

# **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](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 family 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

[View History](#)

### 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)
  - f. Identifying the need for any necessary accommodations to help the customer complete the application process.
  - 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;
- 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

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### 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 <a href="#">11.2.2</a>).</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</p>



	<p>to get to assignments and prolonged exposure to cold will exacerbate a condition. The individual must be given good cause for non-participation at times when air temperature would affect individual's condition.</p>
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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

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### 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 *CAF* 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 *CAF* 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.

The entire *Wisconsin Works (W-2) and Related Application form* or a signed copy of the *CARES*-generated *CAF* signature page 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.

### [Addendum to Application \(2378-1\)](#)

Distribute this paper form when the Wisconsin Works (W-2) and Related Application paper form (2471) is completed. Because *CARES* generates a printed version of this form at the end of the interactive interview along with the CARES-generated *CAF*, it is not necessary to distribute the paper version unless *CWW* is unavailable. However, some W-2 agencies prefer to offer this paper form to applicants prior to the interactive interview and the resulting CARES generated Addendum so that the applicant is aware of the general requirements of W-2 before completing the application process.

### [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 [16.1](#) and [16.3.3.1](#).

### [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 [16.1](#)) 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.

## 01 Wisconsin Works (W-2) Introduction

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## **1.5 W-2 Eligibility Reviews**

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### **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.



## 02 Nonfinancial Eligibility

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### 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

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### 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

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### 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

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### 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

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### 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

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### 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

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### 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

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### 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 2 – 8 above are met. The W-2 agency must also determine whether requirement 9 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.

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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

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### 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 families, 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 Pre-eligibility 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

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### 2.10.1 Introduction

**W-2** eligibility has a lifetime limit of 60 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 CMC Exemptions](#)

*AFDC* recipients who were active participants in the *JOBS* program, starting October 1, 1996, and *TJ*, *CSJ* and *W-2 T* participants have a state lifetime participation limit of 60 months.

The state 60-month time limit is a cumulative total of the number of months a participant is:

1. A *JOBS* “active” participant under *AFDC* from October 1, 1996, to *W-2* implementation who meets all of the following criteria:
  - has been included in the *SFU* in an open *AFDC* assistance group (includes sanctioned adults);
  - has been age 18 or older;
  - has been coded with a *JOBS* registration code of mandatory (M), voluntary (V), or *PFR* Demonstration with a code of (P) or (R); and
  - has been enrolled in *JOBS* under experimental or non-experimental *PFP*; *WNW*; Experimental or Control *PFR*.
2. A participant in a *TJ*, *CSJ* or *W-2 T* at any time during a month.
3. A participant in any *TANF* funded program in this state or any other state and who has received *TANF* cash assistance while in that program (see [2.10.8](#)). This includes Tribal *TANF* funds.

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.

### 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 group as well as the number of months accumulated while a part of the group.

**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 is credited with 40 months towards the lifetime limit.

### 2.10.2.2 Native American Exemptions

Any adult in the *W-2 Group* who received *AFDC* as an active *JOBS* participant, participated in a *TJ, CSJ, W-2 T* placement or received benefits under the *TANF* program in this state or another state while living in a federally recognized American Indian reservation, an Alaskan Native village, or an Indian country occupied by an Indian tribe is exempt from the 60-month time limit for that 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 CMC Exemptions

The following are exemptions from the 60-month time limits for *CMC* participants.

1. A W-2 participant placed in CMC is exempt from the 60-month time limit if the child is born 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. A W-2 participant placed in CMC is exempt from the 60-month time limit if the child is born 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.

3. A W-2 participant placed in CMC is exempt from the 60-month time limit if the child is born more than 10 months after the date the individual is first determined eligible for AFDC or a TJ, CSJ, W-2 T placement, but 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 60-month clock would not tick because she had never been determined eligible for AFDC or a W-2 subsidized employment position (TJ, CSJ, W-2 T).

**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 60-month clock would tick because she was determined eligible for AFDC after October 1, 1996.

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## 2.10.3 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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## 2.10.4 Subtracting Months of Eligibility

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

1. 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 clock 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 Trial Job employer does not request a Trial Job 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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## 2.10.5 Extensions

### [2.10.5.1 Local Labor Market Conditions Criteria](#)

### [2.10.5.2 Extension Decision Process](#)

#### [2.10.5.2.1 Processing Initial Extensions](#)

#### [2.10.5.2.2 Processing Subsequent Extension](#)

### [2.10.5.3 Extension Decisions and Assessment](#)

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

CMC participants are automatically eligible for 60-month time limit extensions. The *FEP* must enter an extension covering the time until the child turns 12 weeks of age. The FEP must then review the CMC case prior to the end of the 12-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 12 weeks of age, the FEP would have to follow normal eligibility determination policies, including extension eligibility, if necessary.

In determining whether to extend eligibility for a TJ, CSJ, or W-2 T, the W-2 agency must apply the following criteria:

1. On a case-by-case basis, a participant may be granted an extension to the 60-month limit if 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.

When determining eligibility for an extension for a participant, "reasonable unsubsidized employment opportunity" means a job that pays minimum wage, and conforms to all applicable federal and state laws.

2. On a case-by-case basis, a participant may be granted an extension to the 60-month limit if the participant has participated in assigned activities but significant barriers remain and the participant is not ready to find unsubsidized employment as determined by the W-2 agency. This determination may be based on any of the following:
  - a. A W-2 participant is unable to work because of personal disability or incapacitation, or is needed, as determined by the agency, 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. The W-2 agency must have written

documentation from an appropriate medical professional, the *DVR* or similar qualified assessing agency or business.

b. A W-2 participant has significant limitations to employment such as any of the following:

1) 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. The W-2 agency must have written documentation from an appropriate medical professional, *DVR* or similar qualified assessing agency or business.

or

2) Family problems of such severity that they prevent the W-2 participant from obtaining or retaining unsubsidized employment. "Family problems" experienced by any member of the W-2 group may include, legal problems, family crises, homelessness, domestic abuse, or children's school or medical activities that affect one of the members of the *W-2 Group*.

### 2.10.5.1 Local Labor Market Conditions Criteria

A *W-2* agency may provide an 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 Extension Approvals

In order to approve an 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 Extension Denials**

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

1. Specification of the skills and aptitudes the participant has to offer the local labor market, and of the geographic and occupational areas in which the agency believes the participant to be employable.
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).

## **2.10.5.2 Extension Decision Process**

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

### **2.10.5.2.1 Processing Initial Extensions**

A discussion between the *FEP* and the participant regarding an extension must take place no later than the 54th month of the 60-month lifetime limit. If a person enters *W-2* with more than 54 months, the discussion must take place at application. When determining eligibility for an initial 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 extension

decision in **CARES** screen AIWE no later than the 56th month. An extension may be granted for up to 12 months from the last day of the participant's 60th month.

For those participants who have been denied or who have declined an 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 an extension.

### 2.10.5.2.2 Processing Subsequent Extension

After an initial extension approval is granted, the W-2 agency can determine that a subsequent extension period is necessary. There is no limit to the number of subsequent extensions a participant may receive. When determining eligibility for a subsequent 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 extension decision must also be entered on CARES screen AIWE no later than the month prior to the current extension end month.

### 2.10.5.3 Extension Decisions and Assessment

The **FEP** must offer the **BST** if an initial 60-month W-2 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 60th month. The FEP cannot deny an 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, an extension cannot be denied until the formal assessment is complete. (See [5.4.1](#))

**Example:** Jonna was placed in W-2 T in January 2002. The BST was administered in February 2002. Jonna left W-2 in March 2002. She returned to W-2 in February 2003 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 60 th month in October 2004. In Jonna's 54th month, which is April 2004, the FEP must have a discussion with Jonna regarding the opportunities for an extension. At that time, the FEP sees that Jonna has not had the BST offered for two years (since February 2002) when she first became eligible for W-2. If the FEP is considering denying an extension for Jonna, the FEP must again offer the BST.

