

WISCONSIN DEPARTMENT OF WORKFORCE DEVELOPMENT  
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TO: W-2 Manual Holders

FROM: Janice Peters, Director  
Bureau of Wisconsin Works

Rebecca Swartz, Chief  
Wisconsin Works Policy Section

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RE: Wisconsin Works Manual  
**Release 08-01**

DATE: June 2, 2008

EFFECTIVE DATE: Immediately

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The W-2 Manual release number is on each page in the upper left corner. The manual release date is located immediately below the release number.

Typically, the effective date of the change is the date of publication. However, if the change was announced through an Operations or Administrator's Memo, the change is effective on the date identified in the memo. If there is a different effective date or implementation schedule other than the publication date or the date identified in the Operations or Administrator's Memo, it will be highlighted below.

**NOTE:** While major changes to the W-2 Manual material are identified below, the Bureau of Wisconsin Works (BW-2) is making a concerted effort to update the entire W-2 Manual. In addition to the changes listed below, policy materials within each chapter may have been reworded and reorganized for better readability and to provide the user with easier access to relevant policy. In addition, relevant W-2 forms and publications have been identified and web links to those forms have been provided, where appropriate.

## POLICY CHANGES

Table of Contents	Updated based on changes identified below.
3.2.0	Updated the federal poverty level (FPL) table.

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- 3.2.7.1 Clarified the qualified alien deeming policy and updated the term “Immigration and Naturalization Service (INS)” to “U.S. Citizenship and Immigration Services (USCIS)” based on federal USCIS guidance.
- 3.2.7.3 Relocated information on the Child support pass-through to Chapter 16.
- 3.2.7.4 Clarified that SSI income is counted in the W-2 income eligibility test.
- 3.2.7.5 Clarified policy regarding counting Earned Income Credit (EIC) as income or an asset.
- Added new policy: Disregard certain payments under the National Flood Insurance Program.
- Added new policy: Disregard Transitional Drug Subsidies under the Medicare Prescription Drug, Improvement and Modernization Act.
- Added new policy: Disregard federally issued GI Bill and related veteran’s education assistance income.
- 3.2.7.6 Removed the limited income disregard concerning AFDC payments that were made without federal financial participation and under a state program continuously in effect since before January 1, 1979 as it is no longer relevant.
- 16.1.0 Updated policy related to child support income pass-through. (Operations Memo 05-50 and 06-21)
- Clarified what child support related forms and publications must be given to W-2 applicants.
- 16.3.0 – 16.4.0 Updated policy on child support cooperation including policy related to noncooperation, good cause for noncooperation and the child support cooperation dispute resolution process. This includes a large number of significant changes due to statutory changes and administrative rule updates. (Operations Memo 02-72, Administrative Rule DWD 15.04)
- Chapter 17 Chapter 17 has been completely re-written. In addition to organizational changes, the update also incorporates policy changes recommended by the Ad Hoc Emergency Assistance Workgroup. Some of the changes include:
- Requires that the child is anticipated to reside in the home during the next month after the emergency;
  - Requires the W-2 agency 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 agencies’ EA application process; and
  - Implements the updated/revised EA Application form and instructions.
- Refer to the chapter for the full list of policy changes and clarifications. (Operations Memo 08-19)
- Chapter 19 Renamed the Chapter from *W-2 Fact Finding* to *W-2 Dispute Resolution* to

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- better reflect the contents of the chapter.
- 19.2.1 Clarified how to calculate the 45-day timeframe for requesting a Fact Finding (FF) review.
- Clarified whether a Fact Finder has to accept a FF request beyond the 45-day deadline.
- 19.2.1.1 Clarified the timeframe for requesting a Learnfare FF review.
- 19.2.4 Clarified the roles, responsibilities and rights of the Fact Finder.
- 19.2.5.1 Added information on pre-fact finding review resolutions.
- 19.2.7 Added a section on the W-2 Agency representative's role at the FF review.
- 19.2.8 Clarified that the participant's signature is needed on the FF review form.
- 19.2.10.1.1 Clarified the remedy for overturned CMC placement FF decisions.
- 19.2.10.2 Clarified the remedy for overturned unpaid placement FF decisions.
- 19.2.11 Clarified the documents that must be included in the completed FF file.
- 19.3.1 Clarified the timeframe for requesting an Emergency Assistance (EA) Departmental review.
- Clarified that W-2 agencies cannot request a Departmental review of EA FF decisions.
- 19.3.2 Clarified when the Division of Hearings and Appeals (DHA) issues a proposed Departmental review decision.
- 19.3.4 Added information regarding agency representation at Public Assistance Overpayment Tax Intercept Administrative Hearings (Operations Memo 07-37)
- Appendix I  
Glossary
- Updated the following definitions:
- Disabled Adult (Operations Memo 06-46)
  - Job Center System
  - Qualified Alien Deeming
  - Temporary Assistance for Needy Families (TANF)
  - Two-parent Family (Operations Memo 06-46)
  - W-2 Placement
  - W-2 Child Support Demonstration
  - Workforce Development Areas
- Removed the following definitions:
- Case Management Only (CMO)
  - Diversion
  - Local Collaborative Planning Teams (LCPT)

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Appendix III Forms	The list of forms was replaced with instructions for accessing W-2 forms and publications because the list was out-of-date and forms are being incorporated into individual chapters. A comprehensive list of W-2 forms will be provided at a later date.
Appendix IV Job Centers	Updated Job Center information.
Appendix VI Community Reinvestment Resource Guide	Removed the Community Reinvestment Resource Guide.

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### **1.1.0 PHILOSOPHY & GOALS**

Wisconsin's residents are its most valuable resource. Some residents are unemployed due to poor education, poor job skills and other barriers to employment. These problems not only limit individual achievement, but also they hold back the state's economic growth.

The goal of Wisconsin Works (W-2) is to provide necessary and appropriate services to prepare individuals to work, and to obtain and maintain viable, self-sustaining employment, which will promote economic growth. W-2 is one of several work-based programs designed to ensure that everyone in Wisconsin shares in our economic opportunities.

W-2 policies are guided by the consistent application of the following philosophical principles:

1. Substantially all citizens want to be able to support their families, want to be economically self-sufficient and want to be employable members of the workforce.
2. W-2 shall be participant friendly. Each W-2 agency shall explain the full spectrum of employment, education, and training and supportive services available to assist individuals and families to transition into the workforce. When individuals and families are given adequate information about employment services, they will make an informed choice about whether or not to pursue those services.
3. Individuals determined to be eligible for participation in W-2 are obligated to cooperate with their employability plans or face sanctions. W-2 agencies rendering the services are obliged to properly and carefully assess each individual's specific needs in order to promote success in transitioning into the workforce.
4. Families are the foundation of society and are the vehicle through which children are nurtured and protected. W-2 programs and policies designed to assist participants in family formation will be evaluated in light of how well they strengthen and promote healthy, nurturing, and economically secure families where both parents are responsible.
5. W-2 agencies will assist families with multiple barriers to employment, ensure that all participants have equal access to the full spectrum of resources, and avoid arbitrary and inappropriate sanctions.
6. All programs and services shall be rendered in a fair and just manner, including adverse actions such as denials and sanctions, and participants will be informed of their appeal rights.
7. Individuals are part of various communities of people and places. W-2 operates in ways that enhance the manner in which communities support individual efforts to achieve self-sufficiency.
8. W-2 goals are best achieved by working with providers, who are committed to customer-friendly service, who partner with employers and other service

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providers, who are innovative, and who strive to continuously improve the provision of service.

W-2 accomplishes this goal by providing needed services in a comprehensive fashion, including such services as job readiness motivation, job retention and advancement skill training as well as childcare. W-2 employment and training services are available to any eligible Wisconsin resident unable to sustain employment or advance in the job market. W-2 services are not limited to recipients of cash assistance.

**1.2.0 EMPLOYMENT LADDER**

It is W-2's goal to connect people with work as soon as possible. This is done by immediate placement on the W-2 employment ladder. The employment ladder consists of four rungs. Individuals who are capable of working may be placed on the Unsubsidized Employment rung of the ladder. Individuals who are not ready may be placed on the subsidized employment rung or one of the work experience training rungs.

Starting with the highest rung on the employment ladder, these rungs are:



The W-2 agency must ensure that each participant:

1. Enters the highest possible rung on the employment ladder on which the participant is capable of participating; and
2. Moves up to the next appropriate rung at the earliest opportunity, with unsubsidized employment the ultimate goal. Each new rung should bring with it greater self-sufficiency.

In addition to employment search and placement assistance, W-2 provides a delivery system and access to supportive services necessary to facilitate employment. A wide range of work training and education services, as well as all W-2 supportive services, will be integrated in one location when possible.

### 1.3.0 JOB CENTERS

Wisconsin's vision for a single, comprehensive employment and training system designed to help job seekers find and job holders maintain employment by providing them with needed services is actualized through a one-stop Job Center approach. The Job Centers provide one-stop shopping for employers to meet workforce needs and for job seekers to obtain career planning, job placement and advancement, and training at the local level.

A local Job Center network will provide a wide array of services to job seekers, including W-2 participants. Additional services available to low income families and individuals include, but are not limited to: Food Stamps, Medical Assistance, Child Care, Emergency Assistance, Low Income Home Energy Assistance Program, transportation assistance, and Job Access Loans.

Job Centers are open to any and all job seekers, including W-2 participants. (See Appendix 3)

### 1.4.0 W-2 PARTICIPANTS

The primary purpose of W-2 is to prepare eligible parents, who are not job ready, for unsubsidized employment. Consequently, not everyone is eligible for W-2 services. There are four categories of persons who may be eligible for services of the W-2 program:

1. Custodial parents of minor children may access all W-2 services.

Parents may be eligible if they meet the financial and nonfinancial eligibility requirements (see Chapter 2).

Both single parents and married parents may be eligible.

Custodial parents caring for a child under 12 weeks of age may also be eligible for benefits if they meet the eligibility requirements (see Chapter 3).

2. Noncustodial parents subject to a support order for a child may access some W-2 services.

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Noncustodial parents subject to a support order(s) for a child(ren) whose custodial parent is participating in W-2 may qualify for limited W-2 services. The noncustodial parent must meet financial and nonfinancial requirements.

Services available include participating in self-sufficiency planning with a Financial and Employment Planner (FEP), ongoing case management with a FEP, and work readiness training. In addition, unpaid community work experience may be an option for noncustodial parents who have outstanding court ordered child support. Noncustodial parents will not qualify for subsidized categories of W-2 services, but will have access to the full range of employment and other services available at Job Centers. Both the Children First program and the case management services to noncustodial parents provide work experience and training to unemployed and/or under employed noncustodial parents who are unable to meet child support obligations.

3. Pregnant women may receive case management services.

Pregnant women with no other custodial children may be eligible for some W-2 services if nonfinancial and financial tests are met. Pregnant women are eligible to meet with a FEP for case management services and assistance in seeking unsubsidized employment.

4. All minor parents are eligible to receive W-2 case management services.

All minors with children, regardless of their income or that of their parents, are eligible to meet with a FEP. In order to qualify for other W-2 related services (such as Child Care, transportation, and health care) the income and assets of the minor's parents will be taken into account. Minor parents may also be eligible for a Job Access Loan if they are within 2 months of age 18.

### 1.5.0 REASONABLE ACCOMMODATION

W-2 agencies must follow the guidelines set forth by the Americans with Disabilities Act (ADA). If a participant discloses a disability, reasonable accommodations must be offered. All staff must be knowledgeable of the resources available through the Job Center or W-2 Equal Opportunity Coordinator to assist in making that accommodation and must offer these services in a culturally competent manner.

Staff must determine if the person needs any reasonable accommodation to participate in activities or obtain services including:

1. Eligibility determination
2. Referral procedures
3. Mobility/transportation planning
4. Employment planning

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5. W-2 placement
6. Fact finding review
7. Other Job Center services
8. Child support cooperation
9. Any other activities included in the employability plan

All staff must be familiar with the civil rights standards in service delivery, including the need to know the resources available to obtain translators for people whose first language is not English, interpreters for people who are hearing impaired or deaf, or how to put materials produced by the W-2 agency in alternate formats such as on tape or in Braille.

Sometimes the person may need assistance to determine what reasonable accommodation could increase his or her ability to fully participate in the W-2 program, including the needs of the dependent child(ren). The FEP may need to consult with experts on accommodations.

Resources which may provide information include:

1. Division of Vocational Rehabilitation (DVR)
2. County Social/Human Services Departments
3. 51.42/.437 Boards
4. Independent Living Centers
5. Private rehabilitation firms
6. Community organizations serving people with disabilities
7. Division of Workforce Solutions (DWS) Equal Opportunity Office

### **1.6.0 PARTICIPANT FLOW**

The vision of W-2 for program participation and case management is to have the Financial and Employment Planner (FEP) be the single person who performs all case management services for the W-2 participant. This approach allows a more simplified process for the participating family and is more likely to engender the building of a supportive relationship between the participant and the FEP. A growing body of "welfare to work" research supports a single caseworker approach as being both effective and cost efficient.

For those persons not seeking W-2 employment placement services, but who wish to apply for supportive services, a Supportive Services Planner is the primary worker.

### **1.6.1 FEP as Public Employee**

Current federal regulations allow only for public employees to determine Medical Assistance and Food Stamp eligibility. That public employee may be either a FEP or a Supportive Service Planner (SSP). Eligibility determination includes the eligibility

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interview, verifying information, and entering information into CARES at application, when changes are reported, and at review. The CARES system will send all alerts related to Food Stamps and Medical Assistance to the primary worker. For matters regarding Food Stamps and MA, the participant reports directly to the primary. The FEP remains ultimately responsible for W-2; however, at the W-2 agency's discretion, the Supportive Services Planner may do W-2 eligibility determination. This does not include work assessment, placement in a W-2 employment position, or case management.

It is expected that, in counties in which the W-2 agency and the county/tribal social/human services agency are not the same, county/tribes will co-locate staff at the W-2 agency to meet caseload needs and provide access to eligibility determination services for Food Stamps (FS) and Medical Assistance (MA) to current and potential W-2 and Food Stamp Employment and Training (FSET) populations. In doing so, county/tribal agencies and W-2 agencies must have coordination agreements in place outlining how the W-2 agency staff and county/tribal agency staff will coordinate responsibilities in order to provide this seamless service to persons seeking assistance. Coordination agreements must include, at a minimum, how the agencies will meet federal legal guidelines requiring that public employees process Food Stamp and Medical Assistance applications and certify eligibility.

### **1.6.2 W-2 and Income Maintenance Program Access**

When the W-2 program is administered by a county or tribe, it is expected that the FEP will be the primary caseworker for the W-2 program and the Income Maintenance Programs (Medical Assistance (MA) and Food Stamp (FS)). Wisconsin Statutes require that in locations where the W-2 program is not administered by the County or Tribe, the W-2 agency must cooperate with the county department or tribal governing body to ensure that services delivered under the W-2, Food Stamp and Medicaid Programs are coordinated with the county or tribal governing body in a manner that most effectively serves the recipients of those services (Wis. Stats. 49.143(2)(d)). Federal TANF regulations under which the W-2 program must operate also require TANF agencies in States that have a joint application process for TANF and the Medicaid/Food Stamp Programs to provide an opportunity to initiate the application process for Medicaid and Food Stamps whether or not they are applying for W-2.

When there are multiple sites for application processing within a county, it is essential that the Income Maintenance (IM) and W-2 agencies work together to assure residents are provided information regarding correct application site location, and that procedures are in place to protect application filing dates for Medicaid and Food Stamps. Applicants cannot be sent to another site to begin the application process. Instead, they must be offered the opportunity to initiate the application process. This is accomplished by the agency completing Client Registration in CARES, generating the Request for Assistance (RFA) and scheduling an intake interview with the agency that will complete the eligibility determination. The result of the priority service screening that occurs during Client Registration 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 which may result in devastating consequences for the applicants and their minor children.

### 1.6.3 Roles Performed in the W-2 Agency

Outlined below are the functional roles performed by the W-2 agency employee (or in some cases, its contractor). These roles describe the grouping of activities into logical functions which may be performed by the same person; however, they may or may not translate into a defined position. W-2 agencies are not required to devote a position to the Receptionist, Resource Specialist (RS), or Supportive Services Planner (SSP) roles, but the W-2 agencies are expected to ensure that each role is performed as necessary.

There are specific certification requirements for those performing the role of the Financial and Employment Planner (FEP). While a FEP can perform the activities assigned to other functional roles, only persons with the required credentials may fulfill the FEP function.

The goal of the Department is to allow as much flexibility as possible to the W-2 agencies. In turn, agencies should determine how they will carry out each activity and which individual employees will be assigned to the functional roles.

After meeting this minimum requirement of providing the services in the chart, it is then up to each county/tribe and W-2 agency to determine whether additional county/tribal services will be offered to the other populations at the W-2 Agency site [i.e., Social Security Income (SSI) Related MA, Kinship Care, Foster Care, etc.]. This is an option for county/tribe and W-2 agencies and provides flexibility for the co-location of additional staff if the resources and physical locations allow for an expansion of services at the W-2 agency site. This is expected in order to serve eligible working families and single persons at the W-2/Job center locations. It is important to have at least one alternative site for MA only participants to apply if they wish to do so.

#### 1.6.3.1 *Benefits and Services Offered At Wisconsin Works (W-2) Agencies Brochure*

Pursuant to s. 49.143(2)(es), Stats., W-2 agencies are required to provide a one-page description of benefits and services available at the W-2 agency to all individuals that ask for assistance. Therefore, effective January 1, 2000, all W-2 agencies are required to provide every individual who requests assistance of any kind, the *Benefits and Services Offered At Wisconsin Works (W-2) Agencies* brochure (DES 11890-P).

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 they speak with

COUNTY/TRIBE	W-2 AGENCY
<p><b>Medical Assistance</b></p> <p>Persons Age 65+ Blind/Disabled Persons Institutionalized Persons Community Waiver Participants Foster Care Recipients Kinship Care Recipients Children of SSI Caretakers Adoption Assistance Recipients Katie Beckett Participants Healthy Start (see W-2 agency) Non W-2 Families (see W-2 agency) Badgercare (program for uninsured families)</p> <p><b>Food Stamp</b></p> <p>Single Persons Households with no Children Under Age 18 Elderly or Disabled Persons Cases where no one is a participant in Food Stamp Employment &amp; Training (FSET)</p> <p><b>Child Care</b></p> <p>Family Day Care Certification Authorization and Payment to Day Care Facility</p> <p><b>General Assistance</b></p> <p><b>Burial Expense</b></p> <p><b>Foster Care</b></p> <p><b>Kinship Care</b></p> <p><b>SSI Child Supplement</b></p>	<p><b>Medical Assistance*</b></p> <p>For families (including single pregnant women) in which the parent is applying for or participating in a W-2 employment position or W-2 Services (including W-2 Case Management, Child Care, Transportation, JALs)**</p> <p><b>Food Stamps*</b></p> <p>For families (including single pregnant women) in which the parent is applying for or participating in a W-2 employment position or W-2 Services (including W-2 Case Management, Child Care, Transportation, ESAP, JALs)**</p> <p>For cases where anyone in the FS group is a mandatory participant in Food Stamp Employment &amp; Training (FSET)</p> <p><b>Child Care (W-2 and FSET )</b></p> <p>Eligibility Determination (except Milwaukee County)</p> <p><b>Wisconsin Works (W-2)</b></p> <p>Employment Positions Job Access Loans Transportation</p> <p><b>Emergency Assistance</b></p>

\*Requires subcontract or cooperative agreement for staffing at W-2 site necessary to meet federal legal requirements for eligibility determinations by government employees. These functions must be performed by a government employee hired under a merit personnel system.

