligibility because she failed without an exemption or good cause to meet as scheduled with the **CSA** and failed to respond to the CSA's written communication for a 90-day period. In December, Marissa was denied W-2 eligibility because without an exemption or good cause, she missed 2 consecutive appointments with the CSA. In June 2011, Marissa again applied for W-2, provided the necessary information, attended her appointments with the CSA and was found eligible for W-2. However, while on W-2, Marissa did not attend the scheduled legal proceedings to help determine the paternity of her child and, without an exemption or a good cause claim, Marissa lost her W-2 eligibility. Because it was her 3rd instance of failure to cooperate with child support without an exemption or good cause, Marissa was found to be ineligible for W-2 for 6 months due to noncooperation with child support regardless of whether she chooses to cooperate at this point.

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15.4.4 W-2 Agency's Access to the Child Support Automated System

The Child Support automated system *KIDS* includes information about custodial parents' noncooperation with child support. *FEPs* can query *KIDS*. If *FEPs* do not have *FIQY* to *KIDS*, and need access to *KIDS* noncooperation screens, *FEPs* can request *FIQY* access through their agency security officer. An *NCP's* cooperation must be determined by contacting the *CSA*.

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15.5 Exemption to Noncooperation

15.5.1 Exemption to Noncooperation for Pregnant Women or Custodial Parents with Newborns

The W-2 agency determines when there is an exemption to noncooperation. A pregnant woman who is not also the custodial parent of a dependent child is exempt from any penalty for noncooperation. A custodial parent with a child under 60 days old also is exempt from any penalty for noncooperation for the W-2 Group that includes the child.

When there is an exemption and the CSA still sends a noncooperation notice, the W-2 agency must not impose any penalty for noncooperation, regardless of whether there is good cause.

If there are multiple children in a child support case with an exemption for having a child under the age of 60 days, that exemption applies to all of the children in the child support case. If the W-2 Group has only that child support case, then the entire W-2 Group is protected from any W-2 penalty for that noncooperation. (See [15.4.2](#) for W-2 Groups with multiple child support cases)

EXAMPLE: A W-2 Group has three members: Kayla the custodial parent; her child Tia who is 5 years old; and her child Tisha who is 30 days old. Tia and Tisha are part of the same child support case. The CSA determined Kayla is not cooperating with child support. The W-2 agency determined there is an exemption for Kayla and Tisha because Kayla is the custodial parent of Tisha who is under 60 days old. However this exemption also protects the custodial parent from any noncooperation for Tia because the exemption protects the entire child support case.

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15.6 Good Cause Claim for Noncooperation with the CSA

15.6.0 Good Cause Claim for Noncooperation with the CSA

When a good cause claim is filed with the *W-2* agency for noncooperation with the *CSA*, the *W-2* agency determines whether or not there is good cause for the noncooperation.

If the individual also is receiving Medicaid, he or she also may apply for good cause with the *IM* agency. It is possible the *IM* agency may determine the individual does not have good cause while the *W-2* agency determines the individual does have good cause. Under current automation for the absent parent screen in *CWW*, the *IM* workers entry regarding good cause over-rides the *W-2* worker's entry.

In these cases, the *W-2* agency is encouraged to coordinate with the *IM* agency to see if the *IM* agency will reconsider its decision that the parent does not have good cause.

If this approach is not effective, the *W-2* agency should contact the Department's regional coordinator to discuss next steps.

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15.6.1 Good Cause Notice

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

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

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

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15.6.2 Good Cause Reasons

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

- Cooperation is reasonably anticipated to result in either physical or emotional harm to the child, including threats of domestic abuse or child kidnapping;
- Cooperation is reasonably anticipated to result in either physical or emotional harm to the parent, including domestic abuse;
- 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;
- The child was conceived as a result of incest or sexual assault;
- 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
- A petition for the adoption of the child has been filed with a court, except this reason does not result in any exemption from the parent's responsibility to make payments under an existing court order.

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15.6.3 Filing a Good Cause Claim

A *W-2* agency must provide the [Good Cause Claim form \(2019\)](#) to any *W-2* applicant or participant upon request. The individual may file a Good Cause Claim form with the *W-2* agency at any time. Individuals 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.

Upon receipt of the Good Cause Claim form, the *W-2* agency must notify the *CSA* within 2 working days of the date the Good Cause Claim form was signed. The *CSA* must not take any further action until the *W-2* agency determines whether good cause exists.

An individual who submits a Good Cause Claim form is required to submit at least one document of corroborative evidence and a statement specifying the circumstances that the individual believes provide sufficient good cause for not cooperating. The statement may be written on the claim form.

If an individual does not submit sufficient evidence for the *W-2* agency to substantiate the good cause claim, the *W-2* agency must notify the individual that additional evidence is required and must outline the types of evidence that may be used as listed in [15.6.4](#). The *W-2* agency must make a reasonable effort to obtain specific documents or information that the individual is having difficulty obtaining.

The individual must submit corroborative evidence to the *W-2* agency within 20 calendar 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 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 calendar days from the date the claim was signed.

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15.6.4 Types of Corroborating Evidence

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

- 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;
- 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;
- Birth certificates, medical records, or law enforcement records that indicate the child may have been conceived as a result of incest or sexual assault;
- Court documents or other records that indicate a petition for the adoption of the child has been filed with a court;
- 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;
- 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;
- Identification by the *BST* 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
- Any other supporting or corroborative evidence.

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15.7 Good Cause Claim Investigation and Determination

15.7 Good Cause Claim Investigation and Determination

The **W-2** agency must investigate any good cause claim based on anticipated harm, even if the applicant or participant fails to submit corroborative evidence or evidence is unavailable. ([See 15.6.4](#))

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

The W-2 agency must give the **CSA** the opportunity to review and comment on the agency's findings prior to the W-2 agency's final determination on good cause. The W-2 agency must consider any recommendations from the CSA.

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15.7.1 Good Cause Determination Timeline

The *W-2* agency must determine whether good cause exists within 45 calendar 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 calendar days to submit evidence for a claim of domestic abuse, the agency must determine whether good cause exists within 85 calendar days from the date the claim was signed.

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15.7.2 Determination that Good Cause Does Exist

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

- Direct the *CSA* to suspend all further case activities if the individual did not request the *CSA* to proceed without his or her cooperation; or
- Notify the *CSA* that it may proceed with child support services if the individual wants the *CSA* to proceed without his or her cooperation. If good cause is granted for items 1 through 4 in [15.6.2](#), the *CSA* must send a notice to the person alleged to have caused harm that states the *CSA* is proceeding without the cooperation of the applicant or participant.

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15.7.3 Determination that Good Cause Does Not Exist

If the *W-2* agency determines the applicant or participant does not have good cause for failing to cooperate with efforts directed at establishing paternity and obtaining child support payments, and there is no exemption for noncooperation (see [15.5.1](#)), the *W-2* agency must:

- Promptly notify the applicant or participant of the *W-2* agency's good cause determination and the applicant's or participant's right to a *W-2* agency Fact Finding Review; and
- Notify the *CSA* that it may proceed with child support services and require the cooperation of the individual. However, the *CSA* must not proceed with child support services for 10 calendar 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's good cause determination. If the applicant or participant requests a *W-2* Fact Finding Review, the *W-2* agency must instruct the *CSA* to suspend child support services during the review process.

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15.7.4 Reviewing Good Cause Determinations

The **W-2** agency must review good cause determinations 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 must be allowed 10 calendar days before cooperation requirements are imposed to request the case be closed or request an agency Fact Finding Review.

EXAMPLE 1: 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 baby son. Joanne met with her **FEP** 3 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 instead of placing him for adoption. The FEP reviewed the Good Cause Claim form with Joanne and explained that good cause no longer exists for a pending adoption, so Joanne has 10 calendar days before cooperation requirements will be implemented by the **CSA**. During that time, Joanne may file another good cause claim for a different good cause reason.

EXAMPLE 2: Ada was granted good cause due to domestic abuse. She has been fleeing her former abusive partner for the last 6 years. Her former partner is the father of her 8-year old child. The FEP does not review the good cause claim form because of the permanent nature of Ada's domestic abuse circumstances.

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15.8 Fact Finding Reviews

15.8.1 Fact Finding Reviews by CSAs For Noncooperation Determinations

A parent who has been determined noncooperative by a **CSA** may petition the CSA for a Fact Finding Review. The parent must submit a request for a Fact Finding Review to the CSA, the CSA will conduct the Fact Finding Review, and the parent or the parent's representative may appear for the Fact Finding Review via telephone conference if the CSA is in a different county than the parent's current residence.

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15.8.2 Fact Finding Reviews by W-2 Agencies For Good Cause Determinations

An individual who is denied good cause by the **W-2** agency for noncooperation with child support and disagrees with the W-2 agency's determination may request a Fact Finding Review by the W-2 agency. In the event that a Fact Finding Review for W-2 and a fair hearing for an **IM** program are based on the same issues and facts, the fair hearing decision takes precedence.

The W-2 agency must provide the **CSA** with reasonable notice of any Fact Finding Review by the W-2 agency that occurs due to the W-2 agency's denial of a good cause.

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16 Learnfare

16.1 Introduction

16.1.1 Program Goal and Requirements

The goal of Learnfare is to help children fulfill their potential in life by providing programs and opportunities that will enable them to attend and complete school, obtain employment, and break the cycle of welfare dependency. The Learnfare requirement to be enrolled in school is balanced by the provision of case management, especially for at-risk children, to address barriers, maintain school enrollment, and improve attendance and achievement.

Learnfare has two program requirements:

1. **School Enrollment.** Children in W-2 Groups are required to be enrolled in school.
2. **Mandatory Case Management.** Members of certain target groups are required to participate in case management. (See [16.3.1](#))

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16.2 School Enrollment

16.2.1 Children Subject to School Enrollment

A child is required to be enrolled in school if s/he:

1. Is in a W-2 Group whose parent is placed in a Trial Job, Community Service Job (CSJ), or W 2 Transition (W-2 T);
2. Is age 6 through 17 (beginning on the first day of the fall school term), including a *minor parent* who is part of the W-2 Group;
3. Has not graduated from high school or obtained a HSED/GED; and
4. Resides with his or her natural or adoptive parent.

A child is exempt from school enrollment requirement if:

1. S/he is excused from attending school under s. 118.15 (3), Wisc. Stats;
2. S/he is the caretaker of a child who is less than 45 days old and child care is not available at school and home instruction is not available;
3. Child care is needed for the minor parent to attend school but child care or transportation to and from child care is not available;
4. S/he is prohibited from attending school while an expulsion is pending;
5. S/he was expelled from school and there is no other school available because:
 - a. There is no public or private school within reasonable travel time or distance which will accept the child.
 - b. There is no private or public transportation available to another school.
 - c. There is a public or private school which will accept the child but the tuition charge is prohibitive and the child's school district refuses to pay the tuition.
6. A physician has determined that she should delay her return to school after giving birth;
7. S/he is on the waiting list for a children-at-risk program and such a program is not available;

8. S/he or a family member is ill, injured, or incapacitated. (“Family member” means his/her spouse, dependent child, or parent who lives with him/her);
9. S/he is temporarily incarcerated; or
10. Circumstances beyond his/her control make him/her unable to be enrolled in school.

Additional exemption reasons may be determined by the W-2 agency or justified through the Fact Finding Review.

Any child exempt from the school enrollment requirement is required to participate in case management if s/he is one of the target groups. (See [16.3.1](#))

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16.2.2 Learnfare School Definition

A school is any one of the following:

1. Public school.
2. Private school.
3. Department of Public Instruction (DPI) registered home educational program including home based and home school instruction.
4. Wisconsin Technical College System (WTCS) school.
5. DPI-approved HS equivalency course of study.
6. Programs, including English as a Second Language (ESL) instruction, leading to a GED test.

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16.2.3 Enrollment Verification

The FEP must verify enrollment for each child subject to Learnfare and determine if the child is mandatory for Learnfare case management:

- At the initial W-2 eligibility determination;
- At each review; and
- When the FEP receives information or has reason to believe that a child in a W-2 Group whose parent is placed in a Trial Job, CSJ, or W-2 T becomes a dropout, habitual truant, or minor parent.

Verification of school enrollment may be in any form determined effective and efficient by the W-2 agency including documentation provided by or through the school. The W-2 participant has seven working days from the date of the verification request to provide the verification. The verification due date may be extended up to 30 days from the initial request for W-2 services under extenuating circumstances. (See [4.1.3](#))

The W-2 participant has the primary responsibility for providing the verification. The FEP may assist in obtaining needed documents to expedite the verification process. If the family does not have the power to produce the verification, or requires assistance to do so, the FEP must proceed immediately to seek the verification. (See [4.1.3](#))

Any instance where a parent refuses to provide verification of school enrollment status will make the W-2 Group ineligible for a W-2 employment position.

While school is in session, the FEP must verify enrollment in the current semester only. When school is not in session, the FEP must verify enrollment for the immediately preceding semester. When making a determination as to whether a child is a *returning dropout*, the FEP must review information from both the current and immediately preceding semesters. To determine if a child is a *habitual truant*, the FEP must review school attendance in the current semester only, unless no more than four weeks have passed since the current semester starts.