**Example:** Nina has a letter from a doctor stating that her panic disorder has recently gotten worse and she is afraid to be around groups of people. Nina was not able to get

a full W-2 Medical Capacity form completed by her doctor. Nina also states that she is afraid to ride the bus because of her fear of crowds. In this situation, the agency must work with Nina to help her obtain the necessary verification for her panic disorder so that the agency can provide the necessary accommodations. For example, the agency can offer to provide the form to the psychiatrist itself and following up with the provider to obtain the form and/or offer to provide some method other than public transportation for Nina to get to the assessment.

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## 2.10.6 CMD Placements

When a participant is denied an extension or the participant declines an extension, 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 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.

Services provided to a *CMD* participant will depend largely upon 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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## 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 60-month time limit. More specifically, it includes:

1. Individuals who voluntarily declined an extension but later decide they want W-2 services.
2. Individuals who previously did not qualify for an 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.

In addition, these individuals may, at any time, return to the W-2 agency to utilize Job Center resources as well as have eligibility determined for other programs such as, but not limited to, FoodShare and Medicaid.

If the applicant meets W-2 financial and nonfinancial eligibility criteria but has reached the 60-month time limit, the *FEP* would have to determine extension eligibility based on the extension criteria. When applying the 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 extension criteria and plans to deny an 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.

It is also recommended that the FEP again offer the *BST* to the applicant if the FEP believes that the BST would help in identifying any hidden barriers. If the FEP determines that the BST is necessary in order to support extension eligibility, the participant should be offered an extension to allow for the processing of the BST as well as any necessary formal assessments. W-2 agencies should consider a shorter extension than what is allowed under the maximum extension period.



## 02 Nonfinancial Eligibility

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## 2.10.8 TANF Received In Another State

### [2.10.8.1 TANF Received in Another State and Extensions](#)

*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.

### 2.10.8.1 TANF Received in Another State and Extensions

If an individual who has received more than 60 months of *TANF* assistance in another state applies for W-2, that individual may be eligible for an extension. Similar to those individuals who reached their 60-month time limit while residing in Wisconsin, if the applicant who recently moved to Wisconsin meets W-2 financial and nonfinancial eligibility criteria but has used 60 months on his or her lifetime clock, the *FEP* would have to determine extension eligibility based on the extension criteria.

When applying the extension criteria, the *FEP* would 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 extension eligibility.

## 02 Nonfinancial Eligibility

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## 03 Financial Eligibility

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### 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

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### 3.2.1 115 Percent Gross Income Test

If the total countable income (3.2.8) of the *W-2 Group* 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.



## 03 Financial Eligibility

*Effective Date: 04/06/09*

### 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 Disregarding Income

### [3.2.9.1 Disregarded Income](#)

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

All earned and unearned income of all the *W-2 Group* 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 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

[View History](#)

#### 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
<b>Participant contributions</b>	Disregarded	Disregarded	Not disregarded
<b>Match funds and accrued interest</b>	Disregarded because it is considered not available	Disregarded because it is considered not available	Disregarded because it is considered not available

### 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**

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#### **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><b>Identity</b> (verify identity only once)</p>	<p>Driver's License                      State Issued ID Card                      Employee ID Card                      Student ID Card                      US Government ID Card                      Military ID Card                      Native American ID Card issued by a Federally recognized tribe                      Any photo ID document issued by USCIS                      US Passport                      CARES birth query (Wisconsin Births only)                      Paycheck displaying the applicant's name                      Any unexpired immigration document                      Any other reliable document that verifies identity</p>
<p><b>Age</b> (verify the birth date only once)</p>	<p>Certified copy of Birth Certificate (must be marked "For Administrative Use")                      Hospital Birth Record                      Driver's License                      US Passport                      State Issued ID Card                      Certificate of Naturalization (must be marked "For Administrative Use")                      Certificate of Citizenship (must be marked "For Administrative Use")                      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><b>Wisconsin Residency</b> (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>Special Note: Do not require residence verification for homeless or migrant assistance groups newly arrived to the area</p> <p>Any other reliable document that verifies Wisconsin residency</p>
<p><b>U.S. Citizenship</b> (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>
<p><b>Qualifying Non-Citizen Status</b></p>	<p>Please see W-2 Manual Chapter 2.4.1.1 and Chapter 20</p>
<p><b>Marital Status</b></p>	<p>Self Declaration/signature on CAF is acceptable if no other source is available</p>

	<p>Certified copy of Marriage Certificate (must be marked "For Administrative Use")</p> <p>Judgment of Divorce</p>
<b>Custody of Children</b>	<p>Self-declaration/signature on CAF is acceptable unless contradicted by another source of verification</p> <p>KIDS child support disbursement query</p>
<b>Social Security Number</b> (verify only once)	<p>Social Security Card</p> <p>Pay stub displaying the SSN</p> <p>W-2 Tax Form displaying the SSN</p> <p>Form SS-5, Application for SSN</p> <p>Verbal statement of the SSN</p> <p>IEVS Match</p> <p>Other reliable documents displaying both the name and SSN</p> <p>Hospital discharge letter (must specifically reference the application for the SSN)</p>
<b>Earned Income</b>	<p>Paycheck stubs</p> <p>Letter from employer stating earnings</p> <p>Self-employment business tax records</p> <p>Self-employment Income Report (DWSP-2131)</p> <p>CARES data exchange/UI query</p> <p>Any other document that verifies earned income</p>
<b>Unearned Income</b>	<p>Social Security Award Letter</p> <p>Unemployment Compensation Award Letter</p> <p>Divorce paperwork identifying a financial settlement</p> <p>Documentation of Court Awarded compensation</p> <p>Compensation Award Letter</p> <p>Veteran's Administration Award Letter</p> <p>CARES data exchange</p> <p>Any other document that verifies unearned income</p>
<b>Savings Accounts</b>	Current bank, credit union or savings and loan statement
<b>Checking Accounts</b>	Current bank, credit union or savings and loan statement

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<b>Insurance Policies</b>	Life insurance policy and the insurance company's statement on the policy's current cash value
<b>Trust Funds</b>	Trust agreement Court order
<b>Other Savings or Investments</b> Certificates of Deposit, Retirement Accounts (including IRA and KEOGH accounts), Stocks or Bonds	Statement from stockbroker Copy of bonds Current bank, credit union or savings and loan statement
<b>Real Estate</b>	Deeds or titles Real estate receipts or tax records Statement of current value from local business
<b>Vehicles</b> cars, trucks, boats, campers, snowmobiles, and other motorized vehicles (For Medicaid, only if household owns more than one vehicle)	Car title or registration Written statement from car dealer Loan papers or sales receipt State Division of Motor Vehicle statement

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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

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### 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

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### 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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## 4.4 Storing W-2 Participant Information

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### 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

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### 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](#))

## 04 Case Processing Requirements

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

[View History](#)

### 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's and between the WEAs and the SSIA's. 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's, this is technically not referred to as a "transfer." The process of moving cases between the EAA and the WEAs and SSIA's 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.

## 04 Case Processing Requirements

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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

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## 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

[View History](#)

### 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

[View History](#)

### 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](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

[View History](#)

### 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 months 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 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 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 60th month. 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
- The individual's W-2 case has been closed for a period of one year or more.

Each time that 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

[View History](#)

### 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

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### 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

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### 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 Chapter 18)

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## 06 Employability Plan

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## 06 Employability Plan

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

[06 Employability Plan](#)

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## 07 W-2 Employment Ladder Placements

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## 07 W-2 Employment Ladder Placements

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

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## 08 Education & Training Provisions Under W-2

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## 08 Education & Training Provisions Under W-2

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

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# 09 W-2 Work Training Provider/Employer Guidelines

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## 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 T** W-2 participants reach that goal.