\*\*Medical Assistance and Food Stamps remain entitlements. A W-2 agency may not deny a person the right to make application for MA and FS if they are not applying for W-2.

1.6.3.2 *Receptionist*

The Receptionist is generally the first person to meet with the customer entering a Job Center or W-2 agency. When a customer approaches the receptionist, they should first be given the opportunity to ask for information about a specific program or service. For those customers who are not familiar with the programs or services available through the Job Center, the receptionist must consider all Job Center programs that may potentially serve them and provide information on each. This ensures that the customer will make an informed choice about which programs and services to pursue. If the customer wishes to apply for or indicates an interest in learning more about the W-2 program, the receptionist will schedule an appointment with a Resource Specialist (RS) the same day or no later than the following working day.

1.6.3.3 *Resource Specialist (W-2 Intake and Informed Choice)*

The role of the Resource Specialist is to assist each customer of the W-2 agency in determining which programs or services are likely to support their efforts at employment and self-sufficiency. In fulfilling this role, the RS will perform these primary functions:

1. Inform each customer about:
  - a. Services that are available through the W-2 program including employment position placements, case management services, and supportive services. The customer must be made aware that the provision of W-2 services is based on eligibility criteria and a functional assessment by W-2 agency staff.
  - b. Job Center partner programs such as JobNet, WAA, WIA, WtW and DVR.
  - c. Supportive service programs such as Food Stamps, Medicaid, Badgercare, Child Care, Emergency Assistance, the Women, Infants and Children (WIC) benefit, the Low-Income Heating Energy Assistance Program and local housing assistance programs.
  - d. Community resources offered through the Children Services Network, based on needs identified through the initial review process.
2. Perform the initial review of need for employment-related services. This will include:
  - a. Asking customers about the type of employment assistance they are interested in receiving.
  - b. Gathering basic information about the customers' recent job search efforts, employment skills, work history, education, income and assets.

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- c. Determining how the family/household composition and circumstances affect the customers' ability to work.
  - d. Assessing current child support case status.
  - e. Screening for priority status.
3. After providing information to the customer about available programs and services and gathering information through the initial review, assist the customer in determining what programs and services are likely to support their efforts at employment and self-sufficiency, including:
- a. Utilizing the programs and services of the Job Center partners to receive job search assistance, work training opportunities, education and training opportunities or job retention and advancement services;
  - b. Determining if there are other public assistance programs or resources that may address the financial need of the participant. Examples include: Supplemental Security Income, Unemployment Insurance, Food Stamps, Medicaid and local housing assistance.
  - c. Applying for assistance through the W-2 program.
    1. The RS must refer the customer to any programs in which there is an interest indicated.
    2. Applicants who wish to pursue W-2 after meeting with the RS must be referred to the FEP.
    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.

As a condition of W-2 eligibility, the RS may:

- a. Assign job search to all persons who are clearly able to conduct a productive job search during the period of time the application is being processed. An Employability Plan must be developed when up-front job search is assigned. (See 5.1.2)
- b. Require the applicant to apply for other appropriate public assistance programs or resources.

The RS must explain the child support program. The booklet "Wisconsin's Child Support Program" and the "Child Support and You -- 100% Pass-through" pamphlet must be given to the applicant. The RS must explain the child support requirements for all appropriate individuals, including noncustodial parents and pregnant women. Explain the requirement to cooperate with child support efforts and provide the applicant with and explain the Good Cause Notice and Good Cause Claim forms. See Chapter 16 for more information on Child Support requirements.

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

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collected by the RS. Applicants who only request supportive services may be referred to the Supportive Services Planner (SSP). All applicants will be referred to the Child Support program via the CARES/KIDS automated interface.

1.6.3.4 *Financial & Employment Planner (FEP)*

The FEP is central to W-2 integrated case management and signifies the merger of the former economic support and Job Opportunities and Basic Skills (JOBS) case manager functions. This means that participants in W-2 employment positions will interact with only one worker for all matters that concern W-2 participation, payments, and supportive services. In keeping with this important W-2 tenet, a single FEP must provide case management, eligibility determination, W-2 placement determinations, Employability Plan (EP) development, and all other services for a participant in a W-2 employment position. Services may include Job Access Loans, determining eligibility for Child Care, Food Stamps, Medical Assistance, Emergency Assistance, etc.

It is mandatory that a single FEP provide case management services and supportive services for a person in a W-2 employment position. However, a Financial and Employment Planner (FEP) may delegate varying degrees of responsibility to an SSP. Although a FEP may have this staff assistance, the FEP has the ultimate responsibility for the case, including correct eligibility determination for W-2, Medical Assistance, and Food Stamps. If the FEP is not a public employee, the SSP must make the MA and FS determinations (see 1.5.1). As the primary case manager, the applicant/ participant reports directly to the FEP. The FEP may request an applicant/participant discuss the case with the SSP. The relationship between the FEP and SSP must be a cooperative one. The FEP must also coordinate with other agencies to facilitate needed services such as treatment, education, training and formal assessments. Because case management for persons in W-2 employment positions is provided solely by a FEP, each agency, as required by state statute, must have at least one FEP. All FEPs must be certified in accordance with state law and administrative rule. (See DWD 17 certification rule).

Although the W-2 agency will decide, it is generally anticipated that persons moving in and out of W-2 will retain the same FEP or FEP/SSP team. If a FEP is not initially involved, the same SSP should continue if a FEP is later required.

The FEP must meet with the applicant within five working days of the date the W-2 agency receives a signed application. The FEP has seven 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

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5. Ongoing case management.

These main functions include, but are not limited to, these responsibilities:

1. Determining eligibility for: Job Access Loans, Food Stamps, Medical Assistance, Child Care, Emergency Assistance, and other benefits or services as needed and/or requested. Verify information necessary to process the W-2 application. Ensure that all data is entered into the Client Assistance for Re-employment and Economic Support (CARES) system in an accurate and timely fashion and that correct payments are issued in a timely manner.
2. Providing information on basic money management and the personal work habits and life skills needed to succeed in the working world.
3. Performing job placement screening by utilizing information collected in the W-2 application such as work history (including recent job search efforts), education, interests, skills and abilities, family composition, and barriers to employment. Consider barriers to employment in determining the level of employability, making placement decisions, and referrals to other services. Assigning reasonable job search activities prior to and after the determination of W-2 eligibility.
4. Determining placement in a W-2 employment position, if barriers prevent obtaining unsubsidized employment.
5. Developing a W-2 Employability Plan (EP) in consultation with the participant. Designing the plan to move the participant to unsubsidized employment as soon as possible. Documenting requirements for W-2 work training, education and training activities and incorporate Learnfare activity requirements as necessary.
6. Monitoring compliance with the Employability Plan and participant progress on a regular basis, providing feedback to participants, and processing payments. Identifying noncompliance, determine good cause, and apply payment reductions. Recording participant progress information in CARES.
7. Assessing the effectiveness of the Employability Plan regularly and making revisions as necessary for persons placed in a Trial Job, CSJ, or W-2 T. This may include initiating follow-up contact with the participant and/or work training provider and determining whether participation levels should be modified.
8. 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; and b) providing information on the Fact Finding Process. In addition, the FEP should explain the W-2 agency's discrimination complaint process.

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9. Utilizing the Case Management Resource Guide and other screening tools to determine whether an outside professional assessment is needed to determine appropriate participation requirements.
10. Referring applicants who supply questionable information for front-end verification.
11. Referring participants suspected of fraudulent activity for fraud investigation.
12. Referring applicants and participants to other community services such as food pantries, domestic abuse services, literacy councils, child welfare agencies, Division of Vocational Rehabilitation and alcohol and other drug abuse (AODA)/ mental health services when necessary.
13. Assuring that final eligibility information for W-2, MA, Child Care, and FS 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.
14. Explaining Learnfare, assessing Learnfare status for dependent children in a W-2 group, and providing or arranging for Learnfare case management as specified in the Learnfare Case Management Manual. Ensure enrollment and attendance for dependent child(ren) subject to Learnfare is promoted, verified, monitored and appropriately entered in CARES.
15. Providing follow-up case management to ensure job retention.
16. Maintaining an effective working relationship with the Job Center partners.

The FEP will provide follow-up case management services for at least 6 months to participants who progress from a W-2 work training position to an unsubsidized position to encourage and support job retention. At local agency discretion, the participant may continue to receive the follow-up case management services of the FEP beyond the mandatory six-month follow-up period as necessary. Agencies are encouraged to continue follow-up case management services for six months to prevent recidivism and ensure stabilization. The FEP may also arrange for continued service through the Job Center.

1.6.3.5

*Supportive Services Planner (SSP)*

After exploring other resources and/or meeting with the RS, an applicant may decide to request only supportive services or other non-W-2 program benefits. In some cases, a person may be determined ineligible for a W-2 employment position by the FEP. In these instances, the applicant/participant may meet with a Supportive Services Planner (SSP). The SSP determines eligibility for W-2 supportive services and other programs, but does not have the responsibility to determine eligibility for a W-2 employment position, unless delegated to do so by the FEP. (See Financial and

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Employment Planner Role) If the applicant/participant is not eligible for or does not request a W-2 employment position, the SSP determines eligibility for and provides for the delivery of these services which may include:

1. Food Stamps
2. Transportation assistance
3. Medicaid
4. Child Care
5. Emergency Assistance

After eligibility for FS, MA, and or child care is confirmed, the SSP must assure that the case is referred to child support services. When the W-2 agency and the county agency are not the same, if a client files a good cause claim for noncooperation with child support with both the W-2 and county agencies, the SSP will evaluate the case and make the decision on whether to grant good cause. If the client requests a fact finding review and a fair hearing regarding the good cause determination, the fair hearing officer's decision will take precedence.

### **1.7.0 COMMUNITY STEERING COMMITTEE**

Community Steering Committees (CSCs) are public/private partnerships established by each W-2 agency to provide ties to the local communities with strong leadership from the business sector.

The CSC will help the W-2 agency identify unsubsidized and subsidized employment opportunities, as well as create Trial Jobs, Community Service Jobs, and W-2 Transition positions, for those individuals who are not ready for unsubsidized employment.

CSCs will have responsibilities in the following general areas:

1. Establishing strong ties to local employers;
2. Reinforcing the role employers have in creating and identifying job opportunities for W-2 participants;
3. Developing employment strategies;
4. Promoting entrepreneurship;
5. Providing mentoring;
6. Improving access to child care;
7. Identifying motivational training programs, including programs that enhance parenting skills;



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8. Expanding availability of child care;
9. Expanding access to transportation;
10. Collaborating with the Children's Services Network;
11. Ensuring that training and education programs are relevant to the community's business needs; and
12. The CSC will also help to promote the understanding and use of the Earned Income Credit (EIC) among both employers and their employees. The EIC is specifically designed to help low-income working families with children achieve an income above the poverty level.

The CSC must consist of between 12 and 15 members, appointed by the county chief elected official or chairperson of the tribal governing body. The CSC must include representatives of local business interests and be reflective of the racial/ethnic, gender, age, and disability composition of the geographical service area of the W-2 agency.

If the county agency is not the W-2 agency, the CSC must include both :

1. The director (or designee) of the county department of human or social services
2. One other representative of the county department.

The CSC will be expected to collaborate with other statewide boards, charged with regional, employment-related responsibilities, such as:

1. Workforce Development Boards (WDB);
2. Local Collaborative Planning Teams; and
3. The Wisconsin Technical College System (WTCS).

In addition, Milwaukee County Community Steering Committees are required to appoint a representative to serve on the Countywide Administrative Council, a body created to coordinate CSC activities in Milwaukee.

For more information, the following publications are available through the W-2 agency or Area Administrator:

1. Community Steering Committee Development Guide
2. Community Steering Committee Operations Guide

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W-2 agencies must develop a Children's Services Network (CSN) 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. The provision of information should be done through a partnership between the W-2 agency and the CSN.

At a minimum, the CSN must provide information about the following services:

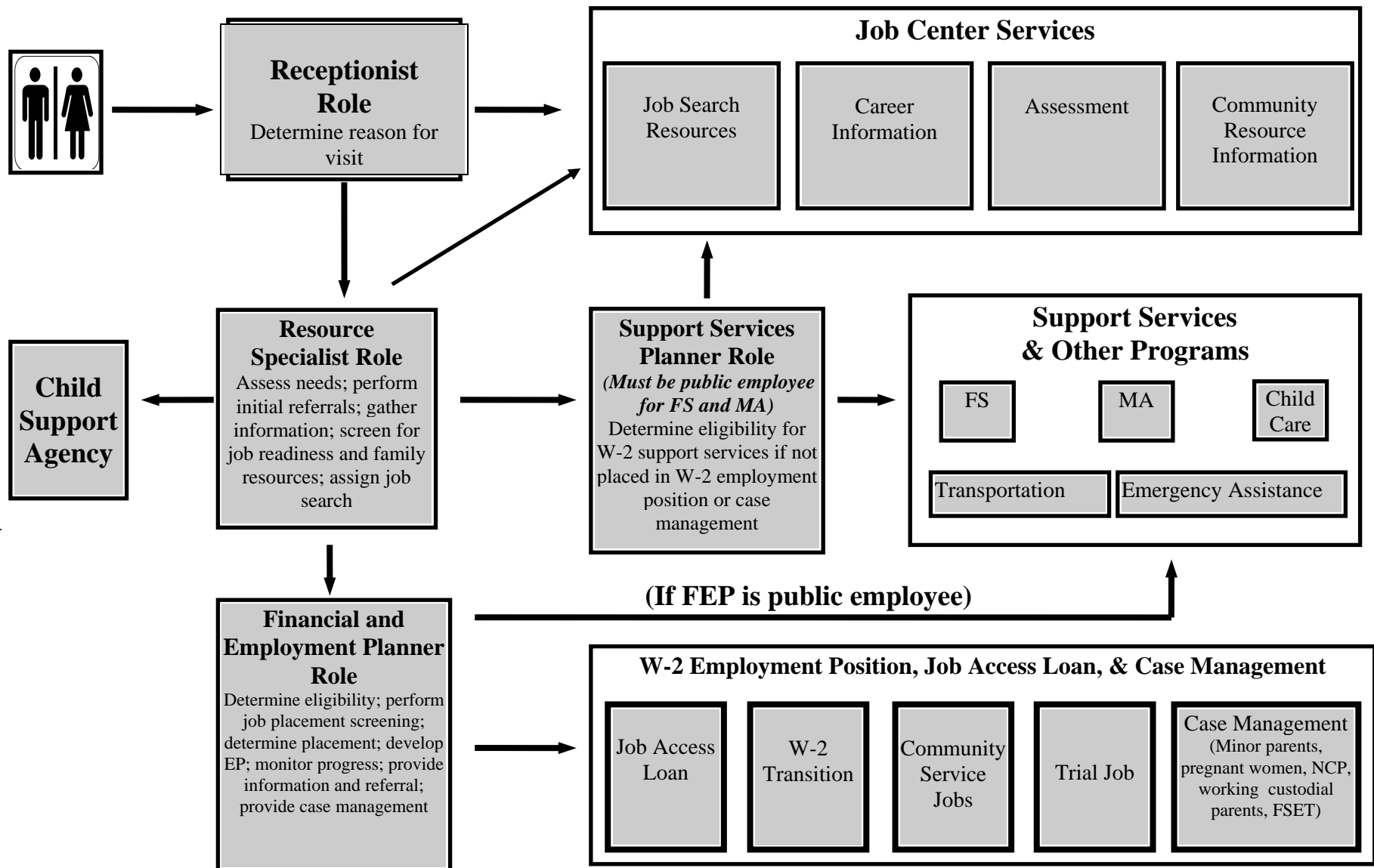
1. Charitable food centers
2. Charitable clothing centers
3. Subsidized and low-income housing
4. Transportation subsidies
5. Special services for children and adults with disabilities
6. The state supplemental food program for women, infants and children (WIC)
7. Child care programs
8. Homeless shelters
9. Domestic abuse services and sexual assault victim services
10. Workplace protections
11. Child welfare services
12. Public health and other health services
13. Other additions based on collaboration with child protective services
14. Financial literacy resources
15. Head Start
16. Financial counseling

In order to provide an effective link to services, the network structure should include, at a minimum, the following:

1. An identified group of community organizations, agencies and other providers of support or services that have an on-going relationship and communicate on a regular basis;
2. An identified contact point (agency, person, phone number) to provide a single access point for participants and an information repository for service providers; and
3. A means of identifying community needs. This can be as simple as logging requests for types of services and comparing demands to known suppliers of given services. This could also be accomplished by using periodic community assessments conducted by other entities.

In addition to the services listed above, the Network will be most useful if it provides information on a wide range of child and family services and programs. The Department suggests incorporating additional services and programs that make sense in each community.

# W-2 Participant Flow and Access to Services Model



## **2.1.0 W-2 APPLICATION**

A custodial parent, who meets nonfinancial and financial eligibility requirements, may receive case management services provided by a FEP and may be placed in an employment position if unsubsidized employment cannot be obtained or if barriers exist which prevent the individual from succeeding in unsubsidized employment. A custodial parent may also be eligible for a Job Access Loan. Applicants must apply in the county or region in which they reside.

All applicants requesting W-2 services, including employment positions, Job Access Loans, child care or case management only, must complete and sign a W-2 application (CARES generated or, if not available, paper backup). In addition, all 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. By signing the W-2 application, the individual attests that all information provided in the application is correct and complete. By signing the application, the individual also attests to understanding and agreeing to some basic precepts of W-2 participation such as the Fact Finding process (see Chapter 19), fraud rules (see 4.2.0) and cooperation with child support (see 16.3.0).

During the interview, the Good Cause Notice for child support must be presented and explained. If the applicant wishes to file a Good Cause Claim for child support, the claim may be recorded at any time during application or participation in W-2.

An application may be accepted from an authorized representative (see IM Manual Chapter I, Part A, 18.3.0) or a home visit may be conducted as a reasonable accommodation for someone in order to secure their signature (see IM Manual Chapter I, Part A, 27.0.0).

### **2.1.1 Participation Agreement**

During the initial assessment, the FEP must thoroughly review the W-2 Participation Agreement (PA) with new applicants. The PA outlines the basic rights and responsibilities associated with participation in a W-2 employment position. After the agreement has been thoroughly discussed, the worker, applicant, and all adults in the W-2 group must sign the W-2 Participation Agreement.

The PA is important throughout the individual's participation in W-2 because it outlines the requirements of W-2 participation. W-2 agencies may review the PA at Employability Plan 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. The agency must give the participant a signed copy of the PA and retain the original in the agency file.