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16.3 Learnfare Case Management

16.3.1 Groups Mandatory for Case Management

Four target groups are mandatory for case management:

1. Children between the ages of 6 and 17 not enrolled in school;
2. A *dropout* or a *returning dropout*;
3. A *habitual truant*; and
4. A *minor parent*.

A child identified as mandatory for case management will remain mandatory until the next review date, unless any of the following occurs:

- The parent of the Learnfare child is no longer placed in a W-2 Trial Job, CSJ, or W-2 T position;
- The child has reached age 18;
- For minor parents, the minor parent has lost his/her child through death or adoption; or
- For returning dropouts, the child has completed two consecutive semesters, including the semester during which the child returns to school.

Any child enrolled in case management can volunteer to receive Learnfare case management services through the end of the school semester even when s/he is no longer mandatory.

A financial penalty must not be imposed on W-2 Groups whose child\children voluntarily continues\continue to participate in Learnfare case management. (See [16.4.1](#))

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16.3.2 Enrollment in Learnfare Case Management

The FEP or Learnfare Case Manager must enroll mandatory children in Learnfare case management within 14 working days of the Learnfare case management referral date.

The W-2 Agency must make the following efforts to enroll a child in Learnfare case management:

1. Upon receiving a referral or having identified that a child is mandatory for case management, the FEP or Learnfare Case Manager will schedule an initial appointment with the child and his/her parent for the purposes of conducting the assessment and completing the Learnfare Case Management Plan. The FEP or Learnfare Case Manager must schedule the appointment at a time when it will not interfere with the child's school or the parent's assigned W-2 activities. The FEP or Learnfare Case Manager will send written notice of the initial appointment to the child and his/her parent 7 working days before the appointment date. The notice shall clearly state that if the child and his/her parent are unable to attend, the child's parent(s) must contact the FEP or Learnfare Case Manager before the scheduled appointment date to reschedule the appointment.
2. If the child and his/her parent fail to report for the initial appointment or fail to reschedule the first appointment, the FEP or Learnfare Case Manager will send a second and last notice. This notice will ask the parent(s) to contact the FEP or Learnfare Case Manager within 5 working days. Otherwise, a financial penalty may be imposed in the next possible payment month. A home visit is strongly encouraged before the financial penalty is imposed.
3. For children not subject to a financial penalty for failure to cooperate with case management (See [16.4.1](#)), the FEP or Learnfare Case Manager should:
 - a. Contact parents to schedule the initial appointment by telephone rather than letter.
 - b. Contact teachers and administrators who have contact with the child to determine what has been tried with the family and child already, and ask for suggestions on what would be a positive way to approach the child or family.
 - c. Attempt to meet with the child at school.
 - d. If the Learnfare Case Manager is not the FEP, attend the next scheduled review and explain the services that are available to the child.

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16.3.3 Case Management Requirements

Once enrolled in Learnfare case management, case management requirements include:

1. The child and his/her parent must participate in the assessment and development of the Learnfare Case Management Plan and the parent must sign the Plan once completed.
2. If the child is a dropout, the parent must provide verification of the child's return to school and attendance within 7 working days of the date a school is available.
3. The child and his/her parent must attend meetings scheduled and moderated by the FEP or Learnfare Case Manager. Meetings will be scheduled so as not to interfere with the parent's assigned W-2 activities. No more than one mandatory meeting will be scheduled per month.

The FEP or Learnfare Case Manager must notify the child and his/her parent 7 working days before the scheduled meeting date. If the child and his/her parent fail to report for the meeting or fail to reschedule the meeting, the FEP or Learnfare Case Manager will send a written notice. This notice will ask the child or his/her parent to contact the FEP or Learnfare Case Manager within 5 working days. Otherwise, a financial penalty may be imposed in the next possible payment month. (See [16.4.1](#))

4. The individual(s) assigned activities (child, parent or both) must engage in activities identified by the FEP or the Learnfare Case Manager in the Learnfare Case Management Plan as being necessary to maintain school enrollment or improve school attendance.

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16.3.4 Learnfare Case Management Plan

16.3.4.1 Learnfare Case Management Activities

A Learnfare Case Management Plan is required for each child subject to Learnfare case management and must include:

1. Goals for the child during Learnfare case management;
2. Description of the activities planned;
3. Planned begin and end dates for each activity;
4. Agencies/parties that will provide the services; and
5. Signature of the parent(s).

The Learnfare Case Manager must coordinate with the FEP if the Learnfare Case Management Plan includes required activities for the parent. (See [Chapter 6](#) for more information on the W-2 Employability Plan.)

The Learnfare Case Management Plan must integrate plans prepared by other local government agencies, community-based organizations, judicial entities, or professional health providers with whom the Learnfare participant is currently involved or the Learnfare Case Manager deems appropriate. It must also incorporate any plans already developed by the school to address school attendance/achievement or at-risk indicators.

The school or school district should be the primary provider of services to Learnfare participants. Therefore, collaboration and coordination with the school is essential to the development of the Learnfare Case Management Plan.

16.3.4.1 Learnfare Case Management Activities

As part of the Learnfare Case Management Plan, W-2 agencies must provide services which maintain school enrollment, improve school attendance, and prepare children for a career.

For those children in high school, Learnfare case management should focus on graduation, career and/or employment planning, job readiness, and job seeking/job retention activities as appropriate.

For those children in elementary and middle schools, Learnfare case management should focus on maintaining school enrollment and attendance.

For minor parents, Learnfare case management should also focus on parenting skills and family planning. The overall goals for Learnfare case management with minor parents are to complete school, prepare children for a career, and delay subsequent pregnancies until the minor parents are ready emotionally and economically to support additional children.

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16.3.5 Good Cause for Failing to Cooperate with Learnfare Case Management

Good cause for failing to cooperate with Learnfare case management includes any of the following circumstances:

1. Child care is needed for the child or minor parent to participate in case management, but child care is not available.
2. Transportation is needed to and from child care for the minor parent's child, but neither public nor private transportation is available.
3. Court-required appearance or temporary incarceration. Any court appearance for a victim of domestic abuse is considered a court-required appearance.
4. Observance of a religious holiday.
5. Death of a relative. (See [11.2.2.2](#))
6. Family emergency.
7. Illness, injury, or incapacity of the child or a family member (spouse, child, or parent) living with the child.
8. Medical or dental appointment for the child or his/her child.
9. Breakdown in transportation.
10. A Fact Finding Review identifies circumstances that justify good cause.
11. Other circumstances beyond the control of the child or his/her parents, but only as determined by the FEP or Learnfare Case Manager.

The FEP or Learnfare Case Manager must determine if a child and his/her parent had good cause for failing to cooperate with Learnfare case management. (See [11.2.1](#))

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16.4 Learnfare Financial Penalty

16.4.1 Determining a Financial Penalty

W-2 Groups may have a financial penalty imposed if all of the following conditions are met:

1. The child continues to fail to meet the school attendance requirement;
2. Individuals assigned activities on the Learnfare Case Management Plan have failed to cooperate;
3. Good cause for failing to cooperate with case management has not been presented; and
4. A Fact Finding Review was not requested within 10 days from the Learnfare Penalty Notification date.

The following groups are required to participate in case management, but are not subject a financial penalty for failure to cooperate:

- Minor parents enrolled in school;
- Habitual truants; and
- Returning dropouts.

The financial penalty is \$50 per month per child, not to exceed \$150 per W-2 Group per month. If a financial penalty is entered into CARES for a CSJ or W-2 T position, a notice will be sent indicating that the W-2 payment may be reduced for a Learnfare financial penalty. If a financial penalty is imposed on a Trial Job, a letter will be sent to the parent indicating that a Learnfare financial penalty must be paid.

The notice or letter will inform the participant that they have 10 days to request a Fact Finding Review from the date on the notice. A penalty cannot be imposed during that 10 day time period. If the participant requests a Fact Finding Review within the 10 day period, the FEP must not impose a penalty until after the Fact Finding decision is determined, unless the participant withdraws the petition in writing or abandons the petition. (See [Chapter 12](#))

A financial penalty must take effect in the next possible benefit month after the sanctionable event has occurred. The FEP or Learnfare Case Manager may impose a financial penalty every month until the sanctionable event is cured.

A financial penalty must not be imposed on children who voluntarily continue to participate in Learnfare case management.

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17 Emergency Assistance

17.1 Introduction

17.1.1 EA Overview

EA 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* 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** 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** 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**.

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](#)).

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17.2 EA Application

17.2.1 EA Application Process

The *W-2* agency must provide an [Emergency Assistance \(EA\) Application form \(2010\)](#) to all persons who request *EA*. 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* 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** 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.

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17.3 Verification

17.3.1 Verification Overview

The *W-2* agency must verify:

- The emergency occurred (see [17.3.2](#));
- The *EA* 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* 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* 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*) 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* 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** system regarding the members of an **AG** 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** 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* to verify that issuance of any previous *EA* 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* 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* 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.

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17.4 Nonfinancial Eligibility

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**.

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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](#)).

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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 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** 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** agency must ask the **EA** 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.

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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 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 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 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* 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* agency is not considered an appropriate local authority.

EA 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* 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** 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** 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* 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* 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* 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* 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* known in Wisconsin as the *WHEAP*, 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** 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 –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* 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** 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](#) agency.

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17.4.6 Pursuit of Other Payment Options

The need for assistance must not result from a member of the *EA* 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* agency must ensure that the EA group has completed the pursuit of other payment options from the local *WHEAP* 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* 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** 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/apps35/Complaint/Default.aspx>

The *PSC* 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.

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17.4.7 Frequency of EA Payments

The caretaker relative(s) in an **EA** 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.

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17.5 Financial Eligibility

17.5.1 Calculate Financial Need

Calculate the *EA* 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](#))

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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* 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* and *CTS* 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* group available in the month of the [Emergency Assistance \(EA\) Application form \(2010\)](#), start by using the *W-2* 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* 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.

Disregard expenses that have been or will be met through other resources such as *WHEAP*, 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** 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 disregarded. 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 be disregarded as a monthly expense. Any portion of the expenses paid at the time of the EA application also would be disregarded as a monthly expense.

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17.6 Notice, Payment, and Coordination with Other Resources

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*, the notice of eligibility determination must include the reasons for the denial and information about the opportunity for a Fact Finding. (See [Chapter 12](#))

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17.6.2 EA Payment Amount

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

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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.

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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](#))

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17.6.6.1 Temporary Shelter

EA 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.

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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.

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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 – 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* case management services.

When the family applies for and receives *EA* 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.

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17.7 Emergency Assistance Tracking System (EATS)

17.7.1 EATS Overview

The **EATS** is the internet-based tracking system for use by **W-2** agencies to:

1. Search and verify each caretaker relative's history of any **EA** 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.

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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>

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17.7.2 EA Denials in EATS

To track denied *EA* applications in *EATS*, 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>

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17.8 EA Fact Finding

17.8.1 EA Fact Finding Overview

EA 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](#))

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17.9 Overpayment Recoupment

17.9.1 Overpayment Recoupment Overview

An *EA* 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.

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18 Refugee Assistance Program

18.1 Introduction

The federal Office of Refugee Resettlement (ORR) in the Administration for Children and Families administers the Refugee and Entrant Program, to which we will be referring as Refugee Assistance Program (RAP). The Department of Workforce Development submits a state plan to operate the refugee program. For the purpose of this manual, Refugee Assistance Program (RAP) consists of Refugee Cash Assistance (RCA) and Refugee Medical Assistance (RMA) which provide temporary assistance to help arriving refugees while they become self-sufficient. "Refugee," unless otherwise indicated, will include refugees, asylees, Cuban-Haitian entrants, certain Amerasians, Victims of Trafficking and any other categories eligible for refugee benefits under federal law.

RCA is modeled upon the W-2 payment system, and RMA is a part of the Medical Assistance (MA) program, providing an MA card and benefits to indigent arriving refugees who are not eligible for MA due to a lack of categorical eligibility. Refugees receiving RCA are referred to refugee employment and training services.

Refugees generally enter the U.S. without income or assets with which to support themselves during the first few months here. Families with children under age 18 are generally eligible for support under Wisconsin Works (W-2). Refugees who are aged, blind or disabled may receive assistance from the federally administered Supplemental Security Income (SSI) program. Refugees eligible for these two programs may be enrolled in the Medicaid program, which provides medical assistance for low-income individuals and families.

Refugees who meet the income and resource eligibility standards of the W-2 or Medicaid programs, but are not otherwise eligible – such as single individuals, childless couples, teen parents and two-parent families with no children under 18 years of age – may receive benefits under the special RCA and RMA programs. Eligibility for these special programs is restricted to the first eight months in the U.S., except for asylees and victims of trafficking, from the date a certification or ORR issues eligibility letter.

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18.2 Eligibility For Other Programs

18.2.0 Eligibility For Other Programs

Determine eligibility for Wisconsin Works (W-2) before determining eligibility for Refugee Cash Assistance (RCA). Determine each refugee, asylee, and entrant's eligibility for W-2 and MA, and refer for Supplemental Security Income (SSI), if appropriate.