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

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

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

The following guidelines must be adhered to by both the **W-2** 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

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### 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

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## 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 \$673.
  - **1/3 CSJ:** Participants placed into 1/3 CSJs receive a payment of \$230 for up to 10 hours of work training and up to 10 hours of education and training per week.
  - **1/2 CSJ:** Participants placed into 1/2 CSJs receive a payment of \$341 for 11 to 15 hours of work training and up to 10 hours of education and training per week.
  - **2/3 CSJ:** Participants placed into 2/3 CSJs receive a payment of \$452 for 16 to 20 hours of work training and up to 10 hours of education and training per week.
- **W-2 T:** Participants placed into W-2 T receive a monthly payment of \$628.
- **CMC:** Participants placed into CMC receive a monthly payment of \$673.

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## 10.2 Understanding W-2 Payment Issuance

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### 10.2.1 W-2 Payment Issuance

In order to understand how **W-2** 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 around the 7th of the month with participants receiving their checks by the 10th of the month.
2. **W2L**: This W-2 payment cycle occurs about five days prior to the end of the month with participants receiving their checks by last day of the month.

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)



## 10 W-2 Payments

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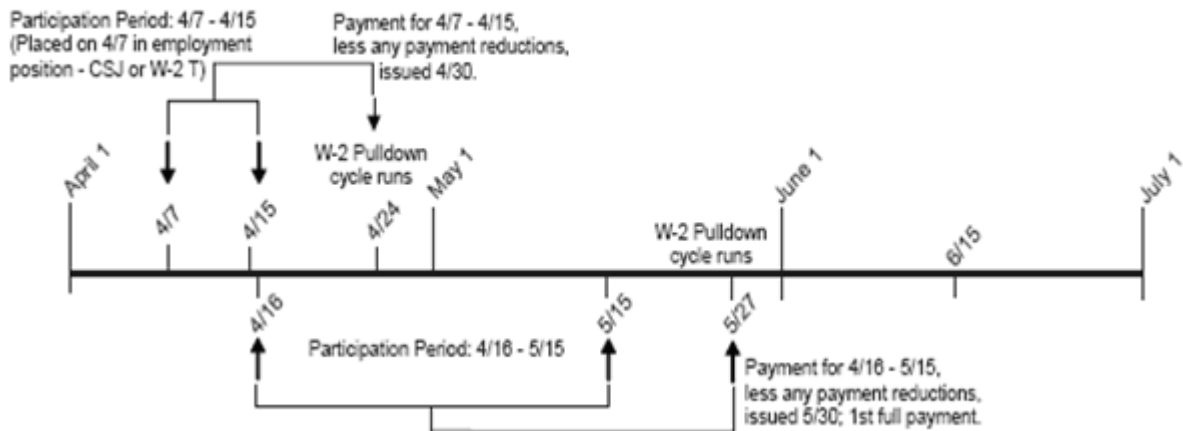
## 10.2.2 Payments to New W-2 Participants

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:

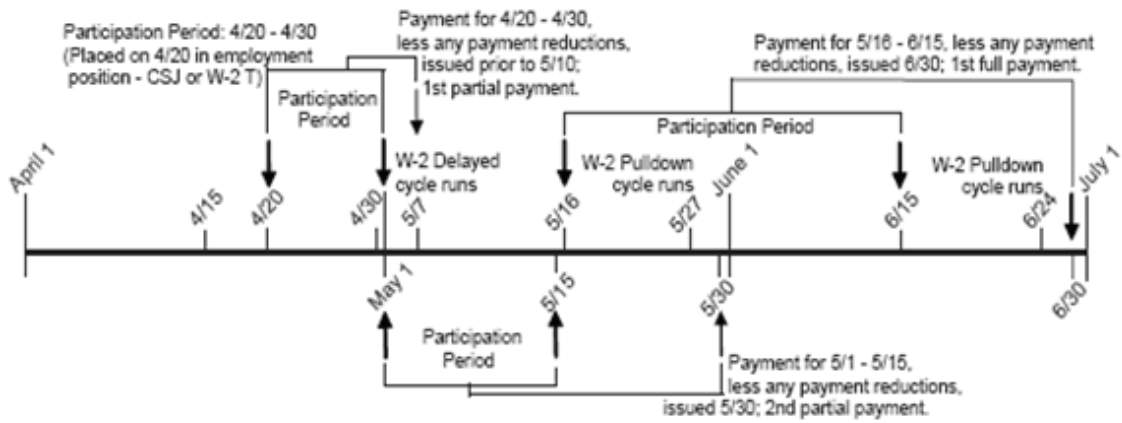
#### 1. Placement between 1st and 15th of the Month



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:

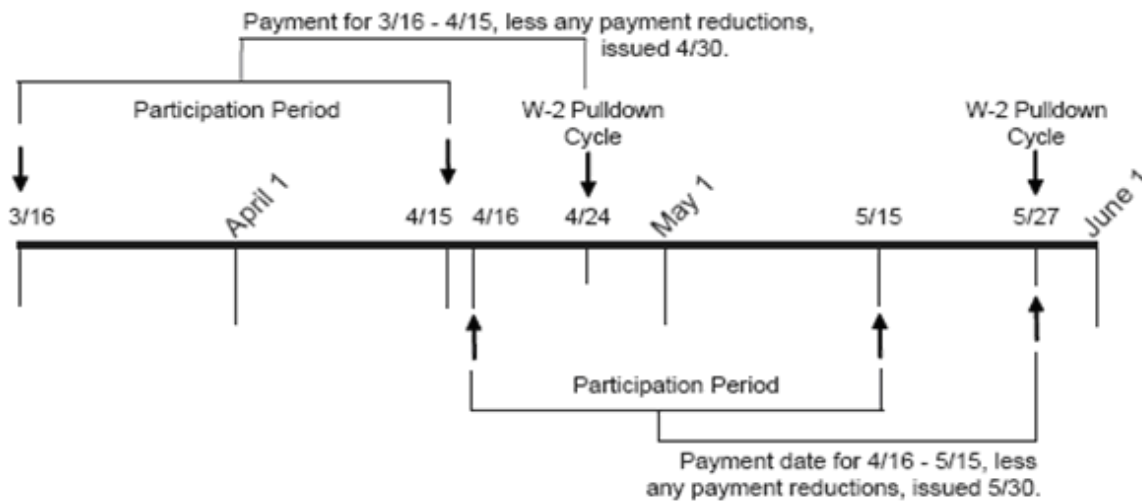
2. Placement between 16th and End of the Month



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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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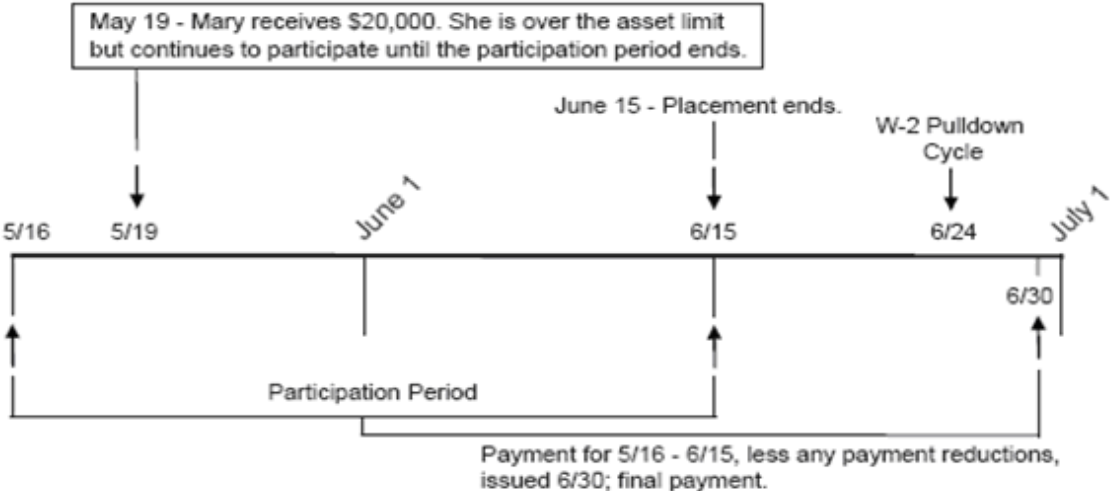
[View History](#)