## **2.2.0 NONFINANCIAL ELIGIBILITY CRITERIA**

In order to be nonfinancially eligible for W-2 employment positions, and Job Access Loans for any month, (child care has separate nonfinancial eligibility criteria--see 15.2.0), an applicant/ participant must:

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1. Be a custodial parent;
2. Be 18 years of age or older;
3. Be a U.S. citizen or qualified alien (see 2.2.1);
4. Be a resident of Wisconsin and unless the applicant is a migrant worker, demonstrate an intent to continue living in the state. To be eligible, the applicant is not required to have resided in Wisconsin for any specified length of time. (See the Income Maintenance Manual, Chapter 1, Part C for methods of residency verification);
5. Cooperate, unless good cause or other exceptions exists, 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.);
6. Assign the rights to any support or maintenance (child or family support) to the state. (In many cases, the full amount of child support will still be passed through to the family. See 16.1.1);
7. Provide all requested documentation within seven working days after receiving the request for information from the W-2 agency;
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 within 180 calendar days immediately preceding application;
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;
10. Not receive Supplemental Security Income (SSI) or state supplemental payments;
11. Not receive Social Security Disability Income (SSDI);
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, they become ineligible for W-2);
13. Apply for or provide a social security number (SSN) for all W-2 group members;
14. 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;
15. Have no other W-2 group member participating in a W-2 employment position (this does not apply to an individual applying for a Job Access Loan (JAL) only);

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16. Cooperate in providing information needed to verify enrollment information or good cause for the Learnfare program;
17. Cooperate in the requirement to search for unsubsidized employment throughout his or her participation in a W-2 employment position (this does not apply to Americorps\*VISTA Volunteers (see 5.3.0));
18. Cooperate in applying for other public assistance programs or resources that the FEP believes may be available to the individual;
19. Cooperate with providing eligibility information for other members of the W-2 group;
20. Cooperate with providing information for quality assurance reviews; and
21. 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 2.3.1).
22. Not be a fugitive felon.
23. Not be violating a condition of probation or parole imposed under federal or state law.
24. 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.

**2.2.1 U.S. Citizenship/Qualified Aliens**

U.S. citizenship or qualified alien status must be verified as a requirement of W-2 nonfinancial eligibility. Appropriate verification for U.S. citizenship may include a birth certificate, naturalization certificate, or tribal records. See IM Manual, Chapter I, Part C for more information on acceptable verification for citizens.

After a period of time, most qualified aliens may acquire citizenship. Therefore, the FEP should review alien status at each eligibility review.

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 & Nationality Act, Section 101(b)(1).

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Children who were under the age of 18 on or after February 27, 2001 and who meet all of the above requirements acquire citizenship automatically effective February 27, 2001. This policy is not retroactive to aliens who were 18 years or older on February 27, 2001. If they choose to become U.S. citizens, they must apply for naturalization.

Proof of citizenship verification is not automatically issued to children who acquire derivative citizenship. A parent may apply for an INS certificate of citizenship for the child or a passport for their child. If the participant does not present one of these documents for a child, the FEP can make a determination of derivative citizenship based on evidence of one parent's U.S. citizenship (including naturalized citizenship). However, FEPs should encourage parents to obtain official documentation to avoid future citizen verification problems for the child.

Once the child's citizenship has been verified, the FEP must update CARES screen ANAR. See CARES Guide for more information on updating ANAR.

2.2.1.1

*Qualified Aliens*

The following 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 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

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- 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.

2.2.1.1.1

*Verifying Immigration Status*

The documents found in Appendix 8, when combined with proof of identity, will verify that an individual is a qualified alien. If the applicant presents a document that does not appear to be genuine or relate to the person presenting it, presents expired documents or is unable to present any documentation regarding immigration status, presume the person is in the status claimed until he or she has been provided an opportunity to present the documentation. The FEP should refer the individual to the local INS 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 an 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 qualified alien, he or she is presumptively eligible until the FEP verifies, using the Systematic Alien Verification for Entitlement (SAVE) system, his or her alien status. SAVE procedures for determining the status of an alien applicant are contained in the SAVE User Manual (M-300, Rev 9/00). The number for contacting SAVE is 1-800-365-7620.

The FEP should not delay, deny, reduce or terminate the applicant's eligibility for W-2 benefits on the basis of an individual's immigration status while verifying immigration status. See 4.1.0 for more information on obtaining verification for W-2 purposes.

2.2.2

**Cooperation with Child Support**

The determination of whether an applicant is cooperating with child support enforcement efforts is made by the child support agency. A W-2 participant is considered to be cooperative if there is an open IV-D case for the child in question and no indicator of noncooperation is noted in the Kids Information Data System (KIDS) participant screens. If the applicant or any member of the group, who is a custodial or noncustodial parent of a child, is in a noncooperative status in their child support case, and noncooperation began after September 1, 1997, that group is not eligible for W-2 employment position, Job Access Loans, or child care assistance.

If the applicant or other member of the W-2 group is not cooperating, they have seven working days in which to rectify the situation. An applicant or participant may claim good cause for refusal to cooperate at any time during the application process or once found eligible for W-2 services. It is the W-2 agency's responsibility to make a determination of good cause in each case. Good cause for refusing to cooperate with child support is outlined in 16.3.0.

2.2.3

**Job Refusal/Noncooperation with Employment Assistance 180 Days Prior to Application**



W-2 agencies, on a case-by-case basis, may deny a W-2 employment position to an applicant who has not made a good faith effort, within 180 calendar days immediately preceding application, to obtain employment or has refused any bona fide offer of employment, including a job quit, as determined by the W-2 agency. This eligibility criteria applies only to applicants. Participants who refuse any bona fide offer of employment, including a job quit, may be given a strike. (See 11.2.0) 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.

An applicant who has applied for W-2 within the 180 calendar days immediately preceding the current application must have cooperated with the efforts of a W-2 agency to assist the applicant in obtaining employment. An applicant, who did not cooperate with the W-2 agency if the previous application was within 180 calendar days of the current application, may be denied placement in a W-2 employment position. This eligibility requirement is meant to deter applicants from cycling on and off assistance after refusing to comply with program requirements. 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. Sanctions or noncooperation under other programs, such as Food Stamp Employment and Training (FSET) do not apply.

If the FEP denies assistance due to a job quit or noncooperation with past employment search, reasons for the denial must be documented. Applicants denied assistance due to either of these eligibility requirements may be referred back through the Job Center to utilize other employment services.

#### **2.2.4 Accessing Other Public Assistance Programs or 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;
- Supplemental Security Income (SSI);
- Social Security (including Social Security Disability Insurance (SSDI));
- Veterans benefits;
- Workforce Investment Act (WIA) programs; and
- Vocational Rehabilitation Services.

Cooperation in applying for these other public assistance programs or resources must be included as assigned activities on the individual's employability plan. Applicants or participants who refuse to apply for and accept other public assistance programs or resources that may be available are not eligible or may lose eligibility for a W-2 employment position or a Job Access Loan.

In addition, the W-2 agency may encourage the applicant or participant to access, on a voluntary basis, other services which may help the applicant find employment. These activities do not have to be included on the EP as assigned activities.

## 2.2.5 Two-Parent Households

Wisconsin Works is based on the philosophy that both parents are responsible to care for and support their children. Each parent in a two-parent family has a role and responsibility to fill toward their children. The goal of the two-parent policy is to assist families to effectively use the resources of both parents to achieve self sufficiency. The FEP must carefully assess the abilities of each parent, the family circumstances, such as the need for child care and other supportive services, and the activities needed to prepare each parent for unsubsidized employment. Therefore, the FEP should take a family case management approach. Meetings with both parents in a two-parent household may be necessary to assess total family strengths and barriers. This assessment will determine which parent, if any, is placed in an employment position and the appropriate activities for each parent. The activities identified for each parent must be designed with the goal of achieving family sufficiency.

For eligibility determination purposes, refer to the IM Manual, Chapter 1, Part A, 5.0.0 when divorced parents have joint custody of the child(ren).

### 2.2.5.1 *Two-Parent Participation Requirements*

Both parents in a two-parent family in which neither parent is disabled or caring for a severely disabled child may be required to participate in W-2 activities. The first parent, the parent placed in a W-2 employment position, must participate in up to 40 hours of W-2 activities, of which no fewer than 30 (or 28 if placed in W-2 T) must be in work training activities. If the family is receiving federally-funded child care, the second parent must also participate in allowable W-2 activities for a minimum of the difference between the number of hours the parent in the employment position participates in assigned activities and 55 hours per week.

Mr. and Mrs. Jones and their two children are receiving W-2 services. The Jones' are receiving federally funded child care. Mrs. Jones is assigned a Community Service Job placement. She is required to participate in Work Experience for 30 hours per week and GED classes 10 hours per week (40 total hours of assigned activities). Mr. Jones must be assigned at least 15 hours of allowable activities training (55 - 40 = 15).

If the two-parent family is not receiving federally-funded child care the second parent should be provided the opportunity to participate in W-2 activities. The FEP should identify activities for both parents, taking into consideration the schedules of the parents and children in order to accommodate the family's request not to receive child care.

**Example:** Mr. and Mrs. Smith are receiving W-2 services. The Smith's are not receiving federally-funded child care. Mr. Smith is in a CSJ and is participating in work training experience from 8:00 a.m. until 3:30 p.m., Monday through Friday.

The family has two children who are in school from 8:30 a.m. until 3:00 p.m. Monday through Friday. The FEP may offer Mrs. Smith work experience training, English-as-a-Second Language or skills training from 9:00 a.m. until 2:30 p.m., Monday through Friday.

#### 2.2.5.2 *Allowable Activities and Second Parent Participation*

A second parent in a family receiving federally funded child care must be assigned to participate in the following activities:

1. Unsubsidized employment
  - Working Full Time
  - Working Part Time
2. Subsidized employment
  - On-the-Job-Training (Non-W-2 funded)
3. Work Training Experience
  - Work Experience

The minimum number of hours the second parent must participate in the above activities is equal to the difference between 55 hours and the number of hours the parent who is placed in an employment position participates in assigned activities. See example at 2.2.5.1.

Additional activities above the minimum required may be assigned based on a determination by the FEP that additional activities will best prepare the second parent for unsubsidized employment.

The second parent in a two-parent family not receiving federally funded child care may be provided the opportunity to participate in the allowable activities above, however, the FEP has more flexibility in identifying activities for the second parent.

Consistent with basic W-2 philosophy, all participants who are not ready for unsubsidized employment should have work experience training assigned as their primary activity.

When the second parent in a two-parent family is participating in activities, an employability plan (EP) must be created for the second parent. The EP must take into account the situation of the entire family and include goals and activities that will lead the family to self-sufficiency.

#### 2.2.5.3 *Payment Reductions*

There is no additional payment generated when the second parent participates in activities. There is no hourly payment reduction when the second parent misses activities.

#### 2.2.5.4 *Refusal to Participate*

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A participant in a W-2 employment position may accumulate a strike when they refuse to participate in assigned activities. The second parent who is assigned participation activities because they are receiving federally funded child care may also accumulate a strike if they refuse to participate in assigned activities. (See 11.2.0 for a full description of refusal to participate).

Strikes earned by each parent in a two-parent family are not cumulative; therefore strikes earned by each parent must be tracked independently of each other. Both the parent in a W-2 employment position and the second parent who is assigned participation activities may each accumulate 3 strikes. Once either parent accumulates 3 strikes for nonparticipation, the parent in a W-2 employment position is ineligible to participate in that employment position for life.

**Example:** Mrs. Anderson is assigned a CSJ placement and the family is receiving federally funded child care. Mr. Anderson is required to participate in work experience training. Mrs. Anderson has accumulated 1 strike and Mr. Anderson has accumulated 2 strikes due to their repeated lack of participation. Mrs. Anderson is still eligible to participate in her CSJ placement. If Mrs. Anderson gets 2 additional strikes **or** Mr. Anderson gets 1 additional strike, then Mrs. Anderson will be ineligible to participate in a CSJ placement.

2.2.5.5

*Two-Parent Participation and W-2 Time Limits*

See 2.3.1.1 for a full description of the policies relating to W-2 time limits and clocks affecting two-parent cases.

**2.3.0**

**TIME-LIMITED W-2 PAYMENT POLICY**

Both the federal legislation that created the Temporary Assistance for Needy Families (TANF) block grant program, and Wisconsin Works (W-2) legislation (1995 Wisconsin Act 289) include a 60-month lifetime limit for eligibility. Time limits support the change in the overall message and mission of the welfare system from government support to self-support. Time limits stress mutual responsibility: government provides support and services designed to promote employment while participants are expected to prepare for and enter employment in return. The goal is to raise participants' earnings and employment rates and reduce reliance on government programs.

On October 1, 1996, prior to full W-2 implementation, Wisconsin implemented the 60-month lifetime limit for AFDC participants active in the Job Opportunities and Basic Skills (JOBS) program. Individuals who transitioned from AFDC to W-2 (March 1, 1997, in the W-2 pilot counties, and statewide beginning September 1997) may have already used months toward their 60-month lifetime limit.

**2.3.1**

**60-Month Lifetime W-2 Payment Limit**

AFDC recipients who were active participants in the JOBS program, starting October 1, 1996, and/or participants in W-2 employment positions (Trial Jobs,

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Community Service Jobs and W-2 Transition) under W-2, have a lifetime participation limit of 60 months (whether consecutive or not) in the AFDC program and/or W-2 employment positions. If the participant participates in JOBS or a W-2 employment position at any time during a month, that month counts towards the 60-month time limit. Even if the individual is subject to a payment reduction or strike, the 60-month clock will tick. Time limits apply to participants 18 or older (except 18 year olds who are dependent children and not a custodial parent participating in an employment position).

## 2.3.1.1

*Months Counted Toward the 60-Month Limit*

The 60-month time limit is a cumulative total of the number of months a participant (18 or older) 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 Standard Filing Unit (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 Parental and Family Responsibility (PFR) Demonstration with a code of (P) or (R); and
  - has been enrolled in JOBS under Experimental, or Non-Experimental Pay for Performance (PFP); Work Not Welfare (WNW); Experimental or Control PFR.
- 2. A W-2 participant placed in a subsidized W-2 employment position (Trial Job, Community Service Job or W-2 Transition).**
- 3. A participant in any TANF funded program in this state or any other state and who has received TANF benefits while in that program (see 2.3.6).**

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.

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. When an adult joins a W-2 group in which another adult member has months accumulated toward the 60-month limit, the adult member with the greatest number of months compiled towards the 60-month lifetime limit counts as the W-2 group’s limit. If an individual leaves the W-2 group, he/she takes 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

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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 months 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.

2.3.1.2

*Exceptions from Time Limits*

There are two exceptions to counting months towards the time limits. The exceptions are:

1. When a W-2 participant is the custodial parent of a child 12 weeks old or less and receives payments as a custodial parent of an infant, the W-2 group is exempt from the 60-month time limit and the 24-month time limit for participation in any one of the employment positions if the child is born less than 10 months after the date the individual was first determined to be eligible for AFDC or a W-2 subsidized employment position (TJ, CSJ, W-2 T). (See 7.5.0)

If a child is born more than 10 months after the date the individual is first determined eligible for AFDC or for a W-2 subsidized employment position (first determined eligible as long as eligibility was determined on or after October 1, 1996), the 60-month and 24-month clocks will tick unless 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. In this situation, the custodial parent is exempt from the time limit until the child is 12 weeks old. If eligibility for AFDC or a W-2 subsidized employment position were determined prior to October 1, 1996, a participant's clocks would not tick.

**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. Neither of the clocks would 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, both the 60-month and appropriate 24-month clock would tick because she was determined eligible for AFDC after 10/1/96.

Determining which 24-month clock should tick for a CMC participant is based upon the W-2 employment position the participant was in immediately preceding placement in the CMC placement. If a CMC participant was in a W-2 subsidized employment position immediately preceding (one day or less) placement in CMC, the 24-month clock of the subsidized employment position the participant

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was in would continue to tick. If the person was not in a W-2 subsidized employment position immediately preceding placement in CMC (two days or more), a 24-month subsidized employment position clock would not tick, but the 60-month clock would continue to tick.

**Example 1:** A former AFDC recipient who has never participated in W-2 has a child, applies for and is found eligible for the CMC payment. Because the woman was not in a W-2 subsidized employment position immediately preceding placement in CMC, no 24-month clock is applicable and, therefore, only the 60-month clock will tick.

**Example 2:** A woman in a CSJ placement continuously since September 1, 1997 has a baby and is placed in the CMC payment placement. Because the woman was in a W-2 subsidized employment position immediately preceding placement in CMC, a 24-month clock is applicable and, therefore, both the CSJ 24-month clock and the lifetime 60-month clock will tick.

2. Any adult in the W-2 group who received AFDC as an active JOBS participant, participated in a W-2 employment position 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:
  - a. At least 1,000 individuals were living on the reservation or in the village or Indian country; and
  - b. At least 50 percent of the adults were unemployed.

### 2.3.2

#### 24-Month Time Limit for Subsidized Employment Positions

Participation in any W-2 subsidized employment position (Trial Job, CSJ and W-2 T) is limited to 24 cumulative months. If the participant participates in a W-2 employment position at any time during a calendar month, that month counts towards the 24-month time limit. Even if the individual is subject to a payment reduction or strike, the 24-month clock will tick. When a participant moves between employment positions during a calendar month, the 24-month clock will tick for the last employment position of the month. If the new W-2 placement is not in a W-2 subsidized employment position, the clock will still tick if the individual participated at any time during the month in a W-2 subsidized employment position subject to the 24 month clock.

**Example 1:** John is placed in a Community Service Job on January 1. On January 28, John's FEP places John in a Trial Job. John's Trial Job 24-month clock will tick for that month. Even though John was placed in both a CSJ and Trial Job in the month of January, only John's Trial Job 24-month clock will tick because that was John's last placement of the month.

**Example 2:** John is placed in a Community Service Job on January 1. On January 28, John finds an unsubsidized employment position and John's FEP places him in CMF on January 31. Because John was placed in CSJ in that

month and because a 24-month clock does not tick for CMF, John's CSJ 24-month clock will tick because, in that month, that was John's last W-2 placement subject to a 24-month clock.

### **2.3.3 Notification of Time Limits**

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 limits provide a sense of urgency for both participants and case managers and encourage constant progress to enable participants to move to self-sufficiency before the 60-month time limit for eligibility ends.

### **2.3.4 Adjustments to Time-Limit Clocks**

If a W-2 payment is voluntarily refunded, the FEP must adjust the time-limit clock by subtracting a month:

1. 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. 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 to both the 24- and 60-month clocks must be restored. In case of IPV or fraud, used months of eligibility even if payments are fully repaid must not be restored. (See 10.3.0)
3. A Trial Job employer does not request a Trial Job subsidy for a month of employment.

### **2.3.5 24-Month and 60-Month Time Limit Extensions**

There are opportunities for extensions of the 24-month and 60-month time limits. W-2 agencies may extend eligibility only when a W-2 participant qualifies for an extension by meeting the appropriate criteria. The W-2 agencies must work intensively with participants prior to and during extension periods to help the participant overcome barriers or challenges.