A client is not eligible for RCA if s/he is eligible for or receiving W-2, or receiving SSI. There is no eligibility for RMA if s/he is eligible for or receiving MA. This applies to all refugees, asylees, and entrants whether they: (1) accept or refuse benefits from other programs, or (2) are ineligible due to failure to comply with any eligibility requirement.

Refugees accepting federal "Match Grant" income or services are not eligible for W-2 or RCA until completion of "Match Grant" program support. Refugees who may be eligible for SSI or Kinship Care should be referred to these programs but may be eligible for RCA on an interim basis until eligibility for an alternative assistance program has been established, not to exceed eight months.

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18.2.1 Wisconsin Works (W-2)

Determine first if the person is eligible for W-2, and offer a W-2 placement if found eligible. If s/he meets W-2 financial eligibility requirements but does not meet W-2 nonfinancial eligibility requirements, or is not eligible for a paid W-2 placement, then determine his/her eligibility for RCA. Contact the supporting voluntary (refugee) resettlement agency (VOLAG) to determine if a refugee is receiving "Match Grant" support before determining W-2 eligibility. If the refugee is currently receiving "Match Grant", manually deny W-2 eligibility in CARES using reason code 046 on AGOE to override W-2 and confirm the failed W-2. Be sure to go back to ACPA and change the W-2 request from "Y" to "N" and re-run eligibility for confirmation that W-2 eligibility was not granted. Suppress all CARES generated W-2 notices and provide a manual negative notice to the refugee. The manual notice should explain that s/he is not eligible for W-2 or RCA because s/he is receiving "Match Grant" support funds or services, but that s/he can reapply for W-2 after "Match Grant" support is terminated.

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18.2.2 Medicaid (MA), Refugee Medical Assistance (RMA) and BadgerCare (BC)

[18.2.2.1 Refugee Medical Assistance \(RMA\)](#) [18.2.2.2 Medicaid \(MA\) and BadgerCare \(BC\)](#)

Refugees may be eligible for some type of medical assistance upon arrival, including RMA or MA.

18.2.2.1 Refugee Medical Assistance (RMA)

RMA is considered a separate benefit from MA but provides the same level of benefits as full MA. RMA is available only in the first eight months after a refugee's date of entry. If it is not applied for in that eight-month period, it cannot be applied for later. While W-2 agencies have contract responsibility for providing RMA, they will need to coordinate with economic support agencies to ensure eligibility for all regular MA subprograms is tested first. If the individual fails non-financial eligibility for MA, including BadgerCare (BC), then test for RMA at that point. If the individual fails financial eligibility for MA then s/he would not be eligible for RMA. Eligibility processing for RMA needs to be done manually using form HCF 10110 (previously DES 3070). The medical status codes that may be applicable for this population are the following:

MA Subprogram	Med Stat	Description	CARES category
Refugees, Occasional DOH Funding	88	Refugee, no T19, RMAP, no \$	non-CARES
Refugees, Occasional DOH Funding	89	Refugee, institutionalized, no T19, RMAP, no \$	non-CARES

In the majority of cases, the medical status code "88" should apply. The manual form can be sent to EDS via e-mail. E-mail address: eds_3070@dhfs.state.wi.us

Guidelines for Determining RMA Eligibility:

1. Use the AFDC-related medically needy financial eligibility standard MA.
2. Do not consider in-kind services and shelter provided to an applicant by a sponsor or voluntary resettlement agency.
3. Do not count RCA payments or Reception and Placement (R&P) cash assistance from a voluntary resettlement agency.
4. Do not use prospective budgeting, count only an applicant's income and resources on the date of application.
5. MA non-financial eligibility criteria do not apply. For example, applicant does not need to have dependents, be a minor, be elderly, blind or disabled to be eligible for RMA.
6. Individual must provide proof of refugee status (See Appendix VIII and Appendix IX).
7. Individual should provide the name of the resettlement agency which resettled them.

Once a person is eligible for RMA s/he is entitled to the benefit for up to eight months from his/her date of entry, not from the date of RMA application. A Forward card will be issued to an RMA recipient. Do not terminate RMA regardless of any change in the level of income, earnings, or source of income including W-2, RCA or employment. An individual does not need to be applying for or receiving RCA to be eligible for RMA.

Enrollment in Food Stamps or W-2 has no impact on whether a refugee is eligible for RMA.

18.2.2.2 Medicaid (MA) and BadgerCare (BC)

In order to be eligible for regular MA or BC, a refugee applicant must meet all the financial and non-financial criteria just like any other applicant (see MA handbook for MA eligibility criteria at: <http://www.emhandbooks.wi.gov/meh-ebd/>) Depending on the type of MA applied for, the individual must lodge an EBD MA application HCF 10101 or Family MA application HCF 10100. An application for RCA does not constitute an application for MA. If the refugee is eligible for any type of MA, then s/he is not eligible for RMA.

If an applicant has income which exceeds the limits for MA or BC, follow the spend down policy just the same as with any other applicant. If a refugee, who has been receiving MA and is still within his/her first eight months of arrival, becomes ineligible for MA due to earnings from employment and does not qualify for an MA extension, s/he must be transferred to RMA without an eligibility redetermination for the remainder of

the eight month RMA eligibility period. At the end of the eight months, redetermine eligibility for MA.

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18.2.3 Supplemental Security Income (SSI)

Refer any refugee, asylee, or entrant age 65 or older, or who is blind or disabled to the Social Security Administration to apply for SSI. Determine eligibility for RCA and RMA until SSI begins, as long as they are still within the first 8 months eligibility period.

If you learn that SSI has been paid for the same month as an RCA payment, you must attempt to recover the payment.

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18.2.4 Kinship Care

Minor refugees, who are living with adult caretaker relatives (See 19.7.0), instead of their parents, should be referred for application to Kinship Care. Determine eligibility for RCA until Kinship Care begins. When Kinship Care begins, terminate RCA eligibility.

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18.2.5 Federal Refugee Resettlement Grants

[18.2.5.1 Reception & Placement \(R&P\) Grant](#)

[18.2.5.2 “Match Grant” Income and Services](#)

When a refugee first enters the country, s/he may be eligible for certain federal assistance grants which provide initial federal resettlement support services and funds.

18.2.5.1 Reception & Placement (R&P) Grant

Reception & Placement (R&P) assistance are “one time” payments to refugees during the first 30 days after arrival to the US. The payments are made by the VOLAG on the refugee’s behalf to pay expenses (rent and household items) or issued directly to the refugees. The amount can be up to \$400 per person. These payments can be verified by contacting the VOLAG.

R&P Treatment for Programs:

- **FS** - Any cash payment received directly by the refugee would be considered non-recurring lump sum payments, and treated as an asset from the date of receipt (FSHB App. 12.02.11).
- **CC/MA/RCA/RMA/W-2** – This payment is disregarded. Agencies must not count it in determining financial eligibility, but document it in case comments.

18.2.5.2 “Match Grant” Income and Services

Currently, “Match Grant” benefits are available only to refugees in the Milwaukee and Sheboygan areas. They will be issued by the VOLAG. The Match Grant combines federal funding with matching VOLAG funds which can be used to support refugees in the manner in which the VOLAG determines. These payments can be provided up to 120 days after entry and can be extended up to 180 days in certain cases. The amount of cash received per month from this program can vary per refugee. The VOLAG will need to be contacted to verify participation and any monthly cash income amount received by the refugee.

“Match Grant” Treatment for Programs:

- **FS/MA/RMA/CC** - Count income actually received by refugee as unearned income.
- **W-2/RCA** - Refugees who receive cash income or services under the “Match Grant” program are not eligible for W-2 or RCA programs during the same period.

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18.3.0 Date of Entry/Time Limit

A refugee, asylee or entrant may receive financial or medical assistance, or both from the RAP for up to eight months. The eight-month clock begins the date s/he entered the United States (U.S.), or the date the grant of asylum was made. Thus, you may need to calculate a prorated grant for the first and last month's benefits.

EXAMPLE: If a refugee entered the US on 08-16-02, the eight months period expires on 04-15-03.

Partial payments will be issued during the first month of application, and the final month. For example: if the refugee applies on 08-17-02, pro-rate the initial payment from the eligibility begin date through the end of the month. When a refugee will reach the end of the eight-month eligibility period, provide notice of the termination of eligibility at least 10 days prior to the termination date.

(See forms DWSM-13753-E, DWSM-13753-E-B, DWSM-13753-E-R, DWSM-13753-E-H; DWSM-13758-E, DWSM-13758-E-B, DWSM-13758-E-R, DWSM-13758-E-H; DWSM-13767-E, DWSM-13767-E-B, DWSM-13767-E-R, DWSM-13767-E-H; DWSM-13768-E, DWSM-13768-E-B, DWSM-13768-E-R, DWSM-13768-E-H; and DWSM-13769-E, DWSM-13769-E-B, DWSM-13769-E-R, DWSM-13769-E-H. These notices are in English, BCS (Bosnian-Croatian-Serbian), Russian, and Hmong.)

Pro-rate the final payment from the beginning of the month to the end of eligibility.

If a refugee, asylee, or entrant has not received RCA or RMA in the eight-month time period from the date s/he entered the U.S. or acquired asylum status, s/he is no longer eligible for this assistance. There is no future eligibility for these programs.

EXAMPLE: A refugee applies for RCA and RMA on 10-03-02, after being in the US for nine months. Deny the application because the period of eligibility has lapsed.

Asylees may have been temporarily in the United State prior to being granted asylum status. Their eligibility clock begins with the date they were granted asylum, as indicated on their asylum letter.

For victims of trafficking, the “entry date” is the date of certification, which is contained in the certification letter.

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18.4 RCA Non-Financial Eligibility

18.4.0 RCA Non-Financial Eligibility

Eligibility for Refugee Cash Assistance is based on:

1. Ineligibility for W-2 paid placement, SSI, or Kinship Care (20.2.0);
2. Immigration Status (20.4.1);
3. Date of entry into US (20.3.0);
4. Compliance with employment and training requirements (20.7.0);
5. Lack of status as a full time student in higher education (20.4.2);
6. No job quit or employment refusal within 30 days prior to RCA application.

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18.4.1 Immigration Status

Individuals with any of the following statuses meet the Immigration Status requirement for Refugee Cash or Medical Assistance:

1. Individuals paroled as refugees or asylees under §212(d)(5) of the Immigration and Nationality Act (INA);
2. Refugees admitted under §207 of the INA ;
3. Asylees whose status was granted under §208 of the INA ;
4. Cuban and Haitian entrants, in accordance with the requirements in 45 CFR §401.2;
 - Any individual granted parole status as a Cuban/Haitian Entrant (Status Pending) or granted any other special status subsequently established under the immigration laws for nationals of Cuba or Haiti, regardless of the status of the individual at the time assistance or services are provided.
 - A national of Cuba or Haiti who was paroled into the United States and has not acquired any other status under the INA and with respect to whom a final, nonappealable, and legally enforceable order of removal, deportation or exclusion has not been entered.
 - A national of Cuba or Haiti who has an application for asylum pending with the INS and with respect to whom a final, nonappealable, and legally enforceable order of removal, deportation or exclusion has not been entered.
5. Certain Amerasians from Vietnam who are admitted to the U.S. as immigrants pursuant to §584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (as contained in §101(e) of Public Law 100-202 and amended by the 9th proviso under Migration and Refugee Assistance in Title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Acts, 1989 (Public Law 100-461 as amended), and
6. The Trafficking Victims Protection Act of 2000, Pub.L.No.106-386, division A, 114 Stat. 1464 (2000) makes adult victims of severe forms of trafficking who have been certified by the US Department of Health & Human Services eligible for refugee benefits. Children who are victims of trafficking do not need to be certified.

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18.4.2 Full Time Students

Refugees who are enrolled as full-time students in an institution of higher education are not eligible for receipt of RCA.

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18.5 RCA Financial Eligibility

18.5.0 RCA Financial Eligibility

Use the W-2 financial eligibility criteria found in Chapter 3. Note that R&P income described in Section 18.2.5.1 is not counted when determining RCA financial eligibility.

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18.5.1 Sponsor Income

When a sponsor of an alien signs a legally enforceable affidavit indicating s/he will provide financial support to the alien, this sponsor's income is usually deemed (considered available) when calculating eligibility for W-2, food stamps, and Medical Assistance benefits. However, refugees do not have this kind of legally responsible sponsor whose deemed income is used in the determination of financial eligibility. Income actually received by the refugee from their sponsor is used in the determination of financial eligibility.

A VOLAG or a state governmental agency working with the federal government has resettled most refugees and entrants. A current listing of VOLAGS can be found in Appendix IX. Contact the VOLAG and ask what assistance that sponsor is giving to the refugee, asylee, or entrant. Enter this information in the case record. Include the name of the refugee caseworker and voluntary resettlement agency's name and address. Work closely with these providers since they have linguistically and culturally appropriate staff as a resource. (See E&T Section [18.7.0](#))

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18.5.2 RCA Assistance Groups

[18.5.2.1 Teen Parent and Minor Children Assistance Groups](#)

The assistance group can be a primary adult person and his/her spouse without minor children. If an adult refugee becomes ineligible for a W-2 paid placement due to a change in circumstances in which there is no longer a dependent child in the household, redetermine eligibility for RCA for any remainder of the initial 8 month residence period in this country. Each single adult forms her/his own RCA assistance group, even if living in the same household with other RCA groups. In cases where the spouse in an assistance group has a different arrival date, consider the income of the already employed spouse when determining eligibility for 8 months of RCA for the group based on entry of the newly arriving spouse into the country.