### 10.2.4 Final Payments

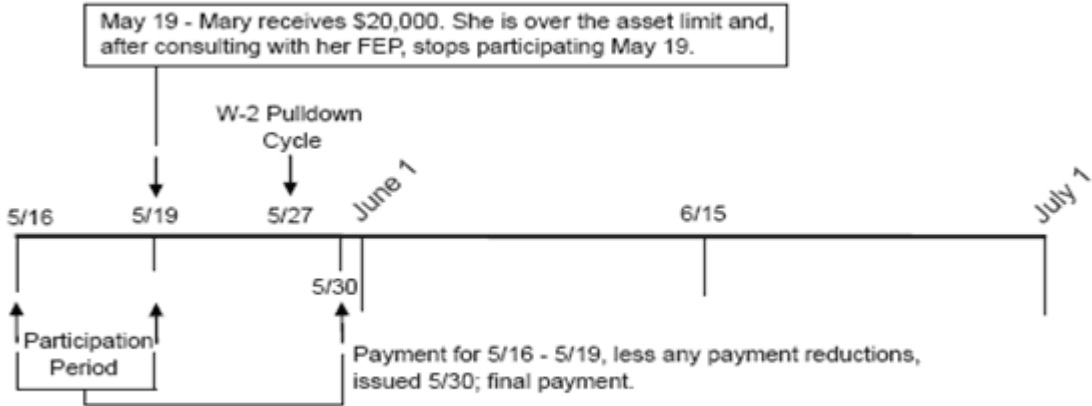
As with unsubsidized employment, a final check is issued for the current participation period when an individual leaves a W-2 employment position. The W-2 agency may terminate a W-2 employment position anytime following a change in circumstance as is reasonable for both the W-2 work training provider/employer 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.

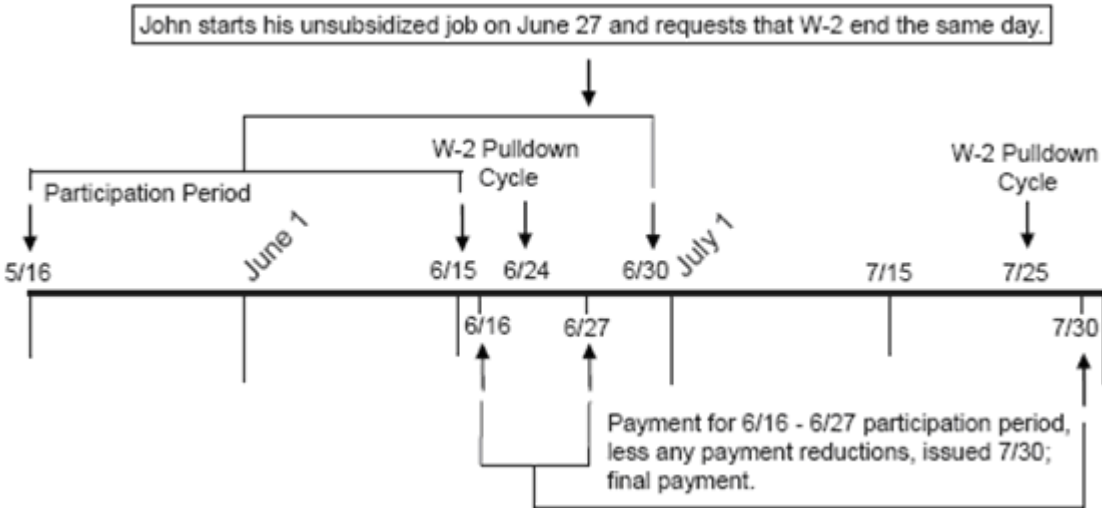
**Example 1, Option 1:** Mary reports on May 19 that she received \$20,000 from a family friend. It will benefit Mary if the CSJ provider keeps Mary on-site through the end of the participation period. Mary's W-2 placement end date is June 15th, and she receives final payment at the end of June.



**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 \$628 or \$673, depending on the W-2 placement.

## W-2 Manual

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

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### 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

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### 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 *EFT* include:

- EFT payments are much safer and more 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 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.

#### **Wage Garnishment**

Some participants have a garnishment order for unpaid debts or child support. Money deposited in an account may be garnished. However, per [Wisconsin Statutes Section 49.96](#), W-2 payments cannot be garnished. 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 advocate with the bank to stop the garnishment.

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## 10.5 W-2 Payment Statement

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### 10.5.1 W-2 Payment Statement

When reductions are applied to the **W-2** 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

[View History](#)

### 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

## 11.1 Payment Reductions

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### 11.1 Hourly Payment Reductions

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

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

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

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

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## 11.1.1 Entering Nonparticipation Hours in CARES

When entering nonparticipation hours on **CARES** screen WPNH, the **FEP** must follow these specific guidelines:

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

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

Participants placed in Trial Jobs will not be subject to hourly reductions because Trial Job participants are paid wages directly by the employer. The Trial Job employer and

participant are encouraged to work together to allow for planned absences. However, unplanned and unexcused absences by the participant will be reflected by a decrease in wages, regardless of W-2 good cause criteria.

For additional information on entering non-participation, see [Appendix - TANF Work Participation Requirements](#) - Ops Memo 07-55, pp 5-7.

*CMC* and *ARP* payments are not reduced. (See Chapter 7)

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## 11.2 Good Cause

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### 11.2.1 Good Cause Policy

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

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.

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## 11.2.2 Verifying Good Cause

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

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

While a participant is not required to submit written documentation verifying good cause for every absence, a pattern of absences may require written good cause verification. (See 11.2.2.1) If the *FEP* determines that a pattern of absence does exist and, after discussing the absences with the participant, the *FEP* determines that based on the participant's capabilities and the explanation given for the absences, that the participant is misusing the good cause policy, the *FEP* may find it necessary to request written documentation verifying good cause. Examples of written documentation include a signed medical statement, an update to existing medical information from a licensed physician or some other qualified assessing agency, etc.

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

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

Participants must in no way be penalized when they attempt to obtain the written documentation, and other entities delay their ability to obtain the necessary documents. If the individual does not have the power to produce verification, or if circumstances exist that make the verification requirements unduly burdensome, the *W-2* agency must assist the participant in obtaining the necessary documents and the *FEP* must extend the verification due date. The verification due date may be extended for up to 30 days from the date of the request for the written documentation. In some instances, the *W-2* agency may seek the verification themselves. (See Chapter 4)

### 11.2.2.1 Pattern of Absences

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

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

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

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

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

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

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## 11.2.3 Good Cause Reasons

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

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

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

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

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

1. Any required court appearance including a required court appearance for a victim of domestic abuse.
2. Inability to obtain child care that is necessary for the W-2 participant to participate or accept employment, but is unavailable and the W-2 agency was unable to provide or refer for alternate child care arrangements.
3. Lack of transportation with no reasonable alternative, as determined by the **FEP**. 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.
5. Accommodations identified in a formal assessment but the accommodations are not available to complete the assigned activity.
6. Conflict with another assigned W-2 activity or job search attempts.
7. Inclement weather that impedes transportation or travel.
8. School emergency.
9. Domestic violence issues as defined in [Wisconsin Administrative Rule DCF 101.15\(3\)](#).
10. Death in immediate family. (See 11.2.3.2)
11. Observance of a religious holiday.
12. Routine medical or school appointments, which cannot be scheduled at times other than during assigned activities.
13. Child's school holiday with the exception of summer break.
14. Any day that the worksite or training site is closed due to a site-specific holiday, e.g., days closed surrounding Christmas, closure the day after Thanksgiving, etc.
15. Other circumstances beyond the control of the participant, but only as determined by the FEP.

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

### 11.2.3.1 Child Care Availability

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

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

#### 11.2.3.1.1 Determining Availability of Child Care

Although child care arrangements are ultimately the responsibility of the parent, a W-2 applicant/participant may be unfamiliar with the task of locating a child care provider. Guidance or referrals from the W-2 agency may reduce the time necessary to locate a provider.