#### **2.3.5.1 24-Month and 60-Month Extension Criteria**

In determining whether to recommend extended eligibility, the W-2 agency must apply the following criteria on a case-by-case basis:



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- a. A Trial Job participant may be granted an extension to the 24-month limit or 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 [see (i) and (ii) below].
- b. A CSJ participant may be granted an extension to the 24-month limit or 60-month limit if the W-2 participant has made all appropriate efforts to find and accept unsubsidized employment and has been unable to do so because the local labor market conditions preclude a reasonable unsubsidized employment opportunity for that participant and, for the same reason, there are no Trial Jobs available [see (i) and (ii) below].
- c. A W-2 T participant may be granted an extension to the 24-month time limit or 60-month limit if the participant has made all appropriate efforts to find unsubsidized employment by participating in assigned activities and significant barriers prevent advancement to a higher W-2 employment position as determined by the W-2 agency [see (ii) below].

Consider the following when using the above criteria to determine eligibility for an extension:

- i. When determining eligibility for an extension for a Trial Job or CSJ participant, "reasonable unsubsidized employment opportunity" means a job that pays minimum wage, and conforms to all applicable federal and state laws.
- ii. When determining eligibility for an extension for a Trial Job, CSJ or W-2 T participant, in addition to the appropriate criteria above, the W-2 agency shall determine whether the W-2 participant has significant barriers preventing him or her from advancing to a higher W-2 employment position or to a reasonable unsubsidized employment opportunity in the local labor market based on any of the following:
  1. 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. *In making this determination, the W-2 agency must have written documentation from an appropriate medical professional, the Division of Vocational Rehabilitation (DVR) or similar assessing agency or business. The definition of "W-2 group" can be found in Appendix 1, Glossary.*
  2. A W-2 participant has significant limitations to employment such as any of the following:
    - a. 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. *In making this determination, the W-2 agency must have*

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*written documentation from an appropriate medical professional, DVR or assessing agency or business.*

or

- b. Family problems of such severity that they prevent the W-2 participant from obtaining or retaining unsubsidized employment. *In making this determination, the W-2 agency may consider "family problems" experienced by any member of the W-2 group including, but not limited to, 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.*

2.3.5.1.1 *Custodial Parent Of An Infant (CMC) and 24-Month & 60-Month Extensions*

W-2 agencies may grant time limit extensions to Custodial Parent of an Infant (CMC) eligible individuals when:

1. CMC eligible individuals return to W-2 but do not want cash assistance beyond when their child turns 12 weeks of age.
2. CMC eligible individuals return to W-2 but will not be eligible for W-2 beyond when their child turn 12 weeks of age.

In these situations, the FEP does not have to determine if the individual qualifies for an extension based on the extension criteria and may enter an extension covering the time until the child turns 12 weeks of age without Department approval. For more information on entering an extension in CARES, see the CARES Guide, Section 2, Appendix 03. For more information on determining when the child turns 12 weeks of age, see 7.5.5

If the person wants cash assistance and the agency determines that the individual will likely qualify for cash assistance after the child turns 12 weeks of age, the agency would have to follow existing extension request procedures outlined in 2.3.5.2.

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**Example 1:** Carrie has been in a W-2 Transition (W-2 T) placement for 18 months. Recently, her physician has lifted the majority of work restrictions that have kept her in W-2 T and the FEP moved her to a Community Service Job (CSJ). However, 2 months into her CSJ, Carrie informs the FEP that she is 5 months pregnant and she has verification from the doctor that it is a high risk pregnancy. Carrie's child is due when she will be in her 24<sup>th</sup> month. The FEP places Carrie back in W-2 T. Because Carrie will be in CMC when her time limit expires, the FEP evaluates Carrie for an extension based on the W-2 T extension criteria. Using the W-2 T extension criteria, the FEP determines that Carrie has cooperated with all assigned activities and that she has a medical condition that is preventing her from advancing to a higher W-2 employment position. The FEP requests a three-month extension. Once the 3-month extension expires, the FEP will move Carrie into a CSJ placement.

**Example 2:** Bonnie's third child is due in her 23<sup>rd</sup> month of eligibility in a CSJ. Bonnie has not been cooperating in her CSJ assignments. Therefore, in the 21<sup>st</sup> month of eligibility in her CSJ, the FEP determines that Bonnie will not qualify for an extension. The FEP continues to work with Bonnie to try and engage her and also reminds her that she is using up valuable months of eligibility. Despite the FEP's attempts, Bonnie remains in W-2. When Bonnie has her child, she is moved to CMC. When Bonnie reaches her 24<sup>th</sup> month, Bonnie's child is 4 weeks of age. Because Bonnie is CMC eligible and will not qualify for benefits beyond when her child turns 12 weeks, the FEP enters a 2 month extension for Bonnie that will end when her child turns 12 weeks of age.

**Example 3:** Gina is in a CSJ placement and her second baby is due during her 59<sup>th</sup> month. In her 56<sup>th</sup> month, the FEP determines that Gina is not eligible for a 60 month extension because she has not participated with her job search requirements and only attends her CSJ site sporadically. When Gina reaches the end of her 60-month clock, her child is 8 weeks old. Because Gina is CMC eligible and will not qualify for benefits beyond when her child turns 12 weeks, the FEP enters a 1 month extension for Gina that will end when her child turns 12 weeks of age.

### 2.3.5.2 *DWD 24-Month and 60-Month Extension Approval Process*

#### 2.3.5.2.1 *Timely Submission of Extension Requests*

A discussion between the FEP and the participant regarding an extension must take place no later than the 18<sup>th</sup> month of the 24-month time limit or the 54<sup>th</sup> month of the 60-month lifetime limit. If a person enters W-2 with more than 18 or 54 months, the discussion must take place at application. The FEP must evaluate whether the participant meets the extension criteria (2.3.5.1), complete the *W-2 Agency Time Limit Extension Record (DES-11661)* and enter the extension decision in CARES no later than the 20<sup>th</sup> month for 24-month extensions or the 56<sup>th</sup> month for 60-month extensions.

If the FEP determines that a participant qualifies for an extension, the W-2 agency must submit the *W-2 24-Month and 60-Month Time Limit Extension Request (DES-11282)* form. The form must be submitted to the DWS Contract Manager no later than three months prior to the last day of the participant's 24<sup>th</sup> or 60<sup>th</sup> month. All

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extension applications require a review by and a signature of the FEP supervisor and W-2 Agency Chief Executive Officer. A decision on the extension will be made by the Department within one month of receiving a completed extension request. An extension may be granted for up to six months from the last day of the participant's 24th month or for up to 12 months from the last day of the participant's 60<sup>th</sup> month.

**Example 1:** Mary will reach the end of her 24-month time limit in a W-2 T on May 31. Mary has significant barriers which will prevent her from advancing to a CSJ, Trial Job or Unsubsidized Employment by the end of her 24-month time limit. The W-2 agency must request an extension no later than February 28 (three months prior to the last day of the 24th month). The Department must respond to the W-2 agency's request by March 31 (one month from the date of the completed request). If the W-2 agency is granted an extension for Mary, the extension period must not extend beyond November 30 (six months from the last day of the 24th month).

Under some circumstances, a W-2 agency may need to submit an extension request with less than three months remaining in the participant's 24 or 60-month eligibility period or after the individual has already left W-2 due to time limits. See 2.3.5.4 for more information on submitting extensions under these circumstances.

For more information on entering an extension in CARES, see the CARES Guide, Section 2, Appendix 03.

2.3.5.2.2

*Extension Request Information*

There are two types of information requested by DWD:

1. Information necessary to determine if the agency had sufficient facts and reasonable basis to arrive at its extension approval decision; and
2. Information necessary to understand the agency's case management plan.

In order to provide this information, the W-2 agency must submit the *W-2 24-Month and 60-Month Time Limit Extension Request form (DES-11282)* for initial extension requests and the *W-2 24-Month and 60-Month Time Limit Subsequent Extension Request form (DES-11283)* for subsequent extension requests.

DWD, through your local DWS regional office, may have a need for additional case information to supplement an extension request. Circumstances under which DWD may request additional information are:

1. An incomplete extension record was provided. An incomplete extension record would be a record that did not contain one of the items asked for on the *W-2 24-Month and 60-Month Time Limit Extension Request form (DES-11282)* for initial extension requests and the *W-2 24-Month and 60-Month Time Limit Subsequent Extension Request form (DES-11283)* for subsequent extension requests; or
2. Clarification is needed regarding how the W-2 agency reached its conclusion that a W-2 participant qualified for an extension based on the statutory criteria.

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Based on the information submitted in the extension, if it is not clear to DWD how the W-2 agency arrived at its approval decision or DWD does not immediately see how it could concur with the agency's decision, DWD may ask for additional clarifying information.

When DWD does not concur with a W-2 agency's extension approval, the W-2 agency may supplement the information and ask DWD to reconsider if the agency believes that DWD made a material error in its decision. If, again, DWD does not concur with the W-2 agency's decision, and in the future there is a substantial change in the case circumstances, the W-2 agency may then reapply for an extension (see 2.3.5.4).

### 2.3.5.3 *Subsequent Extension Requests*

If, after an extension approval is granted, the W-2 agency determines a subsequent extension period may be necessary, the agency must submit in writing a request for a review of the extension. The *W-2 24-Month and 60-Month Time Limit Subsequent Extension Request (DES-11283)* form must be submitted to the DWS Contract Manager and the agency's extension decision entered in CARES no later than one month prior to the last day of the 24-month extension period and three months prior to the last day of the 60-month extension period. The Department will respond to extension review requests within 15 days of receipt of the extension review. A reapproval of an extension request may be granted for up to six months from the last day of the participant's current 24-month extension and up to 12 months for 60-month extensions.

**Example 1:** Mary will reach the end of her 24-month extension on August 31. Although Mary and the W-2 agency have made progress in addressing her barriers, Mary's FEP determines that Mary continues to meet the extension criteria. The W-2 agency must request a review of Mary's extension no later than July 31 (one month prior to the last day of the extension). The Department must respond to the W-2 agency's request by August 15 (15 days from review request). If the W-2 agency is granted an extension for Mary, the extension period must not extend beyond February 28.

**Example 2:** Joan will reach the end of her 60-month extension on March 31. Joan's daughter continues to need Joan's full-time care at home. Therefore, Joan's FEP determines that she continues to meet the extension criteria. The W-2 agency must request a review of Joan's extension no later than December 31 (three months prior to the last day of the extension). The Department must respond to the W-2 agency's request by January 15 (15 days from review request). If the W-2 agency's request for an extension for Joan is approved, the extension period must not extend beyond February 28<sup>th</sup> of the following year.

Subsequent extensions approved by the Department cannot be entered until the previous extension period has expired. For more information on entering a subsequent extension in CARES, see the CARES Guide, Section 2, Appendix 03.

### 2.3.5.4 *Reapplying For W-2 Services After Reaching The Time Limit*

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Current policy requires an agency to submit extension materials to the DWS Regional Office 3 months prior to the end of a participant's 24<sup>th</sup> or 60<sup>th</sup> months (see 2.3.5.2). This is critical to allow an adequate timeframe for processing the requests.

There may be situations, however, in which agencies need to request extensions for individuals *less* than three months prior to them reaching the 24 or 60-month time limit, including a point in time *after* which they reached the time limit and left the W-2 program. These situations include, but are not limited to:

1. Individuals who previously did not qualify for an extension, but experience a change in their circumstances in the 22<sup>nd</sup>, 23<sup>rd</sup> or 24<sup>th</sup> months (or 58<sup>th</sup>, 59<sup>th</sup>, or 60<sup>th</sup> month for a 60-month extension).
2. Individuals who voluntarily declined an extension but then choose to change their decision.
3. Individuals who previously did not qualify for an extension and leave the W-2 program, but experience a change in their circumstances after they left and reapply for W-2.

These individuals can, at any time, be re-evaluated for a 24-month or 60-month extension. The FEP would evaluate whether the person meets the extension criteria based on previous participation with the W-2 program and the participant's current circumstances. 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, food stamps, Medicaid and Welfare-to-Work.

In these situations, the W-2 agency must contact the DWS Regional Office. More specifically, in a situation where the W-2 agency will not be able to submit extension materials to the DWS Regional Office by the end of the 23<sup>rd</sup> month, their DWS regional staff will work with them to expedite the extension review process. This expedited review will allow the extension review process to be completed prior to the person reaching the time limit. In situations where the change in circumstances occurs in the 24<sup>th</sup> month or after the person has already left W-2, an expedited review will allow the agency to immediately assign a W-2 eligible person to an employment position and activities while preparing and processing the extension materials.

In these instances, the DWS Regional Staff will work with the agency to define the timeframes in which the extension materials must be submitted to the regional office.

When an agency requests this expedited review, they must document in the extension materials the reason for not submitting the application three months in advance of the individual reaching the time limit.

Examples of changes in circumstances include, but are not limited to:

1. A participant has been offered a job, but then experiences a debilitating accident preventing him or her from starting employment.

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2. A mother caring for an incapacitated child has secured appropriate daycare, but the daycare provider loses its certification.
3. A participant is moved to a higher W-2 employment position, but is then diagnosed with a serious illness or has a medical setback that would prevent him or her from participating.
4. A participant voluntarily declines an extension (despite the W-2 agency's efforts to communicate the potential need for an extension) and now the participant is requesting one.
5. Having left the W-2 program because the individual did not qualify for an extension, the individual reapplies because he or she is unable to find employment.
6. Having left the W-2 program because the individual did not qualify for an extension due to nonparticipation issues, the individual reapplies and agrees to cooperate with program requirements.

## 2.3.5.5

*Case Transfers Near or During the Extension Process*

Communication and flexibility between W-2 agencies are key aspects to any case transfer under W-2. Therefore, the need to communicate and be flexible becomes even more important when a case approaching its time limit is transferred between agencies. Under AFDC, where time limits were not an issue, a new relationship was typically begun with the participant by the receiving agency and, for the most part, all the information the agency needed was in CARES. Now, in light of time limited benefits, a FEP's priority for cases received through a transfer must be to obtain information that is already available. This means accessing CARES, asking the participant for any documentation and contacting the transferring agency for additional case file information. By collecting information already available, it allows the receiving W-2 agency to provide seamless service to the participant rather than asking him or her to start over with assessments. Also, particularly for participants approaching their time limit, it saves valuable time on both the 24-month and 60-month clocks.

W-2 agencies should develop internal policies regarding how to contact other W-2 agencies for case information. When developing internal transfer policies or when transferring a case between W-2 agencies, the following guidelines should be considered. If there are local agency agreements currently in place that conflict with the guidelines established below, contact your supervisor or program manager for further direction.

1. Prospective case management is the responsibility of the receiving agency.
2. An original case hard file stays where it was created. This means that an agency would not have to transfer its case hard file. Rather, upon request by the receiving agency, the transferring agency would copy and send the requested, appropriate information.
3. In 18+ and 54+ month cases, the transferring and the receiving agencies must cooperate to accommodate the time and information requirements for extension

reviews. On a case-by-case basis, the state will apply maximum flexibility to expedite the review process.

4. For those cases that transfer after an extension request has been sent to DWD for review, the transferring agency continues to be responsible for the case request which includes obtaining any additional information necessary for DWD to complete its review. Cooperation by the receiving agency would also be expected if appropriate.
5. An extension is granted to a participant, not an agency. Therefore, if a participant transfers to another W-2 agency, the extension transfers with him or her.
6. For those cases that transfer during an extension period, the receiving agency may reassess the participant's situation and determine that a change in case plan is necessary or they may make a determination that makes the extension no longer necessary, e.g., movement to another W-2 placement. However, the agency cannot deny an extension that has already been granted.

If a W-2 agency has difficulty obtaining case information from another W-2 agency, the requesting agency should contact the local DWS Regional Office to help expedite the exchange of information.

### **2.3.6 TANF Received in Other States**

Temporary Assistance for Needy Families (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.

#### *2.3.6.1 Reporting TANF Receipt To Other States*

If a former Wisconsin Works (W-2) participant moves to another state and applies for TANF assistance in the new state, the case worker from the other state may contact the W-2 agency to inquire as to the number of months TANF assistance was received while the individual was living in Wisconsin. In order to determine this, the FEP would query CARES screen AIWC and report the number of months indicated in the FED USED field.

#### *2.3.6.2 Recording TANF Receipt From Another State*

When there is evidence that an applicant has received 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;
2. Take steps to ensure that the cash assistance received was, in fact, TANF cash assistance; and



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3. Enter that information in CARES on screen AIWO.

There may be a number of resources FEPs can use to contact other states in order to determine how many months of TANF assistance was received in another state. For instance, the W-2 applicant may know the name and phone number of his or her case worker in the other state. If that is the case, the FEP can contact that individual directly. However, if the applicant does not have a contact in the other state, the FEP must use other means to obtain contact information. One way of doing this would be for the W-2 agency to order a copy of the *Public Human Services Directory*, which can be done through the American Public Human Services Association (APHSA) at the following address:

American Public Human Services Association	Telephone: 202-682-0100
810 First Street, NE	Fax: 202-204-0071
Suite 500	E-mail:
<a href="mailto:pubs@aphsa.org">pubs@aphsa.org</a>	
Washington, D.C. 20002-4267	Web Site:
<a href="http://www.aphsa.org">http://www.aphsa.org</a>	

This directory is an annual publication and costs \$100.00.

When contacting other states, the FEP must keep in mind that the other states may not have clearly identified what types of assistance received in their state meet the federal definition of TANF assistance in their respective computer systems, similar to what the Division of Workforce Solutions (DWS) has done in CARES. Therefore, the FEP should use the following guidelines:

1. Any assistance received in another state prior to September 1, 1996 must not count as TANF assistance received in another state.
2. It is likely that cash assistance received in any state after July 1, 1997 would count as TANF assistance; however, there may be exceptions, e.g., California's TANF effective date is January 1, 1998.
3. The FEP must find out the specific month(s) and year(s) TANF cash assistance was actually received in the other state. This information is necessary for CARES entry.
4. If the contact cannot confirm whether or not the cash assistance received in his or her state counts as TANF assistance, the FEP should attempt to verify what the contact has told him or her through other sources. If it cannot be confirmed that the assistance received in the other state is TANF, do not use the information.

As far as meeting W-2 verification requirements, once the FEP has determined that the information he or she has received is correct, the phone contact alone is considered sufficient verification. FEPs do not have to request this information in writing. See IMM, Chapter 1, Part C for more information on verification.

Once the number of months an individual received TANF assistance in the other state has been determined, the FEP must enter the information in CARES on the Clocks Override Screen AIWO.

2.3.6.3 *Re-Verifying Months Of TANF Received In Another State*

With the 60-month time limit fast approaching for many participants, it is critical that the reported TANF received in another state is correct. Therefore, the FEP should re-verify TANF assistance received in another state, particularly for those cases approaching 60-months. In order to identify these cases, W-2 agencies can use the Individual Clocks Report (C785) to identify participants with ticks on their OTF clock. Determine if any of these ticks are due to TANF cash assistance received in another state and contact that state once again to re-verify the number. Upon re-verification, if this original number of months reported is incorrect, enter the correct number of months.