18.5.2.1 Teen Parent and Minor Children Assistance Groups

Teen parents and their children can form an RCA assistance group. If either teen parent turns 18 during the RCA eligibility period, redetermine W-2 eligibility and remove the teen group from RCA IF the 18 year old is found to be eligible for a W-2 paid placement.

One or more minor siblings living in a single household with adult caretaker relatives (See 18.7.0) instead of their parents may form one assistance group and receive RCA while an application for Kinship Care is pending. One or more non-sibling minors living in a single household with adult caretaker relatives can each form their own assistance group for RCA while an application for Kinship Care is pending.

EXAMPLE: A household which consists of a mother, father and their minor children, the minor son and daughter of the mother's sister and the minor child of the mother's brother would form the following assistance groups: One W-2 AG consisting of wife, husband and their children, one RCA AG for the niece and nephew who are brother and sister and one RCA AG for the child of the mother's brother.

RCA for all minors with caretaker relatives will terminate upon acceptance in Kinship Care or completion of the 8 month RCA eligibility period, whichever comes first.

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18.5.3 Unavailable Resources

When determining financial eligibility and the amount of assistance, count financial resources that are available to the refugee or entrant. Resources considered not available include, but are not limited to, resources remaining in the country of origin, whether owned by the refugee, asylee or entrant or by a responsible relative.

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18.6.0 RCA Payment Levels

RCA will consist of three payment levels consistent with those payments for W-2 Trial Jobs, Community Service Jobs (CSJ) and W-2 Transitions (W-2T). The payment level will be assigned on the basis of level of job readiness. The monthly RCA payment amount for adults and teen parents will be the same as the appropriate W-2 level (CSJ or W-2T payment) for each month in which the participant meets employment and training requirements. For example, the CSJ payment level for RCA would typically be used for refugees who are employable but have barriers such as language, education, or work experience. The W-2T payment level for RCA would typically be used for those with more severe personal or family physical, mental, or cognitive barriers. The W-2 agency may also make a subsidy payment to an employer to help a refugee obtain employment, in accordance with the rules for Trial Jobs.

When minor children living with adult caretaker relatives form their own assistance group while they are pending Kinship Care, they will be paid at the CSJ payment level unless they have severe physical, mental, or cognitive barriers which provides a W2T level payment. RCA payment continues until Kinship Care is established.

Eligibility begins on the date of application. Use the W-2 application as an RCA application. Eligibility must be determined within seven working days of the first meeting with the FEP. The initial payment must be made within five working days following determination of eligibility and each monthly payment shall be made by the first of the month thereafter. RCA payment amounts are not reduced on an hourly basis for lack of participation. Rather, failure to participate may result in a sanction, as indicated in 18.8.0.

Eligibility ends eight months after the date of arrival in the United States. Therefore, the agency may need to make pro-rated payments at the beginning and end of any eligibility period, based upon the number of days eligible in relationship to the number of days in the month.

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18.7 Employment & Training (E&T)

18.7.0 Employment & Training (E&T)

All refugees must be enrolled in Employment and Training Services within 30 days of a determination of eligibility for RCA. Depending on the situation, the RCA E&T provider may be the Food Stamp Employment & Training (FSET) provider or a Refugee E&T provider who can provide culturally and linguistically appropriate services. RCA participants may be co-enrolled in both the FSET and Refugee E&T program services. RCA participants may be co-enrolled in unpaid W-2 case management services and in FSET, plus Refugee E&T program services if needed. However, an RCA participant cannot be co-enrolled in both FSET and paid placement W-2 services. In order to receive transportation funding from FSET and bilingual assistance resolving health-related problems, both FSET worker and Refugee E&T provider must coordinate appropriate services. For FSET eligible refugees, participation in FSET meets the criteria for participation in Refugee E&T. Participation in E&T under the Refugee or Match Grant program meets participation requirements for FSET.

Refugees who are FSET mandatory may be referred to either the FSET provider or the Refugee E&T provider, whichever agency is best able to serve the participant. Refugees who are not FSET mandatory must be referred to the Refugee E&T provider. If there is more than one adult in the case, both must be referred.

Participation in employment-related services will include any allowable services, as identified in the self-sufficiency plan developed by the refugee E&T provider or FSET worker in consultation with the client. These include but are not limited to:

1. Employment services, including development of a family self-sufficiency plan, world-of-work and job orientation, job clubs, job workshops, job development, referral to job opportunities, job search, and job placement and follow-up;
2. Employability assessment services, including interest, aptitude and skills testing;
3. English language instruction, including Vocational English as a Second Language (VESL), English as Second Language (ESL) must be concurrent with other services;
4. Vocational training, including driver education;
5. Skills recertification;
6. Trial job;
7. Work experience;
8. Transportation;

9. Translation and interpreter services;
10. Case management services; and
11. Assistance in obtaining Employment Authorization Documents (EADs).

In addition, the E&T provider may provide the following services:

1. Outreach services, including activities designed to familiarize refugees with available services, to explain the purpose of these services, and facilitate access to these services, and
2. Social adjustment services. Since refugees come from other countries, including many with much different cultures, in coordination with job-seeking services, the service provider may want to provide or refer the refugee to specific services that help with the acculturation process. These might include:
 - Emergency services, including assessment and short-term counseling to persons or families in a perceived crisis or those suffering from post-traumatic stress disorder; referral to appropriate resources; and/or making the arrangements for necessary services;
 - Health-related services, including information about the health care system; referral to appropriate resources; assistance in scheduling appointments and obtaining services; and one-on-one counseling or workshops to individuals or families to help them understand and identify their physical and mental health needs and maintain or improve their physical and mental health;
 - Home management services, including formal or informal instruction to individuals or families in management of household budgets, home maintenance, nutrition, housing standards, tenants' rights, and other consumer education services; and
 - Transportation, translation and interpreter services, and case management services, when these are necessary for a purpose other than in connection with employment or participation in employability services.

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18.7.1 Exemptions

No adult is exempt from the employment and training requirement. However, all activities required in the employment plan must be consistent with the needs and abilities of the participant.

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18.7.2 E&T Provider List

A list of specialized employment and training service providers for refugees is located in the Appendix IX. This list identifies providers who are funded by the DWD/DWS/BMLRS/Immigrant Integration Section. Participation in a program offered by one of the listed providers meets the requirements for participation in the FSET program.

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18.7.3 Employed Recipients

If a refugee, asylee, or entrant is both employed and income-eligible for financial assistance, the agency can make a prorated CSJ payment. If a participant is working ten or fewer hours in a week, s/he is eligible for 2/3 of a CSJ payment; if employed between ten and 20 hours per week, eligible for 1/2 CSJ; and if employed between 20 and 30 hours per week, eligible for 1/3 CSJ.

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18.8.0 Refusal to Comply And Sanctions in RCA

A refugee, asylee or entrant who is an adult member of an RCA assistance group must comply with any appropriate employment and training assignment, go to a job interview arranged by an employment and training agency, and accept any appropriate offer of employment. To be considered appropriate, employment or training must meet all of the following:

- Training must be within the scope of the participant's employability plan.
- Services or training must be related to the ability of the person to perform the task on a regular basis. Any claim of adverse effect on the participant's physical or mental health must be documented by a physician, or licensed or certified psychologist.
- The work site must meet federal, state and local health and safety requirements.
- Assignments to work or training may not be made which discriminate based on age, sex, race, creed, color, or national origin.
- Appropriate work may be temporary or permanent, full or part time, or seasonal.
- Wage paid must meet or exceed the appropriate federal or state minimum rate.
- Daily and weekly hours of work may not exceed the hours usually worked in this job.

Do not require the participant to accept employment if:

- The job is vacant due to a strike, lockout, or other bona fide labor dispute.
- Violates the rules of his/her existing union membership. However, employment not governed by that union's rules might be deemed appropriate.
- Make sure that the training meets the quality of training required by local employers, so that the participant is able to compete in the local labor market. Training must be designed to be likely to lead to employment.

If a participant fails to participate without good cause, the employment and training provider must immediately notify the FEP of the non-cooperation failure so the FEP can review the issues and provide a determination of good cause in regards to RCA program participation.

Good Cause reasons for RCA non-participation are:

W-2 Manual

1. A required court appearance which must include a required court appearance for a victim of domestic abuse.
2. Child care was necessary for participation in activities or to accept employment, and child care was unavailable and the E & T provider was unable to provide or refer the participant for alternate childcare arrangements.
3. Other circumstances beyond the control of the participant, but only as determined by the FEP.

It is important, though, that FEPs apply good cause in a culturally competent manner.

EXAMPLE: A practicing Muslim (whose religion prohibits the eating of pork or use of alcohol) cannot be sanctioned for refusing to butcher pigs or serve alcohol. This individual would have “good cause” for rejecting such an offer.

When the participant refuses to participate and good cause is not found, a sanction process will be used by the W-2 agency to suspend or terminate RCA payments. A sanction is defined as stoppage of RCA payments for a set period of time for non-cooperation when otherwise eligible for RCA. A first sanction will apply for a three-month period. If a second sanction occurs for non-cooperation without good cause by the same individual, then it will be applied for a six-month period. Because RCA eligibility can only extend for the first 8 months upon entry into this country, a second sanction will usually permanently terminate RCA payments for that individual. The following procedures will be used by the W-2 agency when applying a sanction:

- Give the refugee, asylee, or entrant at least 10 days advance written notice of the action for the intended suspension or termination of payment, length of sanction, and the reason for it. The notice will also include a notice of the recipient’s rights and how to appeal for an oral Hearing plus will include a compliance date for appeal submittal. Inform the participant that written RCA program policies are available in English and upon request will be translated verbally into their native language by the W-2 agency at no charge. The notice must be in English and either translated into the recipient’s language or a verbal translation provided.
- If no appeal is made by the required appeal date for single or married participants in an RCA assistance group, the W-2 Agency will suspend or terminate RCA payments to that assistance group for the time period required depending on whether it is a first or second sanction.

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- For an assistance group comprised of married persons, the non-sanctioned spouse can only apply for their own determination of RCA eligibility if that member no longer resides in the household of the sanctioned participant.
- If an appeal is filed as required, RCA payments may not be terminated until completion of written hearing findings. However, benefit recovery may be made by the RCA agency if hearing findings support the sanction.

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18.9.0 Fair Hearings

The State will use the fair hearing procedure used in the Income Maintenance Manual for food stamps and medical assistance to resolve disputes.

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18.10.0 Document Retention

Include in the case record:

1. Photo copy of INS form I-94, or letter of asylum, or certification of trafficking;
2. Name of the voluntary resettlement agency and refugee case worker;
3. Date of entry into the US or, for asylees, date of grant of asylum, or date of trafficking determination; and
4. Referral for E&T services to the refugee E&T agency, unless an FSET referral is documented in CARES

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18.11.0 Review

If a participant becomes employed, s/he must notify the caseworker within ten days. A participant must notify the FEP within ten days of any change in income or family status. Because of the short eligibility period, there is no required review period for RCA, but eligibility should be reviewed whenever a participant is scheduled for a regular review of any other benefits administered by the W-2 agency.

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18.12.0 Expenditure and Reimbursement

Since CARES is not programmed to support the RCA program, manually generated RCA payments are provided by the W-2 agency for up to 8 months after the refugee's official date of entry into this country.

W-2 agencies are reimbursed for their RCA and related administrative costs separate from their W-2 contract allocation. Related payment profiles 0133 and 0134 for W-2 agencies to claim reimbursement for RCA cash and administrative program costs are provided at DCF Internet site: <http://dcf.wisconsin.gov/refugee/forms.htm>

Forms for Caseload Reports are also available on the site above.

The Caseload Reports should be sent to:

DCF/DFES
Bureau of Working Families
201 E Washington Ave A200
Madison WI 53707-7972

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19 Other W-2 Resources

19.1 Emergency Payments

W-2 agencies must determine eligibility for an emergency payment for a participant who has an emergency need and is awaiting a first W-2 payment. Participants in a CSJ placement, Custodial Parent of an Infant placement, and W-2 T placement, are eligible in the period prior to their first W-2 payment. Trial Job participants are eligible in the period prior to their first paycheck from the Trial Job employer.

Emergency payments are one-time payments designed to meet an emergency need at the beginning of a W-2 episode. They are not an additional W-2 benefit. Emergency payments do not tick the clock because they qualify as non-recurrent, short-term benefits under the TANF definition of assistance.

Emergency payments may be used for needs such as shelter, food and work-related expenses, etc. They should be used in conjunction with other supports available to participants including Emergency Assistance, and referrals to the Children's Services Network (food pantries, etc.).