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

The W-2 staff person must:

1. Explain to participants their responsibility to obtain any needed child care for the hours of participation in W-2.
2. Determine if informal child care, or formal child care within a reasonable distance from the participant's home, is available. Informal child care arrangements may be discussed, but a participant cannot be required to use an informal child care arrangement. If the other parent is in the home, able and available to care for the child, child care is not needed.
3. Provide information to the participant about eligibility for W-2 child care assistance and the requirement for the provider to, at a minimum, be provisionally certified to qualify for assistance. ([See Child Care Policy Manual](#))
4. If the participant does not currently have child care available, refer the participant to the local **CCRR**, which is available to help all parents locate safe and affordable child care throughout the state, and other child care resources in the community. If the referrals do not result in the participant locating child care, the W-2 agency may require the participant to demonstrate an inability to obtain child care. (See 11.2.3.1.2)

5. If available, offer the use of the W-2 agency on-site child care to the parent until an ongoing child care arrangement is found. A W-2 on-site child care provider must be regulated in order for the parent to leave the premises.
6. Discuss the availability of backup child care arrangements to ensure the participant is planning ahead for emergency situations when the regular provider is unable to care for the child(ren) or when the child is sick and cannot attend the regular child care program.

### 11.2.3.1.2 Demonstrating an Inability to Obtain Child Care

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

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

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

and

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

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

### 11.2.3.2 Death of An Immediate Family Member

A participant may be granted up to three work days of good cause. However, if travel for funeral services is required or to accommodate cultural tradition, FEPs may grant good cause for up to seven workdays. Good cause may not exceed the week following the death of a member of the participant's immediate family.

Immediate family is defined as participant's spouse, nonmarital co-parents, parents, step-parents, grandparents, foster parents, children, step-children, grandchildren, foster children, brothers and their spouses, sisters and their spouses, aunts, uncles, sons-in-law and daughters-in-law, cousins, nieces and nephews of the participant or his or her spouse or nonmarital co-parent and other relatives of the participant or his or her spouse or nonmarital co-parent if these other relatives reside in the same household as the participant.

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

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## 11.2.4 Approving or Denying Good Cause

A participant must notify the FEP of good cause within seven working days after an absence from a W-2 assigned activity in order to prevent a payment reduction. If the FEP determines that the participant's explanation for the absence or the written verification of the absence 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 should 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. The Department of Children and Families plans to update the CARES system in the future to make documenting this type of information easier for W-2 agencies. In the meantime, this procedure should be followed.

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## 11.3 Notifying W-2 Participants of Payment Reductions

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

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

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

A similar notification policy is required prior to the termination of a participant's W-2 eligibility. [\(See Ops Memo 09-18 and Ops Memo 05-54\)](#)

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## 11.3.2 Twenty Percent Reduction Reports

In order to assist the **W-2** agencies in identifying those participants that must be notified of a 20 percent or greater payment reduction, three Web Intelligence (WEBI) reports are located in the "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 percent 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 percent 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 rectify.

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

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

The reason sanctionable hours are used for the 1st and 16th of the Month reports and applied hours for the W-2 Pulldown report is due to **CARES** 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.

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### **11.3.3 Written Notification for Payment Reduction**

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

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### 11.3.4 Oral Notification for Payment Reduction

The *W-2* agency must, within five working days after the mailing date of the W-2 20% Reduction Letter (*NWSM*), notify, or have made multiple, meaningful attempts to notify, the participant of the 20 percent or greater payment reduction and the reason(s) for the proposed reduction. Suggested methods of contact include, but are not limited to:

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

Upon contact, the *FEP* must discuss with the participant:

- The specific dates the participant was absent from the assigned activities. On the *WEBI* reports, the missed activity codes are identified under the activity code (Act Cd) column and the Nonparticipation hours (NP Hrs) column shows how many hours were missed.
- Any issues that the participant might be experiencing that are preventing participation. This must include informing the participant of the availability of the *BST* as well as informal and formal assessments (if appropriate). The FEP must explain that these tools will give the W-2 agency more information about the participant's needs. The FEP must let the participant know that any information the agency gets can help the participant and the FEP make informed decisions about W-2 placements, employment goals and the assigned activities that will help reach those goals, the participant's ability to engage in training and education prior to employment and any necessary special services or work site accommodations.
- The opportunity to present within seven days good cause for failing to participate. It is not necessary for FEPs to have written documentation verifying all good cause. (See [11.2.2](#))
- The participant's ability to request a Fact Finding review, if necessary.

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

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

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

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

For those participants that appear on the 1st and 16th of the Month reports, good cause can be entered on **CARES** 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 "Reserved"**

**11.4 "Reserved"**

## 11.5 Incarceration

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### 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

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### 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

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### 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, May and June. During the CMC placement Holly receives a full W-2 payment. However by the end of June, six months of the sanction period will have lapsed. When she moves back into a CSJ placement in July, the payment reduction will resume until December at which point the sanction period will end if the results of Holly's drug test is negative.

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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 Learnfare

## 12.1 Introduction

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### 12.1.1 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 [12.3.1](#))

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## 12.2 School Enrollment

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### 12.2.1 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 [12.3.1](#))

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## 12.2.2 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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### 12.2.3 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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## 12.3 Learnfare Case Management

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### 12.3.1 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 [12.4.1](#))

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## 12.3.2 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 [12.4.1](#)), 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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### 12.3.3 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 [12.4.1](#))

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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## 12.3.4 Learnfare Case Management Plan

### [12.3.4.1 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.

### **12.3.4.1 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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## 12.3.5 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 [11.2.3.2](#))
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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## 12.4 Learnfare Financial Penalty

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### 12.4.1 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 19](#))

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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## 13 Job Access Loans

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### 13.1 Introduction

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

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## 13.2 Eligibility Determination

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### 13.2.1 Eligibility Criteria

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

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

If the JAL applicant is a custodial minor teen parent:

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

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

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

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## 13.3 Uses of JAL Funds

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### 13.3.1 Approved Uses of JAL Funds

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

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

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

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

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

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

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

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## 13.3.2 Prohibited Uses of JAL Funds

Some examples of unacceptable uses of [JAL](#) funds are as follows:

- Alleviating a financial crisis that is the result of the individual's failure to accept a bona fide offer of employment or the individual's termination of a job without good cause; (See W-2 Manual, [Chapter 11.2.3](#))
- Paying 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.
- Expenses covered by the Emergency Assistance program;
- Personal needs such as clothing (not work related) household appliances, etc;
- Paying taxes.

On a case by case basis, the [W-2](#) agency has authority to further identify prohibited uses of JAL funds for purposes similar to those on this list.

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### 13.3.3 Self-Employment/Entrepreneurship

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

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

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

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## 13.4 Loan Requirements

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### 13.4.1 Loan Application and Repayment Agreement

*JAL* applicants must meet with a *FEP* to complete the interactive application process and to sign the [JAL Combined Application and Repayment Agreement form \(2482\)](#).

Each loan request must be acted upon in a timely manner; agencies are encouraged to develop internal procedures to ensure prompt JAL eligibility determinations. When the JAL request has been in applied status in *CARES* for 30 days, the worker will receive an alert as a reminder to act on the JAL. If after 60 days the agency has not acted upon a JAL request, CARES will automatically deny the request and issue a denial letter to the JAL applicant. The loan applicant must then reapply.

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## 13.4.2 Loan Amounts

The local *W-2* 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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### 13.4.3 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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## 13.4.4 Financial Counseling

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

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## 13.5 Repaying the Loan

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### 13.5.1 Repayment Agreement

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

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

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

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

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

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## 13.5.2 Repayment by Cash

*JAL* 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

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 service in the community must begin the work as soon as possible. In-kind work hours must be scheduled around any paid work and must be completed and reported in regular monthly increments.

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

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

Documentation of in-kind work received by a local agency must be entered into **CARES** 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 25th of the month, a dunning 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.