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**3.1.0 FINANCIAL ELIGIBILITY CRITERIA**

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 Job Access Loan (JAL). W-2 financial eligibility is determined by both a gross income and an asset test. There is one exception to this as minor parents are eligible for case management services without regard to income or assets.

**3.2.0 115 PERCENT GROSS INCOME TEST**

If the total countable income of the W-2 group at application is less than or equal to 115 percent of the federal poverty level (FPL) for the size of the W-2 group, the group may be considered for all W-2 services or a Job Access Loan.

The Federal Poverty Level changes in February of each year. These figures were effective February 1, 2008.

Size of W-2 Group	115% FPL Monthly	115% FPL Annual	Size of Family Unit	115% FPL Monthly	115% FPL Annual
1	\$997	\$11,960	10	\$4,102	\$49,220
2	\$1,342	\$16,100	11	\$4,447	\$53,360
3	\$1,687	\$20,240	12	\$4,792	\$57,500
4	\$2,032	\$24,380	13	\$5,137	\$61,640
5	\$2,377	\$28,520	14	\$5,482	\$65,780
6	\$2,722	\$32,660	15	\$5,827	\$69,920
7	\$3,067	\$36,800	16	\$6,172	\$74,060
8	\$3,412	\$40,940	17	\$6,517	\$78,200
9	\$3,757	\$45,080	18	\$6,862	\$82,340

**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 \$1,687. At the time of the application, his total income equals \$1,702 per month. Jonathan tells his worker that his \$250 Unemployment Insurance (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.

**3.2.1 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.

### 3.2.2 Estimating Income

To get the best estimate of monthly earned income for employees paid an hourly rate, FEPs 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.

### 3.2.3 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.

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**EXAMPLE:** Kate has not received a child support payment for the past four months. Her ex-husband recently got a new job so she expects he will start paying again but she does not know when he will begin payments. This income must not be counted until Kate knows when she will begin receiving child support or when she actually begins to receive it, whichever is first.

A payment received must not be counted as an asset 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.

### 3.2.4 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.

### 3.2.5 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.

### 3.2.6 Changing Estimated Income

Once determined eligible for W-2, if the W-2 group's income is expected to exceed the 115 percent gross income limit for at least two consecutive months, the group is 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 for all income at each review, or when any change in the income's source, rate of pay, or payment schedule has been reported.

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

### 3.2.7 Counting Income

All earned and unearned income of all the W-2 group members is counted in determining the 115 percent gross income test unless specifically discounted by these instructions.

#### 3.2.7.1 *Qualified Alien Deeming*

U.S. Citizenship and Immigration Services (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.

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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. (See [Chapter 2](#))

#### 3.2.7.2 *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.

#### 3.2.7.3 *Child Support Income*

Disregard regular collections of current child support, maintenance payments, family support (combination of child support and maintenance) or child support arrears as income.

Count non-regular collections of arrears as an asset.

#### 3.2.7.4 *Supplemental Security Income (SSI) and Caretaker Supplement (CTS) 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.

#### 3.2.7.5 *Disregarded Income*

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

1. Earned Income Credit (EIC): The agency must not count amounts received under the federal EIC and state EIC or payments made by an employer under the federal advanced EIC. Any EIC amount remaining after the month in which it was received is treated as an asset. (See [Chapter 3](#))

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2. Loans: Loans will be exempt as income unless available for current living expenses. If available for current living expenses, loans must be counted as assets even if there is a repayment schedule.  
  
*Reverse Mortgage Loan Proceeds (1993 Wisconsin Act 88)*: Payments made to a borrower must be treated as proceeds from a loan and not as income. Undisbursed funds must be treated as equity in a borrower's residence and not as proceeds from a loan.
3. W-2 Employment Positions and Job Access Loans: Do not count earnings from a W-2 Trial Job and do not count payments of those in Community Service Jobs and W-2 Transitions.
4. In-Kind Income: The W-2 agency must disregard any gain or benefit that is not in the form of money paid directly to the household such as, meals, clothing, housing and garden produce.
5. Vendor Payments: The W-2 agency must disregard payments made on behalf of the household by a third party to another source, such as rent paid by a community organization on the household's behalf.
6. Kinship Care: The W-2 agency must disregard any Kinship Care payment for the needs of a non-legally responsible relative child who is not included in the W-2 group.
7. Foster Care: The W-2 agency must disregard any Foster Care payments for the needs of a foster child who is not included in the W-2 group.
8. Earned Income of a Dependent Child: Disregard income earned by a dependent minor child or dependent 18-year old in a W-2 group.
9. Federally Funded Benefits: Any income or resources distributed under the following federal laws are required to be disregarded and must not be counted.
  - a. *Agent Orange Settlement Fund*: Disregard payments received from the Agent Orange Settlement Fund or any other fund established in settling "In Re Agent Orange product liability Settlement Fund litigation MDL No. 381 (EDNY)". Apply this disregard retroactively to January 1, 1989, and continue the disregard as long as payments are identified separately.
  - b. *Radiation Exposure Compensation Act*: Disregard payments from any program under the Radiation Exposure Compensation Act (PL 101-426) paid to compensate injury or death resulting from exposure to radiation from nuclear testing (\$50,000) and uranium mining (\$100,000). Apply this disregard retroactively to October 15, 1990. Continue the disregard as long as payments are identified separately.
  - c. *Nazi Persecution Victims*: Disregard as income payments under PL 103-286 to victims of Nazi persecution.



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- d. *Benefits for Children of Vietnam Veterans Who Are Born with Spina Bifida:* Disregard as income payments under PL 104-204 paid to any child of a Vietnam veteran for any disability resulting from spina bifida.
- e. *Benefits for Children of Vietnam Veterans Born with Birth Defects other than Spina Bifida:* Disregard as income payments received under PL 106-419 for children with birth related disabilities other than spina bifida who were born to women veterans that served in Vietnam during the period February 28, 1961 to May 7, 1975.
- f. *Crime Victims Fund:* Disregard as income any amount of crime victims compensation received under section 1403 of the Victims Crime Act of 1984 (42 U.S.C. 10602). Benefits include, but are not limited to, those paid under the:
  - 1) Antiterrorism and Effective Death Penalty Act of 1996
  - 2) Crime Victims Compensation Program (Chapter 950, Wis. Stat.)
- g. *National Flood Insurance Program:* Disregard as income payments under P.L. 109-64 provided for flood mitigation activities with respect to a property.
- h. *Medicare Prescription Drug, Improvement and Modernization Act:* Disregard as income 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)

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- 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)
10. Educational Aid:
- a. *Scholarships for tuition and books:* Disregard scholarships received for tuition and books, including scholarships from public or private organizations.
- b. *Student Financial Aid:* Disregard any student financial aid received under any state program or federal program. This includes, but is not limited to, aid received under the Higher Education Act of 1965 (PL 89-329). This includes:
- 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:

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

3.2.7.6

*Income with Limited Disregards*

Some income may be counted under limited circumstances:

1. 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.

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2. Indian Tribal Judgment Funds Use or Distribution Act (PL 93-134): The W-2 agency must count per capita shares in excess of \$2,000 and income above \$2,000 per year.
3. Rehabilitation Act of 1973 (PL 93-112): The W-2 agency must disregard wages, allowances or reimbursements for transportation or personal assistance services costs paid to reasonably accommodate an employee, such as a vehicle modification made to accommodate a disability or a payment by DVR to support a rehabilitation plan.

**3.3.0 \$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 Job Access Loan.

**3.3.1 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.

**3.3.1.1 *Joint Accounts and Property***

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

**3.3.2 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 10<sup>th</sup>. When Maya's worker runs eligibility on February 10<sup>th</sup>, Maya fails the W-2 asset test for the months of March and April and Maya's case will close effective February 28<sup>th</sup>.

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**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.

**3.3.3 Counting Assets**

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

**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.

**3.3.3.1 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.

Homestead is defined as an abode and lands used or operated in connection with it. 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.

**3.3.3.2 Vehicles**

A vehicle is:

1. A passenger car or other motor vehicle;
2. Used to transport persons or goods; and
3. Owned by someone in the W-2 group.

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.

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Equity value is the wholesale value as given in a standard guide on motor vehicles or the value as estimated by a sales representative at a local car dealership, minus any encumbrances that are legal debts. 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.

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

3.3.3.3 *Other Assets*

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

3.3.3.4 *Individual Development Accounts*

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

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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 Assets for Independence Act (AFIA), Office of Refugee Resettlement (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.

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

#### 4.1.0 VERIFICATION

The W-2 agency must verify the level of income and assets for applicants and participants. The agency must also verify nonfinancial information to determine whether or not an applicant/participant qualifies for employment services, case management, or a Job Access Loan. Acceptable verification consists of a written or oral statement from a third party supporting the individual's statement. (See IM Manual, Chapter I, Part C for acceptable verification) At a minimum, the following information must be verified:

- Identity and age;
- Residence of the W-2 group;
- Marital status;
- Custody of child(ren);
- Citizenship status or alien status, if not a citizen;
- Social security number or SSN application;
- Income sources and amounts;
- Assets;
- Household composition (including temporary absence of children);
- School attendance for Learnfare; (See 12.0.0)
- Limitations and barriers to employment (under most circumstances, must be verified by a qualified assessing agency);
- Missed hours of assigned activities; and
- Good cause for missed hours of assigned activities and sanctionable activities which could result in an hourly reduction or strike. (See 11.3.0)

The applicant or participant has the primary responsibility for providing verification and resolving questionable information. The agency must determine if the information provided verifies the applicant/participant's statement. The W-2 agency may assist the applicant/ participant in obtaining needed documents to expedite the verification process.

Questionable verification or reporting supplied at application must be referred for fraud prevention. Questionable verification or reporting by participants must be referred for fraud investigation.

The applicant or participant has seven 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 the individual fails to provide verification, the application may be denied or the W-2 case may be closed. If the individual has made a reasonable effort and cannot obtain required information, the application must not be denied based on the information that could not be obtained. The agency must use the available information to process the case.

If the individual does not have the power to produce verification, or requires assistance to do so, the W-2 agency must proceed immediately to seek the verification. No eligibility shall exist when an individual has the power to produce required verification, but refuses or fails to do so.



If extenuating circumstances exist that make the verification requirements unduly burdensome, the W-2 agency may extend the verification due date. The verification due date may be extended up to 30 days from the initial request for W-2 services.

#### **4.1.1 Verification for Medical Assistance and Food Stamps**

The verification due date for Medical Assistance and food stamp eligibility is 30 days from the date of the application. The agency must not delay a decision on food stamps or Medical Assistance while a decision is pending on W-2 payments. Screening for priority services must be completed for each application that includes a request for food stamps.

#### **4.1.2 Record of Verification**

The W-2 agency must maintain a confidential record of verification provided by the participant by making a photocopy or documenting the type of verification accepted, and recording the date and initials of agency staff who checked the information. The Department, county and tribal social and human services and W-2 agencies may photocopy vital records; including, birth, death, marriage, divorce/annulment certificates and related data. Mark the copy "for administrative use."

Documentation is an important part of case processing. In the instance of fact finding or review of a decision, the agency must have a record of actions, conversations and meetings with each case worker to support its actions. The agency must always keep a copy of correspondence as part of case documentation. Documentation also allows for prosecution or recovery of fraudulently received payments and will enable the Department to monitor the quality of service provided by the agency to W-2 customers.

Wisconsin statute 49.84 requires that the signature of the applicant be witnessed by an agency representative. (See IM Manual Chapter I, Part A, 18.0.0)

#### **4.1.3 Request for Information from Third Party Sources**

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. However, the W-2 agency is required to keep all information confidential. Cooperation of the third party is required within seven working days of the agency's request. The W-2 agency may extend the seven working day time limit if it is unduly burdensome. The statute does not provide for compensation for the third party. The agency may need the applicant's written release to get information from a verification source if the source requires it. The agency must deny or discontinue the payments if the W-2 group refuses to sign a written release of information needed to obtain verification necessary for eligibility determination. However, applicants and participants must in no way be penalized when they attempt to complete eligibility requirements but other entities delay fulfillment of those requirements. The FEP should 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 such as DVR as necessary) at the time of application. Eligibility must be reassessed when information from third party sources is received.

#### **4.1.4 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
    - Is a fugitive felon under 42 USC 602(a)(9);
    - Is violating probation or parole imposed under state or federal law; or
    - 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.
  - c. The officer is making the request in the proper exercise of his or her duties.

#### **4.1.5 Income and Eligibility Verification System (IEVS)**

The federal block grant program which created the Temporary Assistance for Needy Families (TANF) program requires the W-2 agency to obtain state and federal wage and tax record matches to verify report of income and assets. The IEVS matches and other reports that are currently in place will meet this requirement. (See the Income Maintenance Manual - Chapter I, Part C)

#### **4.2.0 FRAUD**

##### **4.2.1 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.

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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 (including child care or Job Access Loan) 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 due to an individual's misunderstanding on what constitutes income may not be considered fraud. An example of provider fraud may include failure on behalf of a W-2 subcontractee to keep accurate or adequate records.

Certain situations may give the W-2 agency reason to attempt to prevent possible fraud, such as 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. 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, allows for recovery of or potential prosecution for fraudulently received payments or services, proper case disposition or assessment of program penalties.

When investigating possible fraud, the agency must give the individual opportunity to respond to the allegation.

#### **4.2.2 Fraud Prevention**

The prevention program, most often referred to as Front-End Verification (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, Job Access Loans and child care assistance. Prevention activities provide 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 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. Most agencies will have staff specifically assigned to prevention activities, however W-2 agencies have the flexibility to contract out this function. Prevention procedures involve consulting more resources and obtaining increased documentation than normally required of the Financial and Employment Planner (FEP) or the Supportive Services Planner (SSP). Prevention specialists should have extensive knowledge of W-2 eligibility requirements, verification procedures, error-prone profiles, and all resources necessary to proficiently verify information.

Verification must be conducted in accordance with the requirements specified in the IM Manual, Chapter I, Part E. A referral for prevention has the same time limits as

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any additional request for verification made by the agency to an applicant. When the agency makes a referral, it may delay determining eligibility by seven working days from the date the FEV referral was made. Applicants who disagree with the findings of the verification process may request a fact finding review by the W-2 agency. (See 19.2.0)

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 4.2.0)

**4.2.3 Fraud Investigation**

W-2 agencies are responsible for timely referral of participants receiving payments or services under ss. 49.141 through 49.161 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 prevention program. Fraud investigative activities must be conducted in accordance with the requirements specified in the IM Manual, Chapter II, Part D.

The state has established a fraud investigation service provider in each W-2 geographic region through a contract with each county or tribal authority or through a competitive bidding process. Fraud investigation referrals should be made to the contracted investigative service provider. Fraud referrals must meet the referral criteria identified in the IM Manual, Chapter 1, Part D, 3.0.0.

The W-2 agency is responsible for the complete and accurate reporting of the fraud referral and investigation in CARES. W-2 agencies have the option of establishing local agreements to delegate these activities 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 in the IM Manual. Should a dispute occur between the W-2 agency and the investigative service provider, the dispute must be referred to the Office of Inspector General for resolution.

**4.3.0 RECOVERY**

The agency may recover only the amount incorrectly paid to the W-2 group. A notice of recovery must be sent with the amount, period for which it was paid, reason for the recovery, and repayment instructions. (See 10.3.0)

**4.4.0 REPORTING CHANGES**

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Participants must notify the W-2 agency of a change in circumstance within 10 calendar days of its occurrence (except for reporting the absence of a child which must be reported within five working days). The agency must respond to reports in a timely manner and keep case data up to date.

Following a change in circumstance, the W-2 agency may terminate W-2 employment position assignments at any time that is reasonable for the participant and the W-2 employer/work training provider. (See 10.2.4.) If income is expected to increase and will remain at the increased level for at least two consecutive months, the agency must enter the change of circumstance and issue a notice of closure.

A final payment is issued to cover CSJ or W-2 activities completed in the current participation period. If no activities have been completed, the agency does not need to send a payment. A final subsidy payment must be sent to a Trial Job employer to cover wages paid to the participant in the final month.

**EXAMPLE:** John reports that he has been offered permanent employment and the employer wants him to begin as soon as possible. The work training provider in charge of his worksite will allow him to leave with five days notice. The agency must end the position after the five days, make appropriate changes in CARES, send notice of the change, and issue a payment for the activities completed in that time period.

Withdrawal of a request for assistance requires that notice be sent to the participant when the action is taken.

#### 4.4.1 Temporary Absence of a Child

Applicants and participants who meet all financial and nonfinancial requirements may be eligible for a W-2 employment position even if the dependent child(ren) is temporarily absent from the home. To be considered temporarily absent, these three conditions must be 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 (for example, a parent may maintain care and control when a child is temporarily absent from the home for reasons such as visiting relatives or friends, hospitalization, or treatment, etc.); and

The participant must report the absence of a child within five working days regardless of the number of children in the home. However, the temporary absence of the child may not affect W-2 eligibility if there is at least one dependent child

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remaining in the home. The five day notification period is a TANF requirement and the time frame differs from the W-2 10-day notice of change requirement.

**4.5.0 APPLICATION PROCESSING**

Within seven working days of the first meeting with the FEP, or when all verification is in, the FEP must determine the most appropriate rung on the employment ladder for the applicant, with unsubsidized employment as the highest rung. (See 5.1.0.)

**4.5.1 W-2 Begin Date**

The W-2 begin date is the date on which W-2 activities actually start. In addition, the W-2 participant's time clock begins or resumes on the W-2 begin date. Activities should begin the day all eligibility verifications are completed and the FEP makes a placement determination.

**EXAMPLE:** Wendy applied for W-2 on January 1. She completed all required verification on January 6 and her FEP placed her in a CSJ. That same day she begins job readiness training and will begin training at her CSJ site in two days. Therefore, her begin date is January 6.

**4.5.2 Review of Eligibility**

A W-2 eligibility review is required, at the least, every six months. An Employability Plan review is required as necessary, but must be completed at the end of each assigned placement and at the eligibility review. (See 4.5.2.)

**4.6.0 INTERAGENCY TRANSFERS**

**4.6.1 Transferring Cases Between Regions In Milwaukee County**

Transferring a case when a W-2 participant moves between Milwaukee County W-2 regions is handled differently dependent upon the following factors:

- Case status;
- W-2 participation in assigned activities;
- The status of the employability plan; and
- Any additional open programs of assistance, i.e. food stamps, Medicaid, and child care.

Generally, when a W-2 participant moves from one Milwaukee County region to another Milwaukee County region, the case transfer is delayed until the participant's current employability plan is completed. However, a participant may request that his or her case be transferred immediately.

If the participant is not participating in assigned activities, the transferring agency should record all nonparticipation and apply any applicable sanctions before

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transferring the case. If a W-2 assistance group closes, the participant should be advised to reapply in the new region.

An Inter-Regional W-2 Participant Transfer Notice form (Private Industry Council form 98-03) has been developed to assure that participants are properly notified to continue with assigned activities until they have met with a FEP in the new region.

When a W-2 participant moves to a new region, there may also be a change in county-administered benefits. Consequently, Milwaukee W-2 agency staff and Milwaukee County Department of Human Services (MCDHS) staff must work together to assure that the transition is completed in a timely, accurate and sensitive manner.