There is no limit on the emergency payment amount; each W-2 agency may choose to establish a range of payments (e.g., between \$25 and \$750). The W-2 agency may also choose to limit the payment to no more than once every 12 months. Participants are not required to repay emergency payments.

Emergency payments are not tracked through the CARES system, though workers should enter information about the payment in the case comments if a participant has received this payment.

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19.2 Transportation Assistance

19.2.1 Transportation Services

The *W-2* agency must provide transportation assistance services to applicants and participants when it is necessary to ensure participation in W-2 activities. The types of transportation services provided may vary from agency to agency based on the options in the area that are both available and reasonable. W-2 agencies must determine the types of transportation options that are reasonable to each participant's needs. A reasonable transportation option must meet all of the following criteria:

- The transportation option is safe;
- All out-of-pocket transportation costs are reasonable with respect to the applicant's or participant's income;
- The one-way travel time between home, childcare, and work or activities is no more than 60, or in some cases 90 minutes (W-2 Manual Chapter 11, Section 11.2.2.1.2); and
- All relevant factors have been considered, (e.g. whether the option is the most convenient and reliable one that also meets the other criteria).

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19.2.2 Eligibility for Transportation Services

All *W-2* applicants and participants are eligible for transportation assistance, so long as the transportation is necessary for *W-2* activities and childcare. *W-2* applicants are eligible for transportation assistance only if the transportation is necessary for up-front job search activities and childcare. *W-2* participants in any *W-2* placement are eligible for transportation assistance only if the transportation is necessary for *W-2* activities and childcare.

If the *W-2* agency wishes to use *W-2* funds to provide transportation assistance to individuals who are not in a *W-2* placement or who are not assigned to up-front job search, (e.g. persons receiving assistance through the Emergency Assistance Program), then the individual must apply for *W-2* and the *FEP* must place the person in a *W-2* case management position or assign up-front job search.

W-2 agencies must provide public transportation resources whenever the services are available, and will reasonably meet the participant's needs. In determining the best transportation alternative, the *FEP* must consider the reasonability criteria listed in 18.2.1. If public transportation is not available or reasonable, the *W-2* agency may provide the participant with private or personal transportation resources. For example, the *W-2* agency may pay for gas cards, private van services or refer the participant to the *W-2* Job Access Loan program (*W-2* Manual Chapter 13). If public transportation is not an option, the *W-2* agency must take whatever reasonable measures are necessary to overcome transportation barriers.

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19.2.3 Transportation Assistance Ticking the 60-Month Clock

A *W-2* participant who receives transportation assistance is subject to all TANF requirements pertaining to the 60-month lifetime limit and other nonfinancial specifications such as cooperation with child support.

TANF assistance includes payments, vouchers, and other forms of benefits designed to meet a family's ongoing needs (food, clothing, shelter, utilities, household goods, personal care items, and general incidental expenses).

W-2 participants in an unpaid, case management only, placement will not have their 60-month clock ticked for transportation if any of the following apply:

- They are employed for at least one hour per month;
- They are engaged in job search/readiness activities requiring child care;
- The transportation is not provided for longer than four months; or,
- The transportation services are provided via a group transportation or transportation capacity building project (e.g. someone who rides a TANF funded expanded bus route is not receiving assistance because the service does not have a direct monetary value to the individual family).

Therefore, several factors determine whether issuing transportation assistance to a participant in a case management only placement will tick the 60 month clock. When transportation assistance will have the effect of ticking a 60 month clock, the *FEP* must advise the participant of the potential impact and weigh the cost of using months of lifetime eligibility against the benefit of the service before assistance is given.

W-2 participants in CMC, ARP, Trial Job, CSJ, pro-rated CSJ, or W-2 T will not have their 60-month clock ticked for transportation because the clock will tick due to the receipt of TANF cash assistance.

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19.3 Caretaker Supplement

The Wisconsin Department of Health Services (DHS), which administers the state's Supplemental Security Income (SSI) program, also administers the SSI Caretaker Supplement (C-Supp) program. The program provides a monthly payment in addition to the SSI payment to help with the support of SSI recipients' dependent children. A monthly SSI Caretaker Supplement payment is issued for each eligible child. The payment amount is two hundred fifty dollars (\$250) for one eligible child and one hundred fifty dollars (\$150) for each subsequent eligible child in the household.

County or tribal social/human services agencies are responsible for administering the C-Supp program and providing policy information to the SSI recipient.

For the purpose of budgeting income for *W-2* eligibility, W-2 agencies must treat the monthly C-Supp payment as unearned income received by the SSI recipient.

Retroactive C-Supp payments are treated as a lump sum payment.

For additional information about the Caretaker Supplement program, see the Caretaker Supplement webpage at: <http://www.dhs.wisconsin.gov/ssi/caretaker.htm>.

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19.4 Kinship Care

The Department contracts with local social/human services agencies to administer the Kinship Care program. The program provides monthly payments to relatives (e.g. grandparents, aunts, uncles, etc.) who care for a minor relative child. Kinship Care is an alternative to placing these children in a foster home or other type of out-of-home placement, unless foster care placement or other out-of-home placement is in the best interests of the child.

Kinship Care can be either court-ordered, as an alternative to a foster care placement, or be voluntary based on the circumstances of individual families. The Kinship Care payment amount is two hundred twenty dollars (\$220) per child per month. In addition, Kinship Care children whose placement is court-ordered are categorically eligible for Medicaid, the Supplemental Nutrition Assistance Program (SNAP), and the Free School Lunch Program. The assumption is that children in Kinship Care are financially needy without income, except possibly child support.

The income and assets of the relative who cares for the Kinship Care child are not considered in the Kinship Care eligibility determination. Relatives receiving Kinship Care payments have no work requirements from the Kinship Care program. *W-2* agencies may refer a relative who potentially can care for a Kinship Care child to the appropriate local county or tribal social/human services agency.

For additional information about the Kinship Care program, see the Kinship Care webpage at: <http://dcf.wisconsin.gov/children/kinship/index.htm>.

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19.5 Burial Reimbursement

The Department of Health Services (DHS) administers the Wisconsin Funeral and Cemetery Aids Program (WFCAP) which provides reimbursement to eligible needy families, such as *W-2* participants, when the estate of the deceased individual is insufficient to pay the funeral and/or cemetery expenses.

The program may pay one thousand dollars (\$1,000) or the cemetery expenses that are not paid by the estate of the deceased and/or other persons, whichever amount is lower. No payment is made for cemetery expenses if the costs for cemetery expenses exceed four thousand five hundred dollars (\$4,500). The program may pay the lesser of one thousand five hundred dollars (\$1,500) or the funeral expenses not paid by the estate of the deceased and/or other persons. No payment is made for funeral expenses if the costs for funeral expenses exceed three thousand five hundred dollars (\$3,500).

For additional information on the Wisconsin Funeral and Cemetery Aids Program, see the Wisconsin Funeral and Cemetery Aids Program (WFCAP) at:

<http://www.dhs.wisconsin.gov/em/wfcap/index.htm>.

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Appendix

Appendix - Activity Codes

Definitions and Codes for Work Program Activities in CARES

AA – AODA Assessment

Valid for the following programs: W-2, LF, CF

Report this activity when participants are involved in an Alcohol and Other Drug Abuse (AODA) assessment by a qualified AODA provider.

For Federal Work Participation: Hours count as “Core” for no more than 240 hours for a single parent of a child under age six and 360 hours for all other work-eligible individuals. Hours may be counted for no more than 4 consecutive weeks. Timeframe for these limits is the preceding 12 months.

AD – Disability and Learning Assessment

Valid for the following programs: W-2, LF, CF, FSET

Report this activity when participants are involved in a formal assessment by DVR or other qualified assessing agency. This assessment will identify the appropriate level of work needed, accommodations, and learning capacity of the participant.

For Federal Work Participation: Hours count as “Core” for no more than 240 hours for a single parent of a child under age six and 360 hours for all other work-eligible individuals. Hours may be counted for no more than 4 consecutive weeks. Timeframe for these limits is the preceding 12 months.

AL – Physician’s Assessment

Valid for the following programs: W-2, LF, CF

Report this activity when participants are involved in a physician’s assessment to determine the participant’s physical limitations due to medical conditions.

For Federal Work Participation: Hours count as “Core” for no more than 240 hours for a single parent of a child under age six and 360 hours for all other work-eligible individuals. Hours may be counted for no more than 4 consecutive weeks. Timeframe for these limits is the preceding 12 months.

AM – Mental Health Assessment

Valid for the following programs: W-2, LF, CF

Report this activity when participants are currently involved in a mental health assessment by a qualified mental health provider.

For Federal Work Participation: Hours count as “Core” for no more than 240 hours

for a single parent of a child under age six and 360 hours for all other work-eligible individuals. Hours may be counted for no more than 4 consecutive weeks. Timeframe for these limits is the preceding 12 months.

AR – SS(D)I Advocacy Review

Valid for the following programs: W-2

Report this activity when the W-2 Employment Agency (WEA) is in the process of reviewing or considering if a participant is appropriate for referral to the SSI/SSDI Agency (SSIA).

Note: No hours of participation are reported with this activity. It is entered for tracking purposes. This activity is to be used in Milwaukee only; once a referral has been accepted by the SSIA, the SD activity code must be used.

AV – Domestic Violence Assessment and Supportive Services

Valid for the following programs: W-2, CF

Report this activity for a participant who is receiving services for domestic violence. This includes assessment and supportive services, such as counseling, temporary shelter, legal assistance, etc.

For Federal Work Participation: *This activity is not counted for Federal Work Participation requirements.*

A1 - Post Secondary Education (PSE) Less than 2 Years

Valid for the following programs: FSET

Report this activity if the PSE course of study is six months or more, but less than two years.

- This will typically include the two-semester certificate or diplomas course work offered by local WTCS campuses.
- It does not include work towards an associate degree that normally takes four semesters.

BE – Adult Basic Education (ABE)

Valid for the following programs: W-2, CF, FSET

Report this activity for participants who are engaged in an Adult Basic Education (ABE) course that is not tied to participation in a job skills training. ABE is instruction designed to focus on the areas of reading, mathematics, communication skills, social studies, physical sciences, health, and career education. ABE consists of 3 levels:

1. Level 1, or Beginning ABE:
Instruction designed for adults whose academic functioning level is comparable to grades 0 - 5.9.
2. Level 2, or Intermediate ABE:
Instruction designed for adults whose academic functioning level is comparable to grades 6.0 - 8.9.

3. Level 3 or Adult Secondary Education (ASE):

Instruction, which delivers competencies, academic or occupational, comparable to that offered in secondary schools (grades 9.0 - 12.9).

Up to one hour of unsupervised study time for each hour of class time plus supervised study time may also be assigned under this activity and tracked for attendance purposes. A statement from the educational program indicating the amount of study time required must be used to determine the assignment of hours.

For Federal Work Participation: Hours count as “Non-Core.”

CA – AODA Counseling

Valid for the following programs: W-2, LF, CF

Report this activity when the participant attends AODA Counseling prescribed by an AODA-related Health Care professional.

For Federal Work Participation: Hours count as “Core” for no more than 240 hours for a single parent of a child under age six and 360 hours for all other work-eligible individuals. Hours may be counted for no more than 4 consecutive weeks. Timeframe for these limits is the preceding 12 months.

CC – Child Care Related Activities

Valid for the following programs: W-2

Report this activity for an applicant or participant who is engaged in activities to secure child care arrangements in order to participate in work activities. This may include contacting a child care resource and referral network, researching availability of child care, touring child care facilities, and interviewing child care providers.

For Federal Work Participation: This activity is not counted for Federal Work Participation requirements.

CD – Caring for Disabled Child

Valid for the following programs: W-2

Report this W-2 activity for the hours of care provided by a participant for a dependent child with a disability or incapacitation. Additionally, a medical provider must document the need for the participant to be the sole provider of care. This code should not be used for CMC participants.

For Federal Work Participation: Reporting this activity for a participant will exclude that family from Federal Work Participation calculations.

CE – Career Planning & Counseling

Valid for the following programs: W-2, LF, CF, FSET

Report this activity for participants receiving services geared towards assessment of a

participant's career interests and guidance in the career planning process. Examples of activities include:

- Career assessments, including work patterns, skills and abilities
- Educational needs assessments, (e.g. TABE Testing)
- Career exploration/job shadowing,
- Reviewing labor market information and training opportunities, and
- Career guidance and counseling.

For Federal Work Participation: Hours count as "Core" for no more than 240 hours for a single parent of a child under age six and 360 hours for all other work-eligible individuals. Hours may be counted for no more than 4 consecutive weeks. Timeframe for these limits is the preceding 12 months.

CF – Caring for Other Family Member

Valid for the following programs: W-2

Report this W-2 activity for the hours of care provided by a participant for a W-2 Group member with a disability or incapacitation other than a child or care of a foster child.

Additionally, a medical provider must document the need for the participant to be the sole provider of care. Reporting this activity for a participant will exclude that family from TANF Work Participation calculations.

For Federal Work Participation: Reporting this activity for a participant will exclude that family from Federal Work Participation calculations.