**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**.

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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. CARES will issue a notice to inform the loan recipient of the past due payment. A second past due payment generates a second notice to the participant. After the third missed payment, in conjunction with the CARES generated notice, the **PACU** will process a tax intercept request with the Wisconsin Department of Revenue to recover the outstanding balance. Once the loan has been transferred to the PACU, the entire outstanding balance must be recovered in cash whether or not the repayment agreement included a partial repayment through in-kind services.

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# 14 Groups Eligible for Case Management and Other Services

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## 14.1 Introduction

In the *W-2* program, cash payments are available to eligible participants who complete assigned activities including work, work training activities, and education and training activities in *W-2* subsidized employment positions. However, the following groups are ineligible for cash payments but may be eligible for case management and other services:

1. *Noncustodial Parents (NCPs)*
2. Pregnant Women, and
3. Minor Parents

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## 14.2 Case Management Placements

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### 14.2.1 Noncustodial Parents

#### [14.2.1.1 Children First](#)

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 must provide case management and assistance in obtaining employment to *Noncustodial Parents (NCPs)* who meet the eligibility requirements. When appropriate, W-2 agencies should explain available noncustodial parent 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 NCP.

The W-2 agency may provide the following services to individuals in a case management placement for a noncustodial parent (*CMN*):

- Case Management - See Chapter 7 for a list of case management activities.
- Job Search Assistance

#### 14.2.1.1 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.

A 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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## 14.2.2 Pregnant Women

Pregnant woman who do not have custody of any children may receive services through a case management pregnancy (*CMP*) placement.

For a pregnant woman to be eligible for a CMP placement, she:

1. Must have a medically verified pregnancy; and
2. 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.

The W-2 agency may provide the following services to individuals in a CMP placement:

- Job Search Assistance
- Case Management - See Chapter 7 for a list of case management activities.

Case management services may include working with the participant to define employment goals or planning for future child care needs.

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 their child. For more information on the CMC placement, see Chapter 7.

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. For more information on *ARP* placements, see [Ops Memo 09-77](#).

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## 14.2.3 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 or his/her financial or nonfinancial eligibility status.

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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## 15 Child Care

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## 15 Child Care

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

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

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# 16 Child Support

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## 16.1 Assignment of Child Support

An individual is required by law to assign child support payments to the state as a condition for receiving W-2 payments while in a *W-2 T*, *CSJ* or a *CMC* placement. The CMC participant is only required to assign child support payments if the CMC participant previously received *AFDC*, *W-2*, or *CTS* payments or if the CMC participant participates in a subsequent W-2 payment position or receives CTS.

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

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

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

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



## 16 Child Support

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## 16.2 Child Support Agency (CSA) Referrals

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### 16.2.1 Referral to CSA

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

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

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

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

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

## 16 Child Support

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## 16.3 Child Support Cooperation

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### 16.3.1 Cooperation with the Child Support Agency

In order to be eligible for W-2 services, a *JAL* or a child care subsidy in a month, an applicant or participant and any other parent in the *W-2 group* including *NCP* must fully cooperate with the local *CSA*. The CSA makes the determination of whether an applicant is cooperating with child support enforcement services.

A custodial parent must cooperate by:

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

A NCP must cooperate by:

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

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

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

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## 16.3.2 Noncooperation with the Child Support Agency

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

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

The **CSA** makes the determination of whether an applicant is cooperating with child support enforcement services. A participant who is a custodial parent is considered to be cooperative if there is an open child support case for the child in question and no indicator of noncooperation noted. **FEPs** who need to see additional information about custodial parents' noncooperation episodes can query **KIDS**. If FEPs do not have **FIQY** to KIDS, and need access to KIDS noncooperation screens, the FEP can request FIQY access through their agency security officer. A noncustodial parent's cooperation must be determined by contacting the CSA.

If a W-2 applicant or any other member of the **W-2 group** who is a parent of a child refuses to cooperate with child support without good cause, the entire group is ineligible for W-2 services or **JAL**. The person in the W-2 group not cooperating has seven working days in which to cooperate.

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

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

A custodial parent with a child under 60 days old is exempt from the penalty for failure to cooperate for that child. A pregnant woman who is not the custodial parent of a dependent child is also exempt from the penalty for failure to cooperate. If the CSA sends a noncooperation notice, do not impose a sanction, regardless of good cause.

### 16.3.2.2 Three Instances of Noncooperation

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

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

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

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

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

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

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

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

### 16.3.3.1 Good Cause Notice

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

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

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

### 16.3.3.2 Good Cause Exemption Reasons

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

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



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

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

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

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

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

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

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

### 16.3.3.3.1 Types of Corroborating Evidence

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

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

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## 16.3.4 Good Cause Claim Investigation And Decision

[16.3.4.1 Good Cause Decision Timeline](#)

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

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

[16.3.4.4 Reviewing Good Cause Claims](#)

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

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

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

### 16.3.4.1 Good Cause Decision Timeline

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

### 16.3.4.2 Decision that Good Cause Does Not Exist

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

1. Promptly notify the applicant or participant of the determination and their right to a *W-2* agency Fact Finding review; and

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

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

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

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

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

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

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

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

Example: Joanne was granted good cause for not cooperating with child support because she was working with Catholic Social Services to complete the adoption process for her son. Joanne met with her FEP three months later to update her employability plan and the FEP inquired about the adoption services. Joanne told the worker she no longer meets

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

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

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## 16.4 Child Support Dispute Resolution

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### 16.4.1 Fact Findings For Noncooperation Decisions

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

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## 16.4.2 Fact Findings For Good Cause Decisions

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

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

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## 16.5 Child Support Confidentiality

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### 16.5.1 Child Support Confidentiality

Neither the **W-2** agency nor the **CSA** may release information to a person regarding the whereabouts (address, phone number and employer name, location or phone number) of another person including a custodial parent or **NCP** if any of the following applies:

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

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## 16.6 Children First Program

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### 16.6.1 Children First Program

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

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

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# 17 Emergency Assistance

## 17.1 Introduction

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### 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

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### 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

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### 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

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### 17.4.1 Qualifying Emergency

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

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

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

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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

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### 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

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### 17.6.1 Notice of Eligibility Determination

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

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## 17.6.2 EA Payment Amount

To calculate the **EA** 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)

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### 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.

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>



## 17 Emergency Assistance

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## 17.8 EA Fact Finding

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### 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

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### 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 Other Services & Resources

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## 18 Other Services & Resources

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

[18 Other Services & Resources](#)

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# 19 W-2 Dispute Resolution

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## 19.1 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, **JAL**, and **EA**. A Departmental review may then be requested if an individual or the W-2 agency disagrees with the final Fact Finding decision.

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

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## 19.2 Fact Finding Review (First Level Review)

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### 19.2.1 Petition For Fact Finding Review

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

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## 19.2.2 Timeframe For Requesting A Fact Finding Review

Individuals who believe that an agency decision regarding any component of [W-2](#), [JAL](#), Learnfare, or [EA](#), is incorrect may request a Fact Finding review by the W-2 agency.

The fact finding request must be made within 45 calendar days from the mailing date of the [CARES](#) Notice of Eligibility for W-2 services or within 45 calendar days of the mailing date for manual EA or JAL notices, or within 45 calendar days from the effective date of the decision announced in the notice, whichever is later. If the 45th day falls on a weekend or holiday, the calculated date will be the next business day. If the request is received within the 45-day timeframe, the W-2 agency must schedule a Fact Finding review. If the request for a Fact Finding review is received beyond the 45-day timeframe, the W-2 agency must notify the applicant or participant that a Fact Finding review will not be scheduled.

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

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

### 19.2.2.1 Timeframe for Requesting Learnfare Fact Finding Reviews

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

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### **19.2.3 Application Decision**

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

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## 19.2.4 Termination or Reduction of W-2 Payments

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

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## 19.2.5 Fact Finder

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

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

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

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

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## 19.2.6 Fact Finding Review

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

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

### 19.2.6.1 Pre-Fact Finding Review Resolutions

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

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

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## 19.2.7 Fact Finding Review Attendance

The *W-2* 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 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 should be offered.