For more detailed information on the Milwaukee transfer policy and CARES processing of transfers, see the Private Industry Council's Operational Procedure 98-03: *Inter-Regional Transfer Procedure for Milwaukee W-2 Agencies & MCDHS*.

#### **4.6.2 Transferring Cases To A New W-2 Agency (Outside Milwaukee)**

W-2 participants who move from one county to another must re-apply for W-2 services in their new county of 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.

After the W-2 employment position has ended, the agency from which the participant is transferring must terminate the placement on CARES screen ACWI so that CARES will generate the final payment for activities completed during the last participation period. In addition, the agency must terminate all components and activities on CARES screen WPCH and disenroll the individual from the CARES Work Programs subsystem.

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.

#### **4.6.3 Transferring Child Care Cases**

Child care cases must be transferred from the originating county/region and referred to the new county/region for a re-evaluation of their continuing eligibility for W-2 child care services. The family must report any changes in circumstances regarding their new work situation, provider, hours of child care needed, co-payment, and other factors which might affect their new child care authorization. If the participant is moving within commuting distance, the two W-2 agencies should work together to assure that child care assistance is not disrupted or impaired, especially if the parent is working and receiving child care only.

#### 4.7.0 CONFIDENTIALITY

Due to the nature of the barriers W-2 participants have, it is often times necessary to obtain highly sensitive, confidential information regarding these barriers. Obtaining this information allows for better coordination of activities, development of the Employability Plan, and the ability to receive attendance records and progress summaries. The laws governing protection of confidentiality of personal health information such as that related to mental health, developmental disabilities, and drug and alcohol treatment are stricter than most other confidentiality rules. In general, they narrowly restrict the disclosure and use of "patient identifying" information to a "bona fide need to know." Patient identifying information is information that reveals that a person is receiving, has received, or has applied for treatment.

These regulations apply to holders, recipients, and seekers of patient identifying information. 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 patient. Anyone who receives such information from a substance abuse program (for example, a W-2 agency) may not again disclose it without patient consent and cannot retain this information unless absolute patient confidence can be maintained.

However, the restrictions on disclosure do not apply to communications of information between or among personnel having a need for the information in connection with their duties if the communications are:

1. Within a program; or,
2. Between a program and an entity that has direct administrative control over the program.

#### 4.7.1 Requesting Confidential Information About Participants

When requesting confidential information, the FEP must use the *Authorization for Disclosure of Confidential Information* form (DES-10779). This form meets federal and state requirements for the confidential release of information from treatment providers, including alcohol and other drug abuse (AODA) and mental health information.

##### 4.7.1.1 *Documentation in the Participant's Case and CARES Record*

The Department of Workforce Development requires comments as a formal record of case action or program-related information for an individual. Workers should record comments immediately to ensure a sequential history. When comments are warranted, they must be made no later than 24 hours after the action or contact with a participant.

Cross-referencing of sensitive, legally confidential information about barriers must occur in CMCC. However, any legally confidential information must only be generally referenced with further details being secured. Details may be kept in the paper file, but should be in a sealed envelope.



**Examples of Information Documented in CARES:**

1. "Participant has been referred for Mental Health Assessment. The assessment will be completed the week of March 20<sup>th</sup> 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 back surgery in two weeks. The doctor estimates a 12-week recovery period. Updated ANDI and AIWP accordingly. Paper file has complete medical information and diagnosis provided by the doctor."

Documentation of sensitive barriers includes, but is not limited to:

1. AODA Treatment
2. Mental Health Treatment
3. Domestic Violence Counseling
4. HIV/AIDS

The specific details of sensitive patient information should always occur in the paper case record. Sensitive participant information may include but is not limited to:

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

**4.7.2 Participant Confidentiality**

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, when requested by law enforcement officers (see 4.1.4). If the information requested is not directly related to program administration, it must not be provided. See the Income Maintenance Manual Chapter II, Part B for further policy on confidentiality.

## 5.1.0 ASSESSMENTS

There are three steps in determining an individual's eligibility for placement on the W-2 ladder (Unsubsidized Employment, Trial Job, Community Service Job, W-2 Transition). First the FEP must determine nonfinancial eligibility. In order to be nonfinancially eligible for a W-2 employment position, an applicant must meet all of the criteria listed in section 2.2.0. If an applicant meets the criteria, the FEP must then determine financial eligibility using the criteria found in section 3.1.0. For an individual who passes both the nonfinancial and financial eligibility tests, the FEP must then place the applicant on the most appropriate rung of the W-2 ladder. To determine the most appropriate placement, the FEP must complete an assessment.

Under W-2, the assessment process is one in which a W-2 applicant or participant's potential employability is evaluated. At a minimum, the assessment process must consist of an *informal assessment* of each individual's work history, recent job search efforts, education, job skills, interests and abilities and other factors that will affect employment. The assessment process may also include *screening* for specific limitations or barriers as well as referrals for *formal assessments* by qualified assessing agencies or individuals.

### 5.1.1 Informal Assessments

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 on the W-2 employment ladder;
- Need for further screening by the FEP;
- Need for a formal assessment by a qualified assessing agency or individual.

#### 5.1.1.1 *Informal Assessment at Application*

The FEP must conduct an informal assessment prior to placing an individual in a W-2 placement.

Persons requesting W-2 services meet first with a Resource Specialist (RS). The RS prescreens applicants and determines whether or not exploring W-2 eligibility is appropriate for the applicant. The RS may require an applicant who appears ready for unsubsidized employment to participate in an up-front job search as part of the assessment. (See Up-Front Job Search) The W-2 agency must start an Employability Plan for any applicant who is required to do up-front job search. Applicants who choose to continue with their application must meet with a Financial and Employment Planner (FEP) within five working days of the date the W-2 agency receives a signed application.

The FEP has seven working days from the initial meeting with the applicant to determine nonfinancial and financial eligibility and, if eligible, which W-2 placement

is most appropriate. Appropriate placement is based on an informal assessment of the applicant's work history, recent job search efforts, education, job skills, interests and abilities and other factors that will affect employment. In addition, as part of the informal assessment process, the FEP must take into consideration all family-related needs that may be impeding the participants ability to find and retain a job. A family emergency or a participant's inability to access a particular supportive service is a factor that the FEP must consider when developing the Employability Plan.

The FEP must review the following checklist with each participant when performing an informal assessment at application and as a part of ongoing case management, taking into consideration both short- and long-term needs. The FEP must work with the participant to identify resources that will address an unmet need, paying close attention to the services available through the W-2 agency's Children's Services Network.

- Emergency needs;
- Housing needs;
- Household budgeting/money management needs;
- Education and training needs (Participant and other family members);
- Legal assistance needs;
- Employment support needs (i.e. Work Connection and Retention Services);
- Child care needs (including after-school);
- Transportation needs;
- Personal and family health care needs; and
- Other needs identified by the participant that impedes his or her ability to participate in W-2 activities or find and retain a job.

If the applicant meets the nonfinancial and financial eligibility criteria, but is employed or has a strong employment history and skills, the applicant may be placed on the Unsubsidized Employment rung of the W-2 ladder (Chapter 7). Individuals who meet nonfinancial and financial eligibility criteria and present barriers to unsubsidized employment must be placed in a paid W-2 placement. If the individual declines the appropriate placement (as determined by the FEP), the individual is not entitled to another placement and can be denied W-2 services. The application process can be extended up to 30 days only if the applicant needs extra time to meet verification requirements.

The FEP may need to schedule additional meetings during these seven days to complete a more detailed informal assessment to facilitate appropriate placement. This may include the use of screening tools to further investigate cues or behaviors that may be consistent with significant limitations or barriers to employment. W-2 agencies are encouraged to consult with other Job Center partners, and accept previous assessments done by other agencies if appropriate. The FEP must not assume that participants who have a disability are unable to participate in a position higher than W-2 T, including unsubsidized employment. The FEP must document all assessment information in CARES utilizing the appropriate CARES screens, including case comments. The CARES assessment screens must be completed at placement and updated at each placement change. Highly sensitive, confidential information must be documented in a way that protects the participant. See Chapter 4 regarding the documentation of sensitive information in CARES.

### 5.1.1.2 *Screening and Screening Tools*

During the informal assessment process, the FEP may conduct a screening in order to identify the potential presence of or the potential risk for limitations or barriers to employment. An agency may choose to perform screenings on all applicants or participants as part of the W-2 placement process. Although an agency may choose to perform screenings on all applicants or participants, W-2 agencies are not required to conduct screenings or use any specific type of screening tool during the informal assessment process.

When the results of a screening show signs that a limitation or barrier exists, it generally necessitates further formal assessment by a qualified assessing agency on that condition.

The Case Management Resource Guide, located in Appendix V of this manual, provides general information and a framework for organizing additional resources related to screening for job readiness, employment barriers and making appropriate referrals. In addition, the guide provides a number of screening tools used to identify specific barriers, such as domestic violence, mental health issues and alcohol and other drug abuse (AODA) issues.

### 5.1.1.3 *Informal Assessment As A Part of On-Going Case Management*

An informal assessment must be made prior to moving an individual to another rung of the W-2 ladder including the unsubsidized employment rung.

Informal assessments are considered an on-going activity and are part of general W-2 case management. Again, the FEP must document all assessment information in CARES utilizing the appropriate CARES screens, including case comments. The CARES assessment screens must be completed at placement and updated at each placement change. Once an assessment has been completed and the decision has been made to change the W-2 participant's placement, the decision must be discussed with the participant and the participant's employability plan must also be updated to accurately reflect the new placement. Although a participant placed on the unsubsidized employment rung does not have to have an employability plan, FEPs are encouraged to develop plans for these individuals so that they clearly understand the services being provided.

## 5.1.2 **Up-Front Job Search**

Either or both parent(s) applying for W-2 assistance may be assigned up-front job search as a condition of eligibility to receive W-2 assistance. The Resource Specialist and/or Financial Employment Planner (FEP) should assign up-front job search, when appropriate, for all adult applicants in the W-2 group. However, applicants, who are not considered ready for unsubsidized employment, must not be required to conduct an up-front job search.

**EXAMPLE:** Laura J. has been repeatedly dismissed from unsubsidized employment positions because of her attendance problems and difficulty taking

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direction from superiors. If the FEP believes she would be appropriate for a CSJ, she would not be placed in a two-week up-front job search as a condition of eligibility because the FEP has already determined that Laura is not capable at this time of finding and maintaining unsubsidized employment.

The assignment of up-front job search may take place while the applicant is waiting to meet with the FEP, while submitting required verification, or while the FEP is determining if placement in a W-2 employment position is appropriate. While unsubsidized employment is the highest rung on the employment ladder, only applicants who are considered job ready and who can benefit from job search may be assigned unpaid up-front job search as a condition of eligibility. If the applicant, without good cause, does not comply with the up-front job search requirement, the FEP may deny the applicant further W-2 services, including case management. The W-2 agency must assist a participant in the employment search.

If the Resource Specialist assigns an applicant, who appears to be job ready, to up-front job search before the FEP interview, the FEP should review the applicant's progress and determine the appropriateness of a continued job search. All up-front job search needs to be recorded in the applicant's Employability Plan. (See 6.1.0)

Applicants required to do an up-front job search are not eligible for a W-2 cash benefit, but may be eligible for Medical Assistance, food stamps, child care, Emergency Assistance, and a Job Access Loan.

Any voluntary job quit or job refusal without good cause during the up-front job search must be considered an appropriate and sufficient reason to determine failure to cooperate and may result in denial of a W-2 employment position and case management. (See 2.1.0.)

**EXAMPLE:** Sally recently lost her job and does not have obvious limitations which would prevent success in an entry level position. The FEP may require her to conduct an unpaid up-front job search as a condition of eligibility. If, after the first week, Sally has not found a job, the FEP should reassess the situation. If during further discussion the FEP identifies that there are legitimate reasons for her inability to obtain unsubsidized employment, despite attempts to find a job, the FEP may determine that she is not ready for unsubsidized employment, but might succeed at a Trial Job. At this point, Sally would be placed in a Trial Job.

5.1.2.1

*Job Search Assistance Activities and Job Ready Preparation*

Placement in job search may include job orientation or other job search activities that may enhance the applicant/participant's ability to find unsubsidized employment. Job search assistance activities are designed to assist and prepare a W-2 applicant/participant in conducting a successful job search. These activities focus on enhancing an individual's employability by introducing techniques and improving methods used to obtain employment.

Job search assistance activities may include, but are not limited to:

1. **Job Readiness/Motivational Activities:** Help prepare a participant for work by learning general workplace attitudes, expectations, and behaviors necessary to successfully compete in the labor market. These activities help the participant build self-esteem and increase self-confidence. Activities include, but are not limited to:
  - Communication styles/personality types;
  - Communication skills/image;
  - Identifying and developing plans for short-term and long-term goals;
  - Identifying barriers to employment;
  - Career decision making skills;
  - Career exploration and vocational area identification;
  - Evaluate work patterns, skills and abilities; and
  - Mentorship, encouragement and support.
  
2. **Employment Counseling:**
  - Providing guidance in career decision making skills;
  - Career exploration;
  - Vocational area identification;
  - Training information;
  - Job seeking skills;
  - Expectations of the work environment; and
  - Ability to relate to others.
  
3. **Job Seeking Skills Training:**
  - Resume creation, preparation, development, and updating;
  - Job application completion;
  - Dissemination of labor market data;
  - Labor market forecasting;
  - Interview techniques including role playing, videotaping and critiquing, how to sell yourself;
  - Appropriate personal grooming/dressing;
  - Employment counseling;
  - Assertiveness;
  - Networking skills;
  - How to conduct a job search; and
  - Identifying jobs available and that may become available in the community.
  
4. **Individual Job Search:** One-on-one highly structured job search designed specifically for the participant who may not be appropriate for group job search. Some participants do not function well in groups for a variety of reasons. Others have completed training or have outstanding skills and qualifications and do not need the structure of a group. Some participants have specific instructional need levels. For example, W-2 agencies may offer bilingual support for job contacts/interviews.
  
5. **Group Job Search:** Extensive job search activity which meets on a regular basis and follows a structured group process model such as Job Clubs. Group dynamics play an important role in the interchange of information, experiences, emotional support and job leads.

**6. Job Survival/Retention:**

- Rules and expectations of employers;
- Qualities employers desire in an employee;
- Punctuality;
- Attendance;
- Following directions;
- Teamwork;
- Getting along with others;
- Planning for emergencies;
- Time management;
- Reasons individuals lose jobs;
- Dependability; and
- Mentoring/job coaching opportunities.

**7. Job Development:** Agency directed activity that concentrates on soliciting job openings, marketing participants to employers and securing job interviews for participants. Job development expands the area and number of potential places participants may apply.

**8. Life Skills Training:** Life skills are the tools that provide the basic foundation necessary in the home to enable the parent(s) to participate more fully in the workforce, in lifelong educational opportunities and in community activities. Practical life skills increase a person's self-esteem and facilitate the pursuit of better job opportunities by providing the ability to stabilize family issues. The following are examples of life skills that assist the parent in understanding and managing daily life and family stress in order to succeed in the workplace:

- Understanding and accepting parental responsibilities;
- Strengthening parental skills/understanding relationships;
- Family budgets;
- Anger management/interpersonal skills;
- Problem solving/decision-making skills;
- Family nutrition/household management;
- Time management;
- How to work with government, legal and school systems;
- How to request reasonable accommodations, knowledge of equal employment laws;
- Selecting quality child care, planning for back-up child care for emergencies and when the child or provider is sick; and
- Appropriate personal grooming/dress.

Applicants who are placed in employment positions must continue appropriate on-going job search and meet W-2 participation requirements. If the applicant is placed in an employment position, job search activities are counted as part of a participant's work hours. However, for W-2 employment position participants, job search activities must be used concurrently with scheduled work site training activity.

## 5.2.0 FORMAL ASSESSMENT

Some applicants may require a more formal assessment for the FEP to determine the applicant's appropriate level of participation. A formal assessment will help establish the extent and severity of a limitation and, potentially, what alternative services or accommodations in unsubsidized employment or work assignments might permit the participant to engage in work, either immediately or after services have been provided. All formal assessments must be completed by a qualified assessing agency or individual (see Appendix I for definition of *Qualified Assessing Agency*).

A FEP can determine the need for a formal assessment at any point, however, a formal assessment is required when:

1. A participant is placed in a W-2 Transition 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. (See 7.4.2.1); or
2. The FEP identifies or observes through either an informal assessment or the screening process conducted during an informal assessment cues that necessitate further assessment or definitive diagnosis by a qualified assessing agency or individual.

Other signs that a formal assessment may be necessary include, but are not limited to:

- Difficulty hearing or comprehending what you are saying;
- Frequent loss of employment;
- Claims to have a barrier to employment that can only be confirmed through a formal assessment;
- Cannot read;
- Difficulty communicating orally;
- May have mobility, cognitive, self-care, self-direction and work tolerance barriers;
- Exhibits socially inappropriate behavior;
- Exhibits behavior consistent with alcohol or drug abuse;
- Exhibits or describes any other behavior or problem that would severely affect employment;
- Difficulty mentally adding or subtracting numbers;
- Difficulty remembering how to spell simple words;
- Indications of limitations or barriers identified through the use of a screening tool;
- Exhibits behavior which may indicate mental health problems that would affect job placement; and
- Needs to care for an incapacitated W-2 group member.

A formal assessment may be counted as participation in an employment position. The FEP should use the best information available from an informal assessment to initially place an individual in an employment position while the formal assessment is pending. However, a formal assessment must be initiated and documented in CARES within 30 calendar days. When results of the assessment are received, the



FEP must use the results to determine if the placement is correct, if the W-2 activities are appropriate and if any necessary work-related accommodations need to be made. Any change made based on the formal assessment must be discussed with the participant and the participant's employability plan must be updated accordingly. Again, the FEP must document all assessment information in CARES utilizing the appropriate CARES screens, including case comments. The CARES assessment screens must be completed at placement and updated at each placement change.

### **5.2.1 Completing the Medical Capacity Form (DES-2012)**

The Medical Capacity Form is the first step in a formal assessment when a participant says they have a mental or physical barrier to employment or the person exhibits such barriers. The information on the form assists in determining appropriate W-2 placement and activities within that placement. It identifies accommodations that must be taken into consideration when identifying activities and conducting a vocational assessment. It also specifies if further evaluation is necessary regarding the participant's ability to function in certain environments.

The Medical Capacity Form must be completed by a certified professional who provides care to the participant or a representative authorized by the professional. Examples include doctor, nurse, counselor, physician's assistant or a licensed clinical social worker (LCSW).

W-2 agencies may develop and use their own Medical Capacity Form as long as the elements from the State's form are included. Some agencies develop additional forms to submit to specified providers such as mental health counselors or AODA treatment providers. These forms gather more explicit information. An agency may choose to use these forms for specialty areas when they deem appropriate.

#### **5.2.1.1 *Obtaining Updated Medical Capacity Form Information***

The FEP must obtain new medical information when appropriate. The updated information will assist the FEP in understanding a person's ability to participate. The form must be updated under the following conditions:

1. The date the restrictions expire, which appears on the second page of the form;
2. Six months from the date the FEP receives the form if the provider indicates that the restrictions remain in effect beyond 6 months or indefinitely; or
3. If the participant's condition changes.