CL – Learnfare Counseling

Valid for the following program: LF

Report this activity when the Learnfare participant is engaged in counseling to address one or more barriers to school attendance or problems identified by the participant that are not addressed by any other counseling participation.

These meetings should be used by staff to assist participants in gaining a better understanding of themselves in relation to school or family, or to make other personal adjustments to succeed in reaching educational goals.

CM – Mental Health Counseling

Valid for the following programs: W-2, LF, CF

Report this activity when the participant engages in Mental Health counseling that has been prescribed by a mental health professional.

For Federal Work Participation: Hours count as "Core" for no more than 240 hours for a single parent of a child under age six and 360 hours for all other work-eligible individuals. Hours may be counted for no more than 4 consecutive weeks. Timeframe for these limits is the preceding 12 months.

CP – Child Support Payment

Valid for the following programs: CF

Use this tracking status when a Children First participant routinely pays his/her child support payment. It may be used simultaneously with all other activities.

CR – Career Advancement Services

Valid for the following programs: W-2, CF

Report this activity for employed participants exploring and pursuing career advancement opportunities. An actual career advancement plan should be developed, describing the steps and actions required to meet career advancement goals. Other acceptable activities include:

- Assisting the participant in accessing career advancement services, such as undergoing further occupational assessment and/or
- Enrolling in appropriate education/training programs, or
- Accessing career advancement opportunities offered through the employer, like career ladders program.

The length of time in this activity should reflect the time spent developing the career plan and doing career exploration.

For Federal Work Participation: Hours count as “Core” for no more than 240 hours for a single parent of a child under age six and 360 hours for all other work-eligible individuals. Hours may be counted for no more than 4 consecutive weeks. Timeframe for these limits is the preceding 12 months.

CS – Community Service

Valid for the following program: CF

Report this activity when a participant is engaged in community service activities. Community service activities may include:

- volunteer work,
- participation in a community activity, and
- other types of community service.

The type of community service activity should be documented in case notes.

CT – Customized Skills Training

Valid for the following programs: CF

Report this activity when training is arranged and engaged to meet the specific employment needs of an employer, such as addressing labor shortages for a specific occupation, where the employer is involved in developing the training program.

In addition, there is an agreement that the employer will employ individuals who successfully complete the training program.

DR – Drivers Education

Valid for the following programs: W-2, LF, CF, FSET

Report this activity when a participant is enrolled in a course of study that includes both classroom and behind-the-wheel instruction designed to prepare the student to pass the Wisconsin Driver's License Examination.

This activity may also be used to reflect those hours a participant attends classes in order to have a Driver's License reinstated.

For Federal Work Participation: This activity is not counted for Federal Work Participation requirements.

EC – Child Care for Employment Skills Training (2 Year)

Valid for the following programs: W-2

Report this activity for tracking when a W-2 participant is receiving up to two years of FEP authorized child care to enable the participant to engage in voluntary educational and training activities.

EI – Employer Intervention Services

Valid for the following programs: W-2, LF, CF

Report this service when it is directed at the employer to facilitate the resolution of job retention barriers faced by the participant. These services could include:

- enhancing communication channels between the employer and participant,
- employer counseling,
- suggesting acceptable work-site accommodations, and
- other on-site interventions with the employer on behalf of the participant.

The length of the service should reflect the time working with the employer.

For W-2: This activity is used to record and track employer intervention services provided by the W-2 agency. To record employment retention activities required by the participant, use the Job Retention Services (JR) activity code.

For Federal Work Participation: This activity is not counted for Federal Work Participation requirements.

EL – ESL (English as a Second Language)

Valid for the following programs: W-2, LF, CF, FSET, TJDP

Report this activity for participants who are engaged in English as a Second Language (ESL) course that is not tied to participation in job skills training. ESL is a course of study intended to teach English skills related to reading, writing, speaking, and listening to students whose primary language is not English. The purpose of assigning ESL is to prepare participants for employment.

Up to one hour of unsupervised study time for each hour of class time plus supervised study time may also be assigned under this activity and tracked for attendance

purposes. A statement from the educational program indicating the amount of study time required must be used to determine the assignment of hours.

For Federal Work Participation: Hours count as “Non-Core.”

EN – Enrollment

Valid for the following programs: W-2, LF, CF, FSET

This activity is automatically entered when enrollment is reported for a participant by completing WPEN.

EO – Enrollment with Orientation

Valid for the following programs: W-2, LF, CF, FSET

This activity is automatically entered when Enrollment with Orientation is reported for a participant by completing WPEN.

ES – Employment Search

Valid for the following programs: W-2, CF, FSET

Report this 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;
- Meeting with a job developer;
- Attending a structured job search workshop;
- 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; and
- Interviewing for jobs.

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.

For Federal Work Participation: Hours count as “Core” for no more than 240 hours for a single parent of a child under age six and 360 hours for all other work-eligible individuals. Hours may be counted for no more than 4 consecutive weeks. Timeframe for these limits is the preceding 12 months.

FC – Family Member Treatment/Counseling

Valid for the following programs: W-2

Report this activity when a participant is attending appointments on a weekly basis for another W-2 Group member’s medical, AODA mental health needs, or other treatment/counseling

For Federal Work Participation: This activity is not counted for Federal Work Participation requirements.

GE – GED (General Educational Development)

Valid for the following programs: W-2, LF, CF, FSET, TJDP

Instruction designed to prepare adults for the Tests of General Educational Development (GED). A Certificate of General Educational Development is issued by the Department of Public Instruction (DPI) upon attainment of satisfactory scores on the GED tests. A person must be a Wisconsin resident who is at least 18 years and six months old OR whose high school class has graduated in order to take the GED tests.

Up to one hour of unsupervised study time for each hour of class time plus supervised study time may also be assigned under this activity and tracked for attendance purposes. A statement from the educational program indicating the amount of study time required must be used to determine the assignment of hours.

For Federal Work Participation: Hours count as “Non-Core,” except for Teen Parents ages 18 and 19 with no High-School diploma who can meet their Federal Work Participation requirement by participation in this activity.

HE – HSE (High School Equivalency Diploma)

Valid for the following programs: W-2, LF, CF, FSET, TJDP

Adult educational activities designed to prepare adults to take the tests and courses that lead to a High School Equivalency Diploma (HSED). An HSED is earned by taking all of the GED tests and a health, citizenship, employability skills, and career-awareness program OR completing any missing high school credits. Additional information on HSED or GED can be obtained from the Wisconsin Department of Public Instruction website.

Up to one hour of unsupervised study time for each hour of class time plus supervised study time may also be assigned under this activity and tracked for attendance purposes. A statement from the educational program indicating the amount of study time required must be used to determine the assignment of hours.

For Federal Work Participation: Hours count as “Non-Core,” except for Teen Parents ages 18 and 19 with no High-School diploma who can meet their Federal Work Participation requirement by participation in this activity.

HR – Housing-Related Activities

Valid for the following programs: W-2, CF

Report this activity for those participants experiencing a housing crisis and in need of stabilizing their living situation. This may include guided or self-directed housing search, relocating to get out of a domestic abuse situation and housing education sessions at community agencies.

This activity should be used in conjunction with assignment to other W-2 activities until permanent housing is secured.

For Federal Work Participation: This activity is not counted for Federal Work Participation requirements.

JR – Job Retention Services

Valid for the following programs: W-2, CF

Report this activity when services are provided directly to participants to assist them with maintaining unsubsidized employment. The types of services that can be provided include:

- Reviewing workplace demands and employer expectations
- Mediation of conflicts on the job;
- Strategies to help the individual stay employed
- Job specific problem solving
- Crisis resolution

For Federal Work Participation: Hours count as “Core” for no more than 240 hours for a single parent of a child under age six and 360 hours for all other work-eligible individuals. Hours may be counted for no more than 4 consecutive weeks. Timeframe for these limits is the preceding 12 months.

JS – Job Skills Training

Valid for the following programs: W-2, CF, FSET, TJDP

Assign this activity:

1. when a participant enrolls in a short-term job skills training (no less than 40 hours of class room time and no more than 516 hours in length) that the W-2 agency has worked with the participant to arrange.
2. to individuals who enter W-2 already engaged in a job skills training program and:
 - a. the individual has one semester/6 months or less to complete their program, but no more than 516 hours remaining; and
 - b. the W-2 agency determines that completing the program will help the individual obtain employment.

The training must provide skills to help the participant obtain employment or to advance or adapt to the changing demands of the workplace. Training may include customized skills training to meet the needs of a specific employer or it can be general training that prepares an individual for a specific occupation within a particular employment sector.

The training activity must be specific to the participant’s immediate employment goal.

Up to one hour of unsupervised study time for each hour of class time plus supervised study time may be assigned under this activity and tracked for attendance purposes. A statement from the educational program indicating the amount of study time required will be used to determine the assignment of hours.

Examples of job skills training include:

- Welding
- Hospitality
- Data Entry
- Medical Assistant

Total assigned hours must never exceed 40 hours per week.

For Federal Work Participation: Hours count as “Core” for no more than 12 months during the lifetime of the participant. After 12 months, hours count as “Non-Core.”

LA – Court-Related/Legal Appointments

Valid for the following programs: W-2, CF

Activities where participant is scheduled for court-ordered appointments for self and/or children. This may include:

- child welfare home visits and Wrap-Around staffing sessions,
- child support hearings and legal meetings with attorneys,
- probation and parole appointments, and
- Huber-related activities.

For Federal Work Participation: *This activity is not counted for Federal Work Participation requirements.*

LF – Life Skills

Valid for the following programs: W-2, CF

Report this activity for participants who are engaged in activities that teach basic life skills that allow them to succeed in the workforce. Activities may include:

- Balancing Life and Work
- Budgeting
- Household management
- Interpersonal skills
- Decision making skills
- Time management
- Strengthening parenting skills and understanding family relationships;
- Family nutrition;
- How to work with the government, legal and school systems;
- How to request reasonable accommodations, and how to understand equal employment laws; and

- How to select quality child care, and develop a plan for back up child care emergencies and when the child or provider is sick.

For Federal Work Participation: Hours count as “Core” for no more than 240 hours for a single parent of a child under age six and 360 hours for all other work-eligible individuals. Hours may be counted for no more than 4 consecutive weeks. Timeframe for these limits is the preceding 12 months.

LS – Literacy Skills

Valid for the following programs: W-2, CF, FSET

Report this activity for participants who are engaged in a literacy skills course that is not tied to participation in job skills training. Literacy Skills is a course aimed at teaching reading, writing, math, and communication skills necessary to prepare a participant to participate in ABE, occupational programs, or unsubsidized employment. Instruction may be provided in a formal educational institution, through a literacy council, or through another provider.

Up to one hour of unsupervised study time for each hour of class time plus supervised study time may also be assigned under this activity and tracked for attendance purposes. A statement from the educational program indicating the amount of study time required must be used to determine the assignment of hours.

For Federal Work Participation: Hours count as “Non-Core.”

MN – Mentor/Coach

Valid for the following programs: W-2, CF

Report this activity for participants assigned hours in which they are required to interact with their mentor/coach. Mentoring pairs more skilled or experienced individuals with a newly employed participant to help him/her succeed in the workplace. The agency maintains ongoing supervision of, and support for, mentors and mentees.

For Federal Work Participation: Hours count as “Core” for no more than 240 hours for a single parent of a child under age six and 360 hours for all other work-eligible individuals. Hours may be counted for no more than 4 consecutive weeks. Timeframe for these limits is the preceding 12 months.

MO – Job Readiness/Motivation

Valid for the following programs: W-2, CF, FSET

Report this activity for applicants and participants who are engaged in classes and activities specifically designed to prepare them for work. Activities are geared at learning general workplace expectations, work behavior and job retention skills necessary to successfully compete in the labor market.

A high-quality job readiness program uses various techniques and approaches to build self-esteem and increase self-confidence. Attendance at scheduled sessions must last at least one hour. Examples of job readiness/motivation sessions include:

- Workshops on effective job seeking and interviewing skills;
- Resume creation, preparation, development and updating;
- Developing networking skills;
- Communication skills, personality types, and ability to relate to others;
- Instruction in workplace expectations (including instruction on appropriate attire);
- Workshops on self-esteem, goal setting, etc.;
- Courses on basic computer skills and use of internet; and
- Workshops on soft skills like punctuality, attendance, following directions, teamwork, getting along with others in the workplace, etc.

Activity may be completed independently or in a group setting.

For Federal Work Participation: Hours count as “Core” for no more than 240 hours for a single parent of a child under age six and 360 hours for all other work-eligible individuals. Hours may be counted for no more than 4 consecutive weeks. Timeframe for these limits is the preceding 12 months.

MP – Ongoing Medical/Personal Care

Valid for the following program: W-2, CF

Report this activity when a participant is involved in ongoing medical appointments or during timeframes when a participant cannot be assigned to other work activities due to medical restrictions that are expected to last more than six months. The medical restrictions and the expectation that the activity will last more than six months must be certified by a qualified medical or mental health professional.

For Federal Work Participation: This activity is not counted for Federal Work Participation requirements.