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

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

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

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

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

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## 19.2.9 Testimony & Evidence

Once the *FEP* 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 petitioner has been unreliable or inconsistent in the past?

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

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

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

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## 19.2.10 Fact Finding Decision

The Fact Finder must weigh all factors when making the final decision. The Fact Finder shall issue a decision within five work days after the review date. This date may be extended as appropriate by the Fact Finder if the petitioner's request to submit additional evidence has been granted. It may be possible that some disputes are resolved during the Fact Finding meeting and the decision can be issued at that time.

The decision must be documented on the [Wisconsin Works \(W-2\) Agency Fact-Finding Review form \(10784\)](#).

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

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

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

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## 19.2.11 Fact Finding Remedies

[19.2.11.1 Remedy for Paid W-2 Placements](#)

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

[19.2.11.3 Remedy for Unpaid W-2 Placements](#)

[19.2.11.4 Remedy for Job Access Loans](#)

[19.2.11.5 Remedy for Emergency Assistance](#)

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

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

### 19.2.11.1 Remedy for Paid W-2 Placements

If the decision overturns the agency's denial of a paid *W-2* employment position, the *W-2* agency shall place the individual in the first available paid employment position that is appropriate for the individual. An individual is eligible for a payment for the employment position beginning on the date the individual begins participation in a paid placement.

No retroactive cash payment for the period prior to participation shall be issued.

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

However, the payment must be based on completed participation.

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

If the decision overturns the agency's denial of a *CMC* placement, the *W-2* agency shall place the individual in the *CMC* placement effective the date of the baby's birth or the date of the application, whichever was later. Because there are no participation requirements for participants placed in *CMC*, a retroactive cash payment shall be issued.

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

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

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

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

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

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

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

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## 19.2.12 Fact Finder File

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

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

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## 19.2.13 Reporting Fact Finding Information In Cares

*W-2* 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* by the 10th day of each month for the prior month.

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## 19.2.14 Summary Of Fact Finding Timelines

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

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

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## 19.3 Departmental Review (Second Level Review)

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### 19.3.1 Timeframe for Requesting a Departmental Review

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

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

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

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

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

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

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

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

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

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

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## 19.3.2 Proposed Departmental Review Decisions

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

When *DHA* issues a proposed decision, it solicits comments from all parties and instructs the *W-2* agency that the decision is proposed and should not be acted upon.

All parties may send written comments or objections to the proposed decision to *DHA* within 15 calendar days of receipt of the proposed decision. Upon request, *DHA* may extend the deadline for written comments.

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

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

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

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

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

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

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### 19.3.4 Departmental Review Remedies

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

In order to ensure compliance, *DHA* 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 *DFS RO* on or before the 10th calendar day and explain the circumstances why the decision cannot be carried out timely. Noncompliance with *DHA* decisions may result in a corrective action or a failure penalty as defined in the *W-2* and Related Programs Contract.

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

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

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## 19.4 Overpayment Tax Intercept Administrative Hearings

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### 19.4.1 Overpayment Tax Intercept Administrative Hearings

When *W-2* agency benefit overpayment actions are not successful, the *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 *CRES*. Public assistance overpayments may be collected through the interception of Wisconsin state tax refunds, including tax credits. Once the individual is notified of the intended tax intercept action, he or she has 30 calendar days to appeal the interception. Public assistance overpayment tax intercept administrative hearings are conducted by *DHA*.

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

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

Documentation that the **W-2** 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.

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

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

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

The tax intercept hearing will be held in the petitioner's current county of residence. If the case has been transferred to another W-2 agency since the overpayment determination, both the current agency and the previous agency will be notified of requested appeals. The agency where the overpayment originated is the agency that must attend and provide supporting information for any requested tax intercept hearing.

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An agency can request to attend the hearing by telephone in a transferred case situation or at any other time that a telephone appearance is warranted. The notice of scheduled hearing will list the ALJ and his/her telephone number to contact for requested telephone appearances.

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## 20 Refugee Assistance Program

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## 20 Refugee Assistance Program

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

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# Appendix

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## 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.

### **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.

### **CJ – Job Search CSJ**

*Valid for the following programs: W-2*

Report this activity code when a participant is determined appropriate for the Job Search CSJ placement type. The job search CSJ placement is an intensive employment search placement intended for people who appear to have a high level of employability. This activity is reported for tracking purposes only. It does not replace other activities that are assigned to a participant in this placement (such as ES or CE).

When a participant exits a Job Search CSJ placement, an actual end date should be entered for this activity on WPCS.

### **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*

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*

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*

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*

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*

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*

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

**For W-2 applicants:** A W-2 applicant may be assigned to this activity prior to being placed in any W-2 employment position.

**For W-2 participants:** A W-2 participant may be assigned to this activity for up to 40 hours per week during the first two weeks after placement in a W-2 T or CSJ.

**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.

### **UE – Up-front Employment Search**

*Valid for the following programs: W-2, CF*

Report this activity for applicants and participants 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.

**For W-2 applicants:** A W-2 applicant may be assigned to this activity prior to being placed in any W-2 employment position.

**For W-2 participants:** A W-2 participant may be assigned to this activity for up to 40 hours per week during the first two weeks after placement in a W-2 T or CSJ.

**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.

### **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 and participants 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.

**For W-2 applicants:** A W-2 applicant may be assigned to this activity prior to being placed in any W-2 employment position.

**For W-2 participants:** A W-2 participant may be assigned to this activity for up to 40

*hours per week during the first two weeks after placement in a W-2 T or CSJ.*  
**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.*

### **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.

## **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

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

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



[View History](#)

## 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](#).

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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](mailto:docsales@doa.state.wi.us)
4. Telephone Document Sales directly at (800) 362-7253 or (608) 264-9419.

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

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

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

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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](#)

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## **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](#).

*This page last updated in Release # 11-01  
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# Glossary

## A

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

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

**At Risk Pregnancy:** 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.

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

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

## C

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

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

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

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

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

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

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

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

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

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

**Community Steering Committee:** As mandated by Wisconsin statute, each W-2 agency will establish a Community Steering Committee to provide ties to the community with strong leadership from the business sector. The CSC will help ensure the success of W-2 by adding the leadership, resources and the initiatives of local community leaders who are willing to support W-2 participants by



identifying job opportunities and developing supportive services such as expanded child care, creative transportation solutions, and the like.

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

**Current Enrollment /Attendance and Prior Semester Verification Report**

**(CEAPSVR):** Learnfare report produced at the end of the month, in paper format or electronically, that is used for school attendance verification at application, re-exam, person add, transfer, review and for good cause. It is sent to the school district to collect current enrollment data including the number and dates of absences during the prior semester and month.

**Custodial Parent (CP):** With respect to a dependent child, a parent (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 (CMC):** One of the W-2 paid placements. A custodial parent of an infant who is 12 weeks old or less and who meets the financial and nonfinancial eligibility requirements for W-2 employment positions may receive a monthly payment of \$673 and will not be required to participate in an employment position unless he/she volunteers to participate.

## D

**Department:** The Wisconsin Department of Children and Families.

**Dependent Child:** A person who resides with a parent and who is under the age of 18 or, if the person is a full-time student at a secondary school or a vocational or technical equivalent and is reasonably expected to complete the program before attaining the age of 19, is under the age of 19.

**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

**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.

**Indian Country:** Indian country includes the following: (1) All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation, (2) All dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (3) All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

**Informal Assessment:** A process to gather information about an individual and his or her family to determine the: •Individual's ability to become employed and remain

employed; •Services and activities necessary for the individual to become employed and remain employed; •Appropriate placement of a participant on the W-2 employment ladder; •Need for further career assessment and planning; •Need for vocational evaluation; and •Need for a formal assessment of any disabilities or other employment barriers by a qualified assessing agency or individual.

## J

**Job Access Loan (JAL):** Short-term interest-free loans that are intended to meet immediate and discrete expenses that are related to obtaining or maintaining employment.