When obtaining updated information, the FEP can contact the provider by phone, submit the form to the provider himself or herself or have the participant obtain an updated form. The FEP must document all contacts in CARES. If the FEP obtains a copy of the form without assistance from the participant, the participant may, upon request, review and/or obtain a copy of the completed form from the W-2 agency.

The restrictions listed on the form do not excuse participants from participating in W-2 activities. Rather, identification of any restrictions will assist the agency in

identifying appropriate accommodations that it will provide in order to allow participation.

**Example 1:** Ms. Beach broke both legs in a car accident on July 4th. Because of the reported change in her health, the FEP asks Ms. Beach to have a Medical Capacity Form filled out by her doctor. Ms. Beach returns the form indicating bed rest is needed for the next 6 weeks, until August 15th, to allow her legs to heal and indicates that she will be re-evaluated at that time. The FEP updates Ms. Beach's employability plan to include the change in activities.

Six weeks pass and the FEP calls Ms. Beach to see how she is feeling and to evaluate her ability to participate in activities. Ms. Beach indicates that she will be involved in physical rehabilitation for 6 hours a week and is not sure if she is able to return to her work site at this time. The FEP has Ms. Beach re-submit a form to the doctor to obtain the updated information. The doctor confirms that she will be in physical rehabilitation for 6 hours a week for the next 2 months. The form indicates that she can return to classroom activities and limited work site activities as long as she does not have to be on her feet or do any sort of lifting for the next 2 months. The doctor indicates on the form her next evaluation will be on October 17th. The FEP adjusts Ms. Beach employability plan to reflect the doctor's restrictions.

On October 18<sup>th</sup>, the FEP contacts the doctor's office by phone and speaks to a nurse that works with Ms. Beach. She confirms that all restrictions have been lifted and Ms. Beach can return to activities. The FEP requests an updated Medical Capacity Form and Ms. Beach returns to her work site full time.

**Example 2:** Mr. Poole applies for W-2 after a recent heart attack. The FEP has Mr. Poole submit a Medical Capacity Form to his doctor. The provider indicates on the form that Mr. Poole is having bypass surgery in 3 weeks and indicates no activities are permitted. The form shows the restrictions remain in effect indefinitely.

The FEP contacts the nurse at the cardiac clinic and requests further information about recovery time and amount of time involved in activities. The nurse said the average recovery time is 8 weeks and a scheduled appointment for re-evaluation usually follows the 8th week. The FEP makes a note to follow-up with the provider 9 weeks from the date of the surgery to update Mr. Poole's progress.

The Medical Capacity Form indicates physical rehabilitation and nutritional counseling activities start the week after surgery. The nurse states that physical rehabilitation appointments are 3 times a week for two hours for 12 weeks following the surgery and nutritional counseling is once a week for 6 weeks. The FEP writes an employability plan to reflect the activities.

#### 5.2.1.2

#### *Sharing Information with the Social Security Administration (SSA)*

The Medical Capacity form can be used as a communication tool between SSA and the W-2 agency on Supplemental Security Income (SSI) or Social Security Disability Income (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. In addition, the FEP could have the participant complete the SSA Release of Information Form (3288) located at [www.ssa.gov/online/ssa-3288.pdf](http://www.ssa.gov/online/ssa-3288.pdf). 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 the Medical Capacity form 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.

#### 5.2.1.3 *Conflicting Medical Information*

If the FEP receives an updated Medical Capacity Form that conflicts with another statement or another form regarding health issues, the FEP must follow-up with the provider. This can be done over the phone. Some agencies have staff members with a medical background who handle the calls while others have FEPs call directly. Agencies are encouraged to set up internal processes to handle conflicting information. A third opinion, outside of the two conflicting reports, may also be appropriate.

### 5.3.0 **W-2 Eligibility for VISTA Volunteers**

The AmeriCorps\*VISTA program is a federal service program designed to strengthen and supplement efforts to alleviate poverty. It is governed by the Domestic Volunteer Service Act (DVSA) of 1973, Title I, Part A, 42 USC 4951. The DVSA language demonstrates clear congressional intent to allow persons with low or fixed incomes to serve as volunteers without fear of loss of those benefits they would be otherwise eligible for or were receiving prior to their entrance into volunteer service. FEPs must use the following policies when determining eligibility for VISTA volunteers.

#### 5.3.1 **Nonfinancial Eligibility for VISTA Volunteers**

VISTA volunteers applying for, or participating in, a W-2 employment position, shall not be required to search for unsubsidized employment throughout his or her participation in a W-2 employment position. (See 2.2.0)

#### 5.3.2 **Financial Eligibility for VISTA Volunteers**

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. (See 3.2.7.6)

### 5.3.3 Assessment and Placement in a W-2 Employment Position

#### 5.3.3.1 *VISTA Volunteers Applying for W-2*

FEPs must conduct an informal assessment of all W-2 applicants to determine the most appropriate placement in a W-2 employment position. If the FEP determines that an applicant is not ready for unsubsidized employment, the assessment information is used to place the applicant in the most appropriate W-2 subsidized employment position. Being a VISTA volunteer while applying for W-2 does not make the applicant more or less appropriate for any W-2 employment position. The FEP must still take into consideration the applicant's work history, recent job search efforts, education, job skills, interests and abilities and other factors that will affect employment when determining appropriate placement. VISTA does not allow volunteers to seek employment or accept employment training while serving in the VISTA program. The FEP must take this into consideration when assigning W-2 activities.

However, with the approval of the VISTA project supervisor, the VISTA volunteer may take advantage of W-2 services. If this approval is granted by the VISTA project supervisor, assigned case management activities must be included on the W-2 employability plan and, if in a CSJ or W-2T employment position, the participant must be held accountable for completing these activities.

**Example:** Mary, a VISTA volunteer, applied for W-2. As a part of Mary's VISTA project, she recruits local volunteers to repair, renovate and expand existing housing or to construct new homes at affordable rates in low income neighborhoods. Mary also had five years of work experience prior to becoming a VISTA volunteer. Mary was found both financially and nonfinancially eligible for W-2. Based on the FEP's informal assessment of Mary's work history and skills, the FEP determined that Mary was eligible for some case management services while serving in VISTA and she was placed on the Unsubsidized Employment rung of the W-2 ladder. However, according to VISTA policy, Mary must obtain approval from the VISTA project supervisor in order to participate in case management activities.

#### 5.3.3.2 *W-2 Participants Who Become VISTA Volunteers*

Reassessment of a participant's skills and employability is part of ongoing case management under W-2. Becoming a VISTA volunteer may indicate that a participant has gained some or all of the necessary skills to obtain employment and, therefore, a reassessment may be appropriate at that time. Through an informal assessment, the FEP must determine whether or not the W-2 participant should continue in his or her current W-2 employment position or should be considered for a more suitable W-2 employment position.

**Example:** Joan is a CSJ participant who was recently accepted by the VISTA program as a volunteer. Joan's VISTA project requires her to distribute information on child immunization programs. Based on an informal assessment, the FEP determines that Joan is still not prepared for unsubsidized employment and would benefit from continued CSJ services while participating in the VISTA program. The

FEP also recognizes the valuable skills Joan will gain from her VISTA participation and the likelihood that this will have a positive impact on her obtaining unsubsidized employment in the future.

#### 5.3.3.3 *Counting VISTA Participation as a W-2 Activity*

If placed in a W-2 subsidized employment position, a VISTA volunteer's service time must be included as a part of the participant's W-2 employability plan and the participant can have their W-2 benefits reduced if he or she fails to follow-through on VISTA participation. Although VISTA members serve full-time without regard to regular working hours and may, therefore, be working more than 40 hours a week, the FEP must only assign the W-2/VISTA participant the maximum number of allowable work training hours for the W-2 employment position. In order to determine whether or not W-2/VISTA participants are meeting their W-2 participation requirements, upon request by the FEP or the participant, the VISTA project supervisor (or other appropriate person from the VISTA sponsoring organization) will provide a bi-weekly certification that participants are still serving on the project. In keeping with the W-2 program's philosophy, it is suggested that it be the responsibility of the participant to submit these bi-weekly certifications; however, the FEP may work directly with the VISTA project supervisor to obtain the information.

#### 5.3.3.4 *Appropriate Case Management Activities for W-2/Vista Participants*

Although VISTA does not allow its volunteers to seek employment or accept employment training, a VISTA volunteer may take advantage of the case management services offered under W-2 as long as he or she has approval from the VISTA project supervisor. Participation in the W-2 activities would not only increase the W-2/VISTA participant's future employability, but the participant can also utilize the skills obtained by participating in W-2 activities as a VISTA volunteer.

There are a number of case management services available under W-2 that would be appropriate for the W-2/VISTA participant. These include, but are not limited to:

- Providing information on and/or assessing eligibility for food stamps, child care and Medicaid
- Establishing employment goals and exploring career options
- Providing assistance in creating a financial plan
- Providing referrals to other community resources
- Offering parenting or life skills training
- Writing a resume
- Completing job applications \*
- Arranging job interviews with employers \*

\* These services should be offered only near the end of the participant's service in VISTA. Dates of VISTA service can be verified by the Wisconsin state program office of Corporation for National Service (414-297-1118).

#### 5.3.4 **Eligibility For Time Limit Extensions**

VISTA participation does not guarantee eligibility for an extension. As with all W-2 participants who reach their time limits, the FEP must review the W-2/VISTA participant's eligibility for an extension using the W-2 extension criteria. The only exception is that the W-2/VISTA participant's failure to seek employment or accept employment training while serving in the VISTA program and W-2 cannot be used to justify denying an extension.

The FEP must inform the participant and document in case comments that he or she will reach either the 24 or 60-month time limit while participating as a VISTA volunteer and that VISTA participation does not guarantee eligibility for an extension.

**Example:** Shari is in a CSJ employment position. Shari's CSJ requirements include VISTA volunteer service. In Shari's 20<sup>th</sup> month of W-2 participation, the FEP reviews the extension criteria with Shari and determines that although she has participated with program requirements, based on the skills obtained through W-2 and her VISTA volunteer service, the local labor market does not preclude reasonable job opportunities for Shari if she were not serving in VISTA. Therefore, she is found ineligible for a CSJ extension. Based on the decision, the FEP may offer to move Shari to the Unsubsidized Employment rung of the W-2 ladder in order to continue providing W-2 case management services. Because Shari is not allowed to search for employment or attend employment training opportunities during her VISTA service and, therefore, may not be penalized, Shari may get approval from her VISTA project supervisor to participate in case management activities. If Shari's project supervisor does not grant approval for Shari to participate in case management activities, Shari may be ineligible for W-2 services. However, Shari may reapply for W-2 services at any time and may choose to do so once she has finished her VISTA work.

## 6.1.0 EMPLOYABILITY PLAN

An Employability Plan (EP) is a written agreement developed jointly by the FEP and the participant. However, the Resource Specialist (RS) may write the initial EP during the W-2 application period if the applicant is assigned up-front job search. (See 5.1.2) For the FEP, the EP is a case management tool which details a logical, sequential series of actions, becoming a blueprint for change, moving the individual off assistance and into self-sufficiency. For the participant, the EP is a single written document which outlines employment goals, personal goals, and all assigned activities thus ensuring the participant's awareness of participation requirements. The EP must be filled out in CARES and a paper copy must be placed in the case file.

The EP must be developed with participants who are assigned to up-front job search, Trial Job, CSJ, W-2 T, Food Stamp Employment and Training (FSET), Learnfare, Children First, and W-2 Noncustodial Parent case management. In addition, the second parent in a two-parent family (see 2.2.5.2) who is assigned to activities must also have an EP. Other W-2 individuals receiving case management services may have an EP developed at the discretion of the W-2 agency

The EP consists of three parts:

### Part 1: **PARTICIPANT EMPLOYMENT AND RELATED GOALS**

The participant's employment and related occupational goal(s). This section of the EP identifies both employment goals which can be achieved during program participation and those which the participant would like to achieve beyond W-2.

**JOB GOALS DURING PROGRAM PARTICIPATION:** The primary goal may be some type of general employment achievable during program participation. The secondary and additional goals can be more specific, related to the individual's unique skills, education and interest. Entry of the Dictionary of Occupational Titles (DOT) code is not required.

**RELATED GOALS NOT REQUIRED FOR PROGRAM PARTICIPATION:** If the participant's ultimate career goal is beyond the scope of the program, it can be recorded on the EP as a long-term goal. The ultimate career goal, if recorded under long-term goals, will be outside the program participation requirement. This goal represents the final objective toward which an individual is working.

Learnfare participants may have different short-term goals in addition to employment. For instance, completing high school or improving school attendance may be the primary goal for students subject to the Learnfare policy. (See Chapter 12 for more information on Learnfare policy).

### Part 2: **PARTICIPANT PERSONAL GOALS**

The participant's personal goals are additional steps that are **not** required for W-2 program participation. These steps outline long range and short-term activities participants can do to achieve employment goals. These steps may be completed outside of program participation. However, at times, it may be appropriate to include these goals as assigned activities in Part 3 of the EP. Examples of personal goals may include:

- Addressing parenting issues;
- Obtaining financial counseling;
- Involvement in support groups;
- Securing a driver's license;
- Moving to a safer neighborhood; and
- Obtaining Education and training to achieve long-term career goals.

### **Part 3: PARTICIPANT PROGRAM ACTIVITY PLAN**

The participant's program activity plan portion of the EP includes the specific program activities the individual will undertake to achieve the primary job goal. These activities may include, but are not limited to, work experience activities, doctor's appointments, assessment appointments, child support appointments, court appearances and counseling sessions. If these activities are not completed as detailed in the EP, the individual may be subject to a payment reduction. A payment reduction may only be applied if a participant fails to complete activities listed in this part of a valid EP.

There are two different areas in Part 3 of the EP that require dates. There are the EP begin and review dates, which should not exceed 6 months or the end of the semester for Learnfare students. There are also begin and end dates for each activity. For more detail on the specific activity dates, see the bulleted list below.

This part of the EP will also detail the participant's responsibility to ensure that school age children 6 to 17 years old establish or maintain enrollment, improve or maintain attendance, and participate in case management services if a child is required to do so.

Each activity should include:

- The activity to be completed (This should be more detailed than the component entered on WPCH);
- The number of hours per week the individual is involved in the activity;
- Planned begin and end date (The end dates of activity steps should never exceed the expiration date of the EP. If necessary, carry unfinished action steps to an updated EP);
- Provider of service;
- Address of the site where the activity is located;
- Supportive service required to complete the activity; and



- Any additional remarks to describe detail about the activity, e.g. days of the week the activity takes place, times each day participant is required to attend, etc.

Learnfare EPs, or Learnfare Case Management plans, which are similar to EPs, are developed for children age 6 to 17 whose parent is placed in a W-2 employment position and who are required or volunteer to participate in case management for Learnfare. (Students not enrolled in school, minor parents, dropouts, returning dropouts, and habitual truants are required to participate in case management). (See Chapter 12)

### 6.1.1 Preparation and Review

When developing the EP, the FEP may consider and incorporate input from other agency professionals such as the Workforce Investment Act (WIA) program, the Division of Vocational Rehabilitation (DVR), the Wisconsin Technical College System (WTCS), mental health, child welfare safety services, and alcohol and other drug abuse (AODA) programs. The participant's family members may also provide input. Meetings with both parents, in a two-parent household, may be necessary to assess total family strengths and barriers when planning an appropriate W-2 placement.

It is desirable to have a face-to-face meeting when completing a new EP for a participant, especially when new activities are being assigned. However, an EP can be mailed to the participant for signature and returned to the W-2 agency. Document in the case record (CARES screen CMCC) how the EP was distributed and the date it was distributed. If an EP review date expires without a new EP in place because the participant either fails to keep an EP development appointment or fails to return a mailed EP, without good cause, W-2 eligibility may end.

The EP must:

1. Be completed when an individual is assigned any W-2 activities.
2. Be updated every time a participant is assigned any new activity, completes an activity, at a W-2 eligibility review or the end of the semester for Learnfare individuals.
3. Include employment goals and personal goals that take into account each participant's unique strengths, interests and needs when developing an EP. This allows the FEP to recognize the participant's aspirations and measure his/her progress. Generally accepted assessment tools and local labor market information, available through the Job Center system should be used to help the participant define achievable program goals.

EPs must not contain standardized language for all participants, but should reflect the individualized case management structured for the participant. (See Parts 1: **PARTICIPANT EMPLOYMENT AND RELATED GOALS** and Part 2: **PARTICIPANT PERSONAL GOALS**).

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4. Identify assigned activities that will lead to the earliest feasible transition to unsubsidized employment (See Part 3: **PARTICIPANT PROGRAM ACTIVITY PLAN**).
5. Be completed or updated when the FEP determines that a W-2 participant's minor dependent child(ren) becomes mandatory for or accepts an offer of case management under W-2 Learnfare.

A Learnfare Case Management Plan is also completed. The student's plan has a primary participation goal of school enrollment and/or attendance which meets the definition of 'student in good standing,' as defined in the Learnfare Case Management Manual. The student must be able to achieve this primary goal during program participation. Related goals may be career preparation, Tech-Prep, College Prep, or School-To-Work activities. The ultimate goal for minor dependent school age children should be a graduation credential (i.e., diploma, HSED or GED). (See Chapter 12)

6. Be structured to enable the W-2 participant to take responsibility for personal decisions. (This can be done by the FEP presenting options based on the individual's strengths and interests, which are within program mandates, so that the individual can make informed decisions for his or her family.)
7. Be written for the planned duration of the W-2 employment placement. In no case will the duration of the EP be more than six months. If the W-2 placement is expected to go beyond the EP end date, the EP must be amended to reflect the new anticipated end date.
8. Include a review date. This date should never be extended beyond the planned duration of the W-2 employment placement, the 24-month duration for a specific W-2 employment position, or the lifetime limit of 60 months for the participant.
9. Include signatures of both the FEP and the participant. . Each time the EP is changed, it **must** be printed, signed by the FEP (or RS if in the application stage) and the participant must be given the opportunity to sign the EP. If the participant refuses to sign the EP, the agreement is still considered binding because the individual committed themselves to W-2 participation when signing the W-2 Participation Agreement. A copy of the EP is provided to the participant and a copy must be maintained in the W-2 agency paper case record.

### 6.1.2

#### Joint Employability Plan

W-2 agencies are required to work with local Job Center partner agencies to jointly serve persons under the Job Center network delivery model. Participants should be encouraged to seek out opportunities for dual enrollment in other programs and take advantage of all resources available through the Job Center system. Individuals participating in other activities through the Job Center network (including Job Service/Labor Exchange Services, WIA and DVR) may be eligible to participate in W-2 employment positions as approved by the FEP. However, any activities counting toward W-2 participation requirements must conform with W-2 policy. W-2 focuses on short-term intensive training that will lead to entry level unsubsidized employment.

Working cooperatively with local partner agencies on EP development is one of the Job Center standards. Therefore, the FEP will consult with other Job Center agencies as appropriate when developing the W-2 EP. However, W-2 agency staff must ensure that a W-2 CARES printed EP will be attached to any jointly developed EP since this is the primary EP document for W-2 participants.

### 6.1.3 Transitioning Cases

Existing DVR work-based or short-term training plans designed to result in entry level employment must be considered in the development of the W-2 Employability Plan.

### 6.2.0 WORK PROGRAM ACTIVITY CODES

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

See the CARES Guide for a complete listing of the W-2 activity codes.

**Example 1:** While developing an EP for Nancy, the FEP and Nancy talk about the many employment opportunities that exist for women in nontraditional careers such as welding and construction. The FEP informs Nancy that there is an opening in a program that would allow Nancy to get work training at an actual construction site while attending a small amount of classroom training. Nancy, who based on an assessment, enjoys working outdoors and has some aptitude for mechanical work, agrees that this program would be a good match for her. On Nancy's EP, in the section marked Activity 1, the FEP enters the following: "*Participate in New Opportunities for Women (NOW) Program - Construction.*" The FEP goes on to fill in the relevant information for each activity (address, hours, begin and end dates, etc.). The FEP includes in the "Remarks" section for Activity #1 that it is a 10 week training program that includes work experience and classroom training.

On CARES screen WPCH, the FEP enters "WE" for Work Experience because most of the work will be done on the job site with minimal classroom training.

**Example 2:** Dawn is a CSJ participant assigned to 20 hours at a worksite that combines 15 hours of housekeeping/hospitality skills and 5 hours of computer skills training each week. In addition, Dawn is required to search for employment 5 hours per week. In Activity #1 on Dawn's EP, the FEP enters, "*Attend Housekeeping/Hospitality Skills,*" and assigns 20 hours per week. In the "Remarks" section for Activity #1, the FEP enters that 5 hours of the activity will be on-site computer skills training. In Activity #2 on Dawn's EP, the FEP enters, "*Participate in Job Club*" and assigns this for 2.5 hours per week. In Activity #3, the FEP enters, "*Meet individually with Employment Specialist*" and assigns this for 2.5 hours per week. Finally, in Activity #4, the FEP enters, "*Conduct independent job search*" and assigns this for 5 hours per week. In addition to filling in all relevant information for each activity (address, hours, begin and end dates, etc.), in the "Remarks" section for Activity #4, the FEP enters that the participant must keep a log of all job contacts and bring the log with her to each FEP appointment.

On CARES screen WPCH, the FEP enters 20 hours of "*WE*" for Work Experience because the work and computer training will be done at the job site and 10 hours of "*ES*" for Employment Search.

**Example 3:** Nancy is a W-2 T participant recently diagnosed with severe depression and agoraphobia. Based on her Medical Capacity form, Nancy is unable to complete any activities outside of the home until she has completed six months of intensive mental health counseling. In Activity #1 on Nancy's EP, the FEP enters, "*Attend Mental Health Counseling*" and assigns 10 hours per week. In Activity #2 on Nancy's EP, the FEP enters, "*Complete motivational reading*" for 5 hours per week. In the remarks field, the FEP outlines the exact title of the book and how progress will be measured. In Activity #3, the FEP enters, "*Maintain log of self care activities every day*" for an additional 5 hours per week and in the remarks field instructs the participant that the logs will have to be turned in every two weeks. The agency will provide self-addressed, stamped envelopes to assist the participant. Finally, in Activity #4, the FEP enters, "*Take care of self*" for 8 hours per week. In addition to filling in all relevant information for each activity (address, hours, begin and end dates, etc.).

On CARES screen WPCH, the FEP enters 10 hours of "*CM*" for mental health counseling and 5 hours of "*MO*" for Nancy's motivational activity. The FEP also enters 13 hours of "*PC*" for Personal Care/Self Care.

### **7.1.0 UNSUBSIDIZED EMPLOYMENT**

Unsubsidized employment is the highest and most desirable rung on the W-2 employment ladder. The FEP must first consider unsubsidized employment for all W-2 applicants. Applicants who meet the financial and nonfinancial eligibility criteria are not entitled to a W-2 employment position. If the applicant meets the eligibility criteria, but is employed or has a strong employment history and skills, the applicant may be placed on the Unsubsidized Employment (UE) rung of the W-2 ladder.

For the purpose of gathering more detailed data on individuals placed in Unsubsidized Employment, the CARES system contains Unsubsidized Employment placement codes. These codes define a particular reason for the Unsubsidized Employment placement.

Unemployed applicants who are ready for unsubsidized employment may be placed on the UE rung and coded as CMS. Applicants who are employed when they apply for W-2 may be placed on the UE rung and coded as CMU. Employed participants who have moved up the W-2 ladder to unsubsidized employment must be placed on the UE rung and coded as CMF.

Participants placed on the UE rung are not subject to either federal or W-2 employment position time limits.

UE participants are not eligible for formal assessment services funded by the W-2 agency. When the FEP believes that a barrier to unsubsidized employment may exist, the participant should be tentatively placed in a W-2 employment position until necessary assessments are complete. (See 5.1.0)

#### **7.1.1 Unemployed Individuals Capable of Obtaining Employment (CMS)**

Unemployed individuals who have been assessed as having the capability of obtaining full-time employment may be placed on the Unsubsidized Employment rung and coded as CMS as long as they continue to meet financial and nonfinancial eligibility criteria. However, individuals may only be identified by the code CMS if they state in writing that they wish to receive case management services.

Prior to placing an unemployed individual in Unsubsidized Employment because they are determined to be capable of immediate, full-time employment, the FEP must conduct a thorough informal assessment and document the reasons for the placement decision.

If the FEP is uncertain or unable to support in writing the placement of an unemployed individual into Unsubsidized Employment, it may be appropriate to place the individual in a Trial Job or CSJ employment position.

Unemployed individuals placed in Unsubsidized Employment must receive intensive case management services from the FEP to facilitate employment at the earliest opportunity. The FEP must maintain regular and frequent contact (at least once per week) with unemployed participants. During these weekly contacts, the FEP should evaluate whether providing case management services is still appropriate, and document the results on the CARES case comments screen.

If the participant is unable to find unsubsidized employment within 30 days, the FEP must consider placing the individual in a Trial Job or a CSJ employment position. In addition to appropriate work activities while in these positions, there must be a strong emphasis on soft skills training, e.g., time management, budgeting, problem solving, etc. For those individuals placed in a CSJ, there must also be a strong focus on job readiness activities, such as job-search, setting up interviews with employers, etc. Placement in a W-2 employment position with a focus on job search will also provide more information to the FEP regarding the individual's capability of obtaining full-time employment.

Individuals who are placed in unpaid employment search may apply for a Job Access Loan to meet immediate employment related needs.

The FEP must place CMS participants who become employed in CMU and offer appropriate CMU services to the employed individual.

#### 7.1.1.1 *General Characteristics of Unemployed Individuals coded CMS*

An unemployed individual who is appropriate for placement into Unsubsidized Employment and coded CMS has all of the following characteristics:

- Has no barriers to work which cannot be addressed through supportive services;
- Is capable of working and has a willing attitude;
- Has a steady and/or recent work experience;
- Has an education or training background that allows the individual to compete for available jobs in the unsubsidized labor market.

#### 7.1.1.2 *Case Management Services for Unemployed Individuals coded CMS*

Case management services for unemployed individuals placed in Unsubsidized Employment include, but are not limited to:

- Providing assistance in creating a financial plan;
- Identifying necessary education and training needs, e.g. drivers education, English-as-a-Second Language and obtaining a high school diploma;
- Establishing employment goals;
- Providing information about job openings;
- Improving job interviewing skills;
- Completing job applications;
- Writing a resume;
- Arranging job interviews with employers;
- Providing bilingual support for job contacts and interviews;
- Contacting employers on the individual's behalf;
- Providing information about child care eligibility;
- Assessing possible eligibility for a Job Access Loan (JAL);
- Assessing for eligibility for other work programs, such as Food Stamp Employment and Training (FSET), Workforce Investment Act (WIA).

### 7.1.2 **Individuals Working in Unsubsidized Employment (CMU)**

Employed individuals without barriers to full-time employment may be placed on the Unsubsidized Employment rung and coded as CMU as long as they continue to meet financial and nonfinancial eligibility criteria. These individuals may benefit from receiving services geared toward retaining current employment and/or obtaining additional skills to secure a job with increased hours, pay and/or benefits. This includes persons who were working when they entered W-2. Do not code individuals as CMU who graduated to Unsubsidized Employment after moving up the employment ladder from a W-2 employment position (See 7.1.3).

#### 7.1.2.1 *Case Management Services for Employed Individuals coded CMU*

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

- Providing guidance in career decision making skills;
- Exploring career options;
- Identifying vocational opportunities;
- Identifying necessary education and training needs, e.g. drivers education, English-as-a-Second Language and obtaining a high school diploma;
- Creating or updating a resume;
- Developing networking skills;
- Providing referrals to other community resources;
- Providing job survival/retention techniques.

### 7.1.3 **Employed Individuals Previously Assigned to a Subsidized Employment Position (CMF)**

The FEP must provide participants who have moved up the W-2 ladder to unsubsidized employment follow-up case management services regardless of nonfinancial and financial eligibility criteria. In addition to providing important information regarding the individual's status, follow-up case management services can help participants make the necessary adjustments to be successful in the world of work. For those W-2 participants who move from a pro-rated CSJ to CMF, the CMF placement must begin when the participant is placed in CMF rather than when the participant initially obtained the employment and was placed in the pro-rated CSJ.

Prior to placing an individual in CMF in CARES, the FEP must verify with the employer that the participant has actually begun to work and validate the wages and hours.

The FEP will provide follow-up case management services for at least 6 months to participants who progress from a W-2 employment position to an unsubsidized position to encourage and support job retention. During the six-month period, the FEP must contact the CMF participant and provide appropriate services on a regular basis. How often contact occurs depends upon each individual case, but at least bi-weekly or monthly contact would be appropriate.

The case management services may include:

- Employment skills training;
- English-as-a-Second Language classes if the W-2 agency determines that the course will facilitate the individual's efforts to retain employment;
- A course of study meeting the standards for granting a declaration of equivalency of high school graduation; or
- Other remedial education courses.

Additional case management services for individuals coded CMF are similar to those for individuals coded CMU. (See 7.1.2.1).

As stated above, CMF placements must be for at least six months unless the participant refuses case management or loses his or her job. If the participant refuses case management services, the FEP must document the refusal on CARES screen CMCC. If the participant loses his or her job, he or she must be reassessed to determine if there are possible unidentified barriers. If additional barriers are suspected, the individual must be placed in a W-2 subsidized employment position and offered formal assessment and other appropriate services. If additional barriers are not suspected and the FEP determines that the individual is capable of obtaining additional employment, a CMS placement may be appropriate and the participant must sign a CMS agreement form.

If a CMF placement lasts less than six months, the FEP must also document the reason(s) why on CMCC.

W-2 agencies are encouraged to provide services beyond the 6-month period regardless of the individual's income and asset limit to prevent recidivism and ensure employment stability. There is no time limit on these services. The FEP may also arrange for continued service through other Job Center programs such as WIA.

#### **7.1.4 Employability Plan and Reviews**

The FEP may complete an Employability Plan with the Unsubsidized Employment participant in which appropriate activities for obtaining or maintaining unsubsidized employment are outlined. The FEP must maintain regular contact with the participant and update the employability plan to maintain a current and appropriate plan. The necessity for continued case management services must be reviewed frequently by the FEP. (See Chapter 6.)

#### **7.1.5 Eligibility for Other Programs**

When an individual is receiving case management services on the Unsubsidized Employment rung of the W-2 ladder or does not meet the W-2 nonfinancial and financial eligibility criteria, the W-2 agency should take steps to ensure that the individual is made aware of other employment services available through the Job Center, such as Workforce Attachment and Advancement and Welfare to Work.



These individuals may also receive child care, FS, MA, Emergency Assistance and other benefits if otherwise eligible. Unsubsidized Employment participants may also receive JALs if otherwise eligible. Participation in the FSET program takes precedence over placement in UE. If a previously FSET exempt UE participant is subsequently determined mandatory for FSET, he/she is subject to FSET program participation requirements in addition to participation in W-2.

### **7.1.6 Denying or Terminating an Unsubsidized Employment Placement**

If any individual placed in Unsubsidized Employment declines case management services, refuses to state in writing that they wish to receive the services, or does not participate, the FEP must terminate eligibility for the placement. Issue a manual W-2 denial notice. (**NOTE:** A new reason code is being developed to deny or terminate W-2 services for individuals who are placed in Unsubsidized Employment and decline case management services.) There is no penalty involved for non-cooperation in Unsubsidized Employment, although job refusal could affect future W-2 eligibility.

### **7.2.0 SUBSIDIZED EMPLOYMENT**

If good faith attempts to obtain employment have been unsuccessful, or if the FEP determines that an applicant is not prepared for unsubsidized employment, the applicant may be offered one of the three employment positions: Trial Jobs, Community Service Jobs or W-2 Transitions. However, individuals placed in one of the three W-2 employment positions may be required to conduct appropriate ongoing employment search while participating in a W-2 employment position. The agency must continue to assist the participant in ongoing search for unsubsidized employment. (See 5.1.2)

Individuals with farming and self-employment income may be placed in a Trial Job, but in most circumstances will not be placed in an employment position. For marginally employed applicants, see CSJ Participation Requirements.

### **7.3.0 TRIAL JOBS**

Trial Jobs are W-2 subsidized employment positions contracted between the W-2 agency and an employer. These jobs are expected to become permanent unsubsidized positions. Trial Jobs are intended to encourage employers to give permanent opportunity to individuals who seem job ready, but have a weak work history.

The W-2 agency contracts with the employer and pays the employer a subsidy with the expectation that if the W-2 participant performs satisfactorily the employer will offer that participant permanent employment.

A participant may participate in a Trial Job for a maximum of three months with an opportunity for a three-month extension. A participant may participate in more than one Trial Job, but may not exceed a total of 24 months of participation.

### 7.3.1 General Trial Jobs Participant Description Characteristics

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

- Capable of working and has a willing attitude, but may require a flexible schedule or other reasonable accommodations during the Trial Job period;
- Has basic skills and/or education, but lacks sufficient work experience or skills to meet employer requirements, and the employer agrees to provide the experience or training required;
- Has little or no recent work experience or a poor work history, but the employer is willing to provide an opportunity and train the participant.

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

### 7.3.2 Trial Job Participation Requirements

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

### 7.3.3 Employer Wage Subsidy

A Trial Job employer will receive a wage subsidy not to exceed \$300 per month for full-time employment. The subsidy may be used flexibly at the Trial Job employer's discretion for training, transportation, to offset employment costs, etc. If a Trial Job employee begins work after the first day of the month, if the Trial Job is for less than 40 hours per week (or the employer's standard full-time week for regular employees, i.e. standard full-time work week for regular employees is 37.5 hours), or if the Trial Job employee fails to participate during the contracted period, the wage subsidy would be \$300 multiplied by the following fraction:

Numerator: \_\_\_\_\_ number of hours worked in the month  
Denominator: number of hours which would be required for full-time employment in that month

The Department standard for the denominator is 160. Deviations from this to allow for extra work days in the month are allowable as determined by the W-2 agency.

**EXAMPLE:** If the participant is scheduled for and works 80 hours during the month, and full-time employment for that particular job is 160 hours per month, multiply 80/160 (or 1/2) by \$300 to get a \$150 wage subsidy to be paid to the Trial Job employer. On the other hand, in this same situation, if the participant is scheduled **Example cont.:** for 80 hours during the month and works only 60 hours, multiply 60/160 by \$300 to get a \$112.50 wage subsidy to be paid to the Trial Job employer.

The W-2 agency will pay the Trial Job employer a subsidy based upon the number of hours the individual worked in the month. The W-2 agency must develop procedures to verify employer documentation of the number of hours an individual worked and the amount the employer paid the individual prior to subsidizing the employer. W-2 agencies are encouraged to keep paperwork for employers at a minimum. To the extent possible, existing employer processes should be used to meet W-2 requirements. After the subsidy has been paid to the employer, the W-2 agency may claim the expenditure using established reimbursement procedures with the Department.

A Trial Job employer may not request or accept a subsidy under a Trial Job contract for a period when no wages were paid to a participant. The W-2 agency is responsible for referring any employer to the fraud investigation service provider who the W-2 agency suspects knowingly and willfully provided false or misrepresented information to obtain a Trial Job subsidy. (See 7.3.3) The W-2 agency is responsible for ensuring that Trial Job employers are aware of the penalties for fraudulently obtaining Trial Job subsidies.

### 7.3.4 Employer Contract

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

Each W-2 agency has the authority to develop employer contracts based on a model contract provided by the State. However, the contract must contain, at a minimum:

1. Trial Job participant's name and Social Security Number;
2. Employer's name;

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

### **7.3.5 Intent to Retain**

The Trial Job employer must agree to make a good faith effort to retain the participant as a permanent employee after the wage subsidy has ended. If the participant meets all the expectations of the training and work assignment and presents no reason for dismissal, the person must be offered a regular unsubsidized position at the end of the subsidy period, unless, for reasons unforeseen by the Trial Job employer when the participant was placed (e.g., sluggish sales), no hiring is occurring.

W-2 agencies must monitor the retention of Trial Job participants in unsubsidized employment by Trial Job employers. Employers who routinely fail to offer unsubsidized jobs to participants who have succeeded in their Trial Job experience will not remain in good standing. W-2 agencies should not negotiate future contracts with employers who are not in good standing. Trial Job employers retain good standing if they had just cause for dismissing previous participants.

### **7.3.6 Trial Job Training**

The Trial Job employer provides a structured work environment that includes close supervision, mentoring and coaching of Trial Job employees. The Trial Job employer must incorporate education and training needed for the Trial Job

participant to move into unsubsidized employment. Trial Job employers are expected to provide, at a minimum, the same education and training opportunities as provided to unsubsidized employees in similar circumstances. The Trial Job employer is also expected to consider other education and training opportunities that the FEP believes will help the participant succeed on the job. The Trial Job participant may access services provided by the Job Center to learn more about the long-term opportunities in the career or skill area connected with their Trial Job.

### **7.3.7 Trial Job Time Records**

Time records will be kept through the employer's monthly reporting for the Trial Job subsidy.

### **7.3.8 Trial Job Wages and Benefits**

The Trial Job employer must pay the participant a comparable wage received by regular employees in similarly classified positions for every hour worked. The Trial Job employer must provide the participant with benefits comparable to benefits provided to regular employees in similarly classified positions. Employers must pay at least federal or state minimum wage.

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

The Trial Job employer must agree to provide information on the federal and state Earned Income Credit (EIC), including the federal advance credit. Regular EIC can only be accessed by the tax filer. Advance EIC is accessed through the employer by completing a W-5 form.

## **7.4.0 WORK TRAINING PLACEMENTS**

Work training placements are intended to provide work training opportunities for individuals who are not job ready. Work training placements include Community Service Jobs (CSJ) and Transitional Placements (W-2 T). Individuals assigned to a work training placement may be required to participate in a variety of activities. Included in those activities are work experience training. The work experience placements must meet the following criteria