NC – Non-compliance

Valid for the following program: LF, CF

Report this activity when a Children First participant is not in compliance with program activities because of:

- non-cooperation,
- non-attendance, or
- failure to participate in assigned activities.

The Children First case manager proceeds with the Children First Fact Finding process (see Children First Program Guide).

If the participant signs the Reconciliation Agreement/plan, end the non-compliance and place the participant in the appropriate activity.

If the participant does not respond or fails to participate in the Fact Finding process, notify the child support agency via Affidavit of Non-Compliance and disenroll the participant.

NE – Non-approved Education & Training

Valid for the following programs: W-2, CF, FSET

Report this activity when an individual is participating in an educational activity, which is not required by the work program. It assists the case manager in tracking individuals who are voluntarily participating in additional educational activities.

For W-2: Hours do not count toward W-2 program requirements.

For Federal Work Participation: This activity is not counted for Federal Work Participation requirements.

OC – Occupational Testing

Valid for the following programs: W-2, LF, CF, FSET

Report this activity for participants engaged in testing related to employment. Testing may include:

- Exploration
- Aptitude,
- Skills, and
- Interest testing and interpretation.

For Federal Work Participation: Hours count as “Core” for no more than 240 hours for a single parent of a child under age six and 360 hours for all other work-eligible individuals. Hours may be counted for no more than 4 consecutive weeks. Timeframe for these limits is the preceding 12 months.

OJ – On-The-Job Training (OJT)

Valid for the following programs: W-2, LF, CF, FSET

Report this activity when a participant is in a paid job that is subsidized by a program other than W-2 or the Transitional Jobs Demonstration Project (TJDP). This includes, but is not limited to:

- Workforce Investment Act (WIA) OJT,
- Division of Vocational Rehabilitation (DVR) Work Experience,
- Trade Adjustment Assistance (TAA) Act OJT,
- Youth Apprenticeship,
- Adult Apprenticeship,
- Employment subsidized by:
 - Experience Works,
 - Senior Community Services Program,
 - Volunteers in Service to America (VISTA) workers.

For Federal Work Participation: This activity is not counted for Federal Work Participation requirements.

OR – Program Orientation

Valid for the following programs: W-2, LF, CF, FSET, TJDP

Report this activity when an individual participates in a set of activities designed to orient the individual to the employment and/or training program.

It may be used to indicate that orientation has occurred for an individual currently open (enrolled) in a different work program.

Example: An individual is currently open for W-2 and then becomes a Children First participant.

PA – Parenting Skills

Valid for the following programs: W-2, CF

Report this activity for participants who are engaged in activities that teach effective parenting skills. Activities may include:

- Parenting techniques
- Nutrition
- Family planning
- Behavior modification

For Federal Work Participation: This activity is not counted for Federal Work Participation requirements.

PD – Personal Development

Valid for the following programs: W-2, CF

Report this activity for participants who are engaged in activities that promote a healthier lifestyle but the activity has not been determined to be medically necessary. The activity must be assigned with the goal of moving the participant towards employment. These activities may include, but are not limited to:

- Personal journaling
- Motivational reading
- Exercise at home
- Smoking cessation
- Weight loss promotion
- Ongoing support groups for domestic violence, Alcoholics Anonymous, Narcotics Anonymous, etc.

For Federal Work Participation: This activity is not counted for Federal Work Participation requirements.

PR – Physical Rehabilitation

Valid for the following programs: W-2

Report this activity for participants who are engaged in an activity that meets the following criterion:

1. Determined to be medically necessary;
2. Anticipated to last six months or less; and
3. Geared towards helping the individual recover from a medical condition so that s/he may enter or re-enter the workforce.

The determination that the activity is medically necessary and the expectation that the rehabilitation activity will last six months or less must be certified by a qualified medical or mental health professional.

This activity should not be assigned when a participant is in the process of applying for SSI or SSDI and the W-2 agency or another provider is providing related advocacy services.

For Federal Work Participation: Hours count as “Core” for no more than 240 hours for a single parent of a child under age six and 360 hours for all other work-eligible individuals. Hours may be counted for no more than 4 consecutive weeks. Timeframe for these limits is the preceding 12 months.

RS – Regular School (K - 12)

Valid for the following programs: W-2, LF, CF, FSET

Report this activity when the participant is:

- Enrolled in an education program (kindergarten through 12th grade levels) at a public or private school,
- At a Wisconsin Technical College System (WTCS) school in a program that will include a high school diploma, or
- At a Department of Public Instruction (DPI) registered home educational program including home based and home school instruction.

Up to one hour of unsupervised study time for each hour of class time plus supervised study time may also be assigned under this activity and tracked for attendance purposes. A statement from the educational program indicating the amount of study time required must be used to determine the assignment of hours.

For Federal Work Participation: Hours count as “Non-Core,” except for Teen Parents ages 18 and 19 with no High-School diploma who can meet their Federal Work Participation requirement by participating in this activity.

SD – SS(D)I Advocacy/Application

Valid for the following programs: W-2

Report this activity when the W-2 participant is in the process of obtaining SSI or SSDI and the W-2 agency or another provider is providing related services. Examples include meeting with an SSI advocate or attorney, working with the FEP on filling out the SSI forms, attending hearings, etc.

Note: No hours of participation are reported with this activity. It is entered for tracking purposes.

SW – Paid Work Experience in the public sector, not funded by TANF

Valid for the following program: W-2, CF

This is a supervised paid work training activity in a public sector organization such as a government entity in which the subsidized wages to the participant are provided by a source other than TANF funds.

This activity includes activities conducted by the W-2 agency or other work training provider to prepare a participant for a specific work site and the job site must have a training site supervisor.

The activity must serve a useful public purpose or be a project in which its costs are partially or wholly offset by revenue generated by such projects. The program funding agency must provide Worker's Compensation and Unemployment Insurance.

For Federal Work Participation: Hours count as "Core".

SZ - Paid Work Experience in the private sector, not funded by TANF

Valid for the following program: W-2, CF

This is a supervised paid work training activity in a private sector entity in which the subsidized wages to the participant are provided by a source other than TANF funds.

This activity includes activities conducted by the W-2 agency or other work training provider to prepare a participant for a specific work site and the job site must have a training site supervisor.

The activity must serve a useful public purpose or be a project in which its costs are partially or wholly offset by revenue generated by such projects. The program funding agency must provide Worker's Compensation and Unemployment Insurance.

For Federal Work Participation: Hours count as "Core".

TC – Technical College Activities

Valid for the following programs: W-2

Assign this activity when CSJ and W-2 T participants are:

1. Enrolled full-time (up to 15 hours per week) in a program offered through the Wisconsin Technical College System that requires between one and two years of class-time to complete; and
2. Employed or assigned 25 hours of work activities per week.

The 25 hours must include the study time required for the program (see new Technical College Study Time - TT activity defined below) as well as other work activities that relate to the training the participant is engaged in that will improve the likelihood of

obtaining employment once the training is completed. This may include activities such as work study/internships, career planning and counseling, job shadowing and work experience activities that relate to the training program.

For Federal Work Participation: Hours count as “Core” for no more than 12 months during the lifetime of the participant. After 12 months, hours count as “Non-Core.”

TJ – Trial Job/Private Employer

Valid for the following programs: W-2

Report this activity for a W-2 participant placed in a Trial Job within the private sector (employer is not a government entity). It is initially reported for a 3-month period.

The activity can be updated if the Trial Job contract is extended.

Only one member of a W-2 Group may be reported in this activity at a time.

For W-2: The hours assigned under this activity should be equivalent to the number of hours the participant engages each week in a Trial Job. **For Federal Work Participation:** This activity is not counted for Federal Work Participation requirements because Trial Job participants are not included in the Federal Work Participation rate.

TP – Trial Job/Public Employer

Valid for the following programs: W-2

Report this activity for a W-2 participant placed in a Trial Job within the public sector (employer is a government entity). It is initially reported for a 3-month period.

The activity can be updated if the Trial Job contract is extended.

Only one member of a W-2 Group may be reported in this activity at a time.

For W-2: The hours assigned under this activity should be equivalent to the number of hours the participant engages each week in a Trial Job. **For Federal Work Participation:** This activity is not counted for Federal Work Participation requirements because Trial Job participants are not included in the Federal Work Participation rate.

TS – Transitional Jobs (Subsidized)

Valid for the following program: TJDP

Report this activity for hours of work in a transitional job when the TJDP participant is enrolled in the subsidized work phase.

TT - Technical College Study Time

Valid for the following program: W-2

Assign this activity when study time is needed for the participant to successfully complete a Technical College program. Up to one hour of unsupervised study time for

each hour of class time plus supervised study time may also be assigned under this activity and tracked for attendance purposes. A statement from the educational program indicating the amount of study time required must be used to determine the assignment of hours. The study time must be counted towards the 25 hour Technical College work requirement (see definition for Technical College - TC activity).

Only assign this activity when the participant is assigned Technical College – TC.

For Federal Work Participation: Hours count as “Core” for no more than 12 months during the lifetime of the participant. After 12 months, hours count as “Non-Core.”

UA – Unassigned

Valid for the following programs: CF, FSET

Report this only if a participant has completed the enrollment process, is between assignments and is currently not assigned to any other activity.

UC – Up-front Career Planning

Valid for the following programs: W-2, CF

Report this activity for applicants who receive up-front services geared toward assessment of an individual’s career interests and guidance in the career planning process. Examples of activities include:

- Career assessments;
- Educational needs assessment (e.g. TABE Testing);
- Career exploration/job shadowing;
- Reviewing labor market information and training opportunities; and
- Career guidance and counseling

This activity must be ended at time of W-2 placement.

For Federal Work Participation: This activity is not counted for Federal Work Participation requirements.

UE – Up-front Employment Search

Valid for the following programs: W-2, CF

Report this activity for applicants who are engaged in up-front 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;
- Meeting with a Job Developer;
- Attending a structured job search workshop, such as Job Club
- 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 job.

This activity must be ended at time of W-2 placement.

For Federal Work Participation: *This activity is not counted for Federal Work Participation requirements.*

UN – Unsubsidized Employment

Valid for the following programs: TJDP

Report this activity when a participant engages in unsubsidized employment during any of the three phases of TJDP.

UR – Up-front Job Readiness / Motivation

Valid for the following programs: W-2, CF

Report this activity for applicants who are engaged in up-front classes or activities specifically designed to prepare them for work. Activities are geared at learning general workplace expectations, work behavior and job retention skills necessary to compete successfully in the labor market.

A high-quality job readiness program uses various techniques and approaches to build self-esteem and increase self-confidence. Attendance at scheduled sessions must last at least one hour. Examples of job readiness/motivation sessions include:

- Workshops on effective job seeking and interviewing skills;
- Resume creation, preparation, development and updating;
- Developing networking skills;
- Communication skills, personality types, and ability to relate to others;
- Instruction in workplace expectations (including instruction on appropriate attire);
- Workshops on self-esteem, goal setting, etc;
- Course on basic computer skills and use of internet; and
- Workshops on soft skills like punctuality, attendance, following directions, teamwork, getting along with others in the workplace, etc..

Activity may be completed independently or in a group setting.

This activity must be ended at time of W-2 placement.

For Federal Work Participation: *This activity is not counted for Federal Work Participation requirements.*

VA – Vocational Adult Basic Education

Valid for the following programs: W-2, CF, FSET

Report this activity for participants who are assigned to an Adult Basic Education (ABE) course this is completed as a part of a job skills training program. The course must be of limited duration and be a necessary or regular part of the job skills training. ABE is

instruction designed to focus on the area of reading, mathematics, communication skills, social studies, physical sciences, health, and career education. ABE consists of three levels:

1. Level 1, or Beginning ABE:
Instruction designed for adults whose academic functioning level is comparable to grades 0-5.9.
2. Level 2, or Intermediate ABE:
Instruction designed for adults whose academic functioning level is comparable to grades 6.0-8.9.
3. Level 3 or Adult Secondary Education (ASE) Instruction which delivers competencies, academic or occupational, comparable to that offered in secondary schools (grades 9.0-12.9).

Up to one hour of unsupervised study time for each hour of class time plus supervised study time may also be assigned under this activity and tracked for attendance purposes. A statement from the educational program indicating the amount of study time required must be used to determine the assignment of hours.

For Federal Work Participation: Hours count as “Core” for no more than 12 months during the lifetime of the participant. After 12 months, hours count as “Non-Core.”

VE – Vocational English-as-a-Second-Language

Valid for the following programs: W-2, CF, FSET

Report this activity for participants who are assigned to an English-as-a-Second-Language (ESL) course that is completed as part of a job skills training program.

The course must be of limited duration and be a necessary or regular part of the job skills training. ESL is a course of study intended to teach English-speaking skills related to reading, writing, speaking and listening to students whose primary language is not English.

Up to one hour of unsupervised study time for each hour of class time plus supervised study time may also be assigned under this activity and tracked for attendance purposes. A statement from the educational program indicating the amount of study time required must be used to determine the assignment of hours.

For Federal Work Participation: Hours count as “Core” for no more than 12 months during the lifetime of the participant. After 12 months, hours count as “Non-Core.”

VL – Vocational Literacy Skills

Valid for the following programs: W-2, CF, FSET

Report this activity for participants who are assigned to a Literacy Skills course that is completed as part of a job skills training program. The course must be of limited duration and be a necessary or regular part of the job skills training.

Vocational Literacy Skills is a course of study aimed at teaching reading, writing, math and communication skills necessary to prepare a participant to participate in job skills training. Instruction may be provided in a formal educational institution, through a literacy council or through another provider.

Up to one hour of unsupervised study time for each hour of class time plus supervised study time may also be assigned under this activity and tracked for attendance purposes. A statement from the educational program indicating the amount of study time required must be used to determine the assignment of hours.

For Federal Work Participation: Hours count as “Core” for no more than 12 months during the lifetime of the participant. After 12 months, hours count as “Non-Core.”

WE – Work Experience

Valid for the following programs: W-2, LF, CF

This is a supervised unpaid work training activity with either:

- a public business or organization,
- private not-for-profit business or organization, or
- a private-for-profit business or organization.

Work Experience includes orientation activities conducted either by the W-2 agency or the work training site provider that prepare a participant for a specific work site.

The activity must serve a useful public purpose or be a project whose cost is partially or wholly offset by revenue generated by such projects. The program agency must provide Workers Compensation liability for the Work Experience job site.

The job site must have a work training site supervisor.

For Federal Work Participation: Hours count as “Core.”

WF – Working Full-Time

Valid for the following programs: W-2, LF, CF, FSET

Report this activity when a participant is working in unsubsidized employment 30 or more hours per week (or an average of 30 hours per week or more for the month).

If the participant works more than one job and the sum of hours worked for all jobs meets 30 or more hour per week (or an average of 30 hours per week or more for the month), the Working Full-Time activity is reported.

For Federal Work Participation: Hours count as “Core.”

WP – Working Part-Time

Valid for the following programs: W-2, LF, CF, FSET

Report this activity when a participant is working in unsubsidized employment less than 30 hours per week (or an average of less than 30 hours per week for the month).

(Note: If the participant begins an additional unsubsidized job and the sum of work hours from all jobs meets the 30 hours per week rule, then the Working Part-Time activity should be completed and the participant should be reported in the Working Full-Time activity only.)

For Federal Work Participation: Hours count as "Core."

WX – FSET Work Experience

Valid for the following program: FSET

Report this activity for participants who are in unpaid work experience at a public or private not-for-profit business.

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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/.

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).

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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.

While the majority of our forms and publications are available on the Internet Forms Repository or the Publications Repository, the Division of Family and Economic Security also stores some of its forms and publications at the Wisconsin Department of Administration (DOA) Document Sales & Distribution Center in Madison in addition to having forms and publications available in the repositories.

A number of the forms and publications that are required to be provided during the W-2 application process as well as other publications that are offered in a format other than 8.5 x 11 are stored at the center. For a complete list of the W-2 forms and publications stored at the center, refer to the [Document Sales & Distribution catalog](#).

Forms and publications stored at the center can be obtained free of charge. To place an order, complete the [Document Sales Order Form DOA-3330](#), and submit your order in one of the following ways:

1. Complete the order form and send U.S. Mail to:

Wisconsin Department of Administration
Bureau of Document Services
Document Sales & Distribution
P.O. Box 7840
Madison, WI 53707-7840

2. Complete the order form and fax to Document Sales at (608) 261-8150.
3. Complete the order form online and email it to Document Sales at docsales@doa.state.wi.us
4. Telephone Document Sales directly at (800) 362-7253 or (608) 266-3358.

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

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Appendix - Non-Citizen Eligibility Documentation

Click on the link below to access this W-2 Manual appendix in .pdf format.

[Non-Citizen Eligibility 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](#)

Appendix - TANF Work Participation Requirements

W-2 Work Participation Documentation, Verification and Supervision Policy and Procedures.

Click on the link below to access [Ops Memo 07-55](#), or the [Documentation, Verification and Supervision Criteria chart](#).

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Appendix - W-2/DVR Technical Assistance Guide

Click on the link below to access this W-2 Manual appendix in .pdf format.

[W-2/DVR Technical Assistance Guide](#)

Appendix - Benefit Issuance Guide

Click on the link below to access the Benefit Issuance Guide

[Benefit Issuance Guide](#)

Glossary

A

Address: Address refers to the actual place where the household resides. • An address is required to be provided unless the household is homeless, headed by a migrant worker, or newly arrived in Wisconsin. Verification of address is not required. • A household does not have to reside in a permanent dwelling. “Address” is different than “residence.”

Applicant: An individual who applies for any service of the W-2 and Related Programs including support services.

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 Insurance benefits

At Risk Pregnancy Placement (ARP): An At Risk Pregnancy (ARP) placement is a W-2 paid case management placement without any required participant activities for an unmarried woman 18 or older who meet W-2 non-financial and financial eligibility except that an ARP participant must not be the custodial parent of a dependent child. As defined by W-2 ARP policy, there must be verification of: her third trimester pregnancy; the pregnancy is an at risk pregnancy; and she is unable to work due to the at risk pregnancy.

B

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

Barrier Screening Tool (BST): Tool used to identify the potential presence or risk of a personal barrier to normal functioning in an employment setting.

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 Worker Web (CWW): The web based computer program used in Wisconsin to collect information and determine eligibility for the W-2, JAL, FoodShare, Badger Care, and Wisconsin Shares programs.

- Caretaker Supplement Program (CTS):** A monthly cash benefit for an eligible child(ren) living with his/her Supplemental Security Income (SSI) parent. Caretaker Supplement benefits are administered by the county/tribal human social services agency.
- 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 Denied Placement (CMD):** A placement for individuals who have reached their time limit and did not receive paid placement extension.
- Case Management Follow Up Placement (CMF):** A placement for individuals who have obtained unsubsidized employment while in a paid placement.
- Case Management Minor Parent Placement (CMM):** Case Management Minor Parent is a placement for custodial parents who are under the age of 18.
- Case Management Noncustodial Parent Placement (CMN):** Case Management Non-Custodial Parent is a placement for non-custodial parents of children with a custodial parent in a W-2 employment position.
- Case Management Pregnant Woman Placement (CMP):** Case Management Pregnant Woman is a placement for pregnant women who do not have custody of any children and are not in the third trimester of a medically verified at-risk pregnancy.
- 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.
- Case Management Underemployed Placement (CMU):** Case Management Underemployed, also know as Case Management Services for Working Individuals, is a placement for eligible parents who are working in unsubsidized employment when they apply for W-2 or who obtain employment as a result of applicant upfront job search activities.
- 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.

Client Assistance for Reemployment and Economic Support (CARES): The Client Assistance for Reemployment and Economic Support (CARES) system is Wisconsin's automated eligibility determination, benefit calculation and management system for the W-2, Child Care, FoodShare, and Medicaid programs.

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 Placement (CSJ): Community Service Jobs is one of the paid W-2 employment placements developed for individuals who lack the basic skills and work habits needed in a regular job environment. CSJ positions offer real work training opportunities, with the added supervision and support needed to help participants succeed. CSJ participants receive a maximum monthly benefit of \$653. See prorated CSJ.

Community Steering Committee: Each W-2 agency is required by statute to establish a CSC to help in identifying employment opportunities, as well as create wage-subsidized and community service jobs, for those individuals who are not ready for regular employment. The CSC will help ensure the success of W-2 by adding the leadership, resources and the initiatives of local community leaders. The CSC supports W-2 participants by identifying job opportunities and developing supportive services such as expanded child care, creative transportation solutions, etc.

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 (see definition of 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 Placement (CMC): One of the W-2 paid placements. A custodial parent of an infant who is 8 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.

Derivative Citizenship: Citizenship conveyed to children through the naturalization of parents or, under certain circumstances, to foreign-born children adopted by US citizen parents, provided certain conditions are met.

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

Dropout: A student who has 20 consecutive full days of unexcused absence, has not graduated from high school or received a high equivalency diploma, and does not have an acceptable excuse under s. 118.15 (1) (b) to (d) or (3), Stats.

E

Electronic Case File (ECF): Electronic Case File is a web based filing system that collects all verification and documentation for the W-2, JAL, Emergency Assistance, FoodShare, Badger Care, and Wisconsin Shares Child Care programs. The ECF Handbook, including information on software and hardware

requirements can be found at:

<http://www.emhandbooks.wisconsin.gov/ecf/ecf.htm>

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 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.

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

Habitual Truant: A student who is absent without an acceptable excuse, as defined by the school, for part or all of five or more days on which school is held during a school semester (s.118.16(1)(a), Wisc. Stats.). Some schools do not operate on a semester basis. Examples are quarters or trimesters. For these schools, use the following definition of semester: (1) Fall semester: September 1 through January 15, (2) Spring semester: January 16 through May 31

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.

Included Adult: An Included Adult is an adult who resides with the W-2 Group who does not meet at least one W-2 non-financial eligibility requirement.

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.

Intentional Program Violation (IPV): Intentionally making a false or misleading statement, intentionally misrepresenting or withholding facts, or intentionally committing any act that constitutes a violation of state or federal law for the purpose of receiving W-2 benefits.

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: Job Centers are part of the workforce system led by Wisconsin's 11 independently operated, regional Workforce Development Boards. Job Center partners include Job Service, Department of Vocational Rehabilitation (DVR), W-2, technical colleges, county human service agencies and other community organizations. To find the closest Job Center or talk with a customer service representative, please visit the JobCenterOfWisconsin.com contact page.

Job Center of Wisconsin: JobCenterOfWisconsin.com, operated by the Wisconsin Department of Workforce Development and the Wisconsin Job Center system, is an online Wisconsin-centered employment exchange linking employers in all parts of the state and in communities that border Wisconsin 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. JobCenterOfWisconsin.com is available at no cost to both employers and job seekers and is available 24 hours a day.

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 Information Data System(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.

Kinship Care: Kinship Care is a program administered by county or tribal human/social services departments. Kinship Care provides cash payments to caretaker relatives (grandparents, aunts, uncles, etc.) of minor children when certain requirements are met.

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. For Learnfare, a minor parent is either a custodial or a non-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

Non-citizen Deeming: To count a qualified alien's sponsor's income or assets as available to the W-2 group.

Non-citizens: 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.

Noncustodial Parent (NCP): With respect to a dependent child, a parent who is not the custodial parent.

Noncustodial Parents (NCPs): 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.

Prorated Community Service Jobs Placement (CSJ): Prorated CSJ are placements for individuals who are working in unsubsidized employment for less than 30 hours per week and have limitations to increasing their work hours, or obtaining additional job(s).

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.

Public Holiday: A holiday authorized by law and limiting work or official business.

Q

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.

Refugee Cash Assistance (RCA) and Refugee Medical Assistance (RMA): A time-limited Cash and Medical Assistance Program for low income refugees who do not meet W 2 and Medicaid eligibility criteria. Eligibility for this benefit program

ends for a refugee on the last day of the eighth month after arrival into the United States.

Residence: Residence refers to Wisconsin residency and not the mailing address. Verification of Wisconsin residence is required as part of W-2 nonfinancial eligibility requirements. “Residence” is different from “address.”

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.

Returning Dropout: A student who has dropped out of school and returned in the same or immediately succeeding semester.

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.

Supplemental Security Disability Insurance (SSDI): A disability payment program available individuals who have earned sufficient credits based on taxable work. The program is administered by the Social Security Administration.

Supplemental Security Income (SSI): A Federally-funded needs-based disability program for adults and children which provides monthly cash benefits and automatic Medicaid eligibility. SSI is administered by the Social Security Administration.

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.

Systematic Alien Verification for Entitlements (SAVE): The system used to verify an applicant’s immigration status.

T

Temporary Assistance for Needy Families (TANF): The Temporary Assistance for Needy Families (TANF) program is Title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). TANF is the federal block grant program that provides states with the authority and funding to create programs that promote work and provide time-limited assistance to needy families with children.

Trial Job Placement (TJB): 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.

U

Unsubsidized Employment: Employment for which a W-2 agency provides no subsidy to the employer, including self-employment and entrepreneurship.

US Citizenship and Immigration Services (USCIS): The government agency that oversees lawful immigration to the United States.

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 around the 7th of the month with participants receiving their checks by the 10th of the month.

W-2 Employment Positions: Trial Job, Community Service Job, W-2 Transition

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 about five days prior to the end of the month with participants receiving their checks by last day 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 Placement (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.
- W-2 Two-Parent Group:** A family in which both adult parents meet all W-2 financial and non-financial eligibility requirements and: 1. Have a child in common and both parents 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.
- W-2 Two-Parent Household:** A W-2 two-parent household is a W-2 Group where both adults: are custodial parents who have a child in common, reside in the same household with their child(ren), meet all W-2 eligibility criteria, are not disabled adults; and are not caring for a severely disabled child in the W-2 Group.
- Wisconsin Shares:** Wisconsin's Child Care Subsidy program that helps families pay for child care. If the parent is eligible, child care can be subsidized for children under the age of 13 (up to 19 if special needs).
- 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.

Working Day: Any day of the week except Saturday, Sunday and public holidays.