**Job Center of Wisconsin:** JobCenterOfWisconsin.com, operated by the Wisconsin Department of Workforce Development and the Wisconsin Job Center system, links employers in all parts of the state with anyone looking for a job. It is the primary source of job opening information available in Job Centers. In addition to searching for jobs, job seekers can create a résumé or work application, a cover letter, and a reference list; and can be matched to employers' job openings.

**Job Club:** An organized method of helping a group of participants become skilled job seekers. The objectives of a Job Club include teaching participants an effective method of job search, refining skills so that each participant is motivated to believe that he or she can succeed in the working world, and assisting each participant to become attached to the workforce as quickly and efficiently as possible.

**Job Coach:** Assists W-2 participants in being successful at the job or worksite. On-site job skill training in work-related behaviors is provided addressing areas such as transportation, child care, health care. The Job Coach may provide initial support on the job in terms of assessing skill training, reasonable accommodations, or helping identify a mentor or onsite supports for a participant at work. Job coaches may also interact with employer or supervisors to identify initial problem solving strategies, provide sensitivity training for the employer and staff or determine job coach services at the worksite. There may also be time spent in the person's home, helping with things like organizing day-to-day tasks, identifying needs that can be met by other professionals such as home parenting aides, and getting the individual to work regularly and on time. The Job Coach may also meet with participants in the office, if the assistance includes items such as budgeting help.

**Job Developer:** The primary interface between the Job Center/W-2 agency and employers. Customer groups include employers, clients seeking employment (W-2 participants and others), and other partner agencies. Interaction with employers includes selling the services of the Job Center, including incentives available for hiring target group individuals. Other job duties may include conducting the daily Job Club, setting up short-term training, and special assignments such as job fairs.

**Job Orientation:** Workshops consisting of topical areas related to job search techniques and job keeping skills, i.e., grooming for employment; employer telephone contacts; job application completion; resume writing; interviewing skills; understanding the hidden labor market; problem solving related to child care, transportation, and family budgeting; etc.

**Job Search (also known as "Employment Search"):** W-2 activity for participants who are engaged in employment search that is tailored to the needs of the individual and includes some or all of the following activities: •Time used to research prospective employers; •Making contact with prospective employers whether by phone, in person or via internet to learn of job openings; •Completing applications for vacancies; •Preparing for job interviews; •Interviewing for jobs. This activity may be completed independently or in a group setting. When traveling to job interviews, the travel time between interviews may be counted towards hours of participation. Travel time to the first job interview and the time spent returning home after the last one cannot be counted.

## K

**KIDS:** The Kids Information Data System(KIDS) is a system which supports child support agencies and county clerks of court with child support and paternity information. The system also supports the automatic creation of IV-D cases through interfaces with the CARES and HSRS state systems.

## L

**Learnfare:** A program to assist school-aged, dependent, students 6 through 17 years of age, who are in a W-2 group to attend school regularly and to graduate from school when an adult in the group is participating in a W-2 employment position.

**Legal Custody:** Regarding the definition of a custodial parent, any person granted legal custody of a child, other than a county agency or licensed child welfare agency, who has the right and responsibility to make major decisions concerning the child, except with respect to specified decisions as set forth by the court or the parties in the final judgment order. Major decisions include, but are not limited to, decisions regarding consent to marry, consent to enter military service, consent to obtain a motor vehicle operator's license, authorization for non-emergency health care, and choice of school and religion.

**Life Skills:** Behavioral tools that provide the basic practices necessary to enable the parent(s) to manage day-to-day life, and, as a result, to participate more fully in the workforce, in lifelong educational opportunities, and in community activities. Practical skills which increase a person's self-esteem and facilitates the pursuit of better job opportunities by providing the ability to fully plan for all of the family's needs. The following are examples of life skills: understanding and accepting parental responsibilities, strengthening parental skills, understanding relationships, family budgets, anger management, interpersonal skills, problem

solving, family nutrition, time management, decision-making skills, and household management.

## M

**Migrant Worker:** Any person who temporarily leaves a principal place of residence outside Wisconsin and comes to Wisconsin for not more than ten months in a year to accept seasonal employment in the planting, cultivating, raising, harvesting, handling, drying, packing, packaging, processing, freezing, grading, or storing of any agricultural or horticultural commodity in its unmanufactured state.

**Minimum Wage:** The state minimum hourly wage under ch. 104 or the federal minimum hourly wage under 29 USC 206 (a) (1), whichever is applicable.

**Minor Parent:** A custodial parent under the age of 18. 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.

**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.

**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

**SAVE:** Systematic Alien Verification for Entitlements

**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.

**Supportive Services Planner (SSP):** A W-2 agency employee, county government employee or contracted employee who determines eligibility for W-2 supportive services such as food stamps, Medical Assistance, child care, and Emergency Assistance. The SSP will not provide case management to participants in W-2 employment positions.

## T

**TANF:** The Temporary Assistance for Needy Families (TANF) program is Title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). The federal block grant program that provides states with the authority and funding to create programs that provide time-limited assistance to needy families with children and promote work. The Federal TANF legislation was reauthorized as part of the Deficit Reduction Act of 2005 (DRA).

**Trial Job:** One of the three W-2 employment positions provided to improve the employability of participants by providing work experience and training to assist them to move into unsubsidized employment. The W-2 subsidy for Trial Job's participants is paid directly to the employer.

**Two-Parent Family:** A family where both adult parents meet all W-2 financial and non-financial eligibility requirements and: 1. Have a child in common and are living in the household; 2. One of the parents is placed in a W-2 employment position; and 3. Neither parent is disabled or caring for a severely disabled child in the W-2 group.

## U

**Unsubsidized Employment:** Employment for which a W-2 agency provides no subsidy to the employer, including self-employment and entrepreneurship.

**USCIS:** United States Citizenship and Immigration Services

## V

**Vehicle:** A passenger car or other motor vehicle used to transport persons or goods and is owned by someone in the W-2 group.

**Vendor Payment:** A money payment made on behalf of a participant directly to a provider of goods or services.

**Vendor Payments:** Payments made on behalf of the household by a third party to another source

## W

**W-2 Delayed Payment Cycle (W2L):** This W-2 payment cycle occurs about five days prior to the end of the month with participants receiving their checks by last day of the month

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

**W-2 Paid Employment Position:** A Trial Job, Community Service Job or W-2 Transition placement. For Trial Jobs, the W-2 agency pays a monthly subsidy to the employer and the employer pays a wage to the W-2 participant.

**W-2 Paid Placement:** A Trial Job, Community Service Job, W-2 Transition or Custodial Parent of an Infant placement.

**W-2 Placement:** Within the W-2 program, an individual may be placed in up to one of ten W-2 placement types, all of which are identified by a CARES W-2 placement code (in parentheses). Case Management Follow-up (CMF)\* Case Management Underemployed (CMU)\* Trial Job (TBJ) Community Service Job (CSJ) W-2 Transition (W2T) Case Management Pregnant Women (CMP) Case Management Noncustodial Parent (CMN) Case Management Minor Parent (CMM) Custodial Parent of an Infant (CMC) Case Management Denied (CMD)  
\*These placement types represent one of two possible placements under the Unsubsidized Employment (UE) component.

**W-2 Pulldown Payment Cycle (W2P):** This W-2 payment cycle occurs around the 7th of the month with participants receiving their checks by the 10th of the month.

**W-2 Reviews:** 1. Eligibility Review: A W-2 eligibility review is required, at the least, every six months. 2. Employability Plan Review: A full employability plan review is required at the end of each assigned placement and at the eligibility review. The employability plan should be updated between reviews as necessary.

**W-2 Transition (W-2 T):** One of the W-2 paid employment positions intended for individuals who have been determined not ready for unsubsidized employment and unable to successfully participate in one of the other W-2 employment positions for reasons such as an individual's incapacitation or the need to remain in the home to care for another W-2 group member who is incapacitated or disabled.

**Wisconsin 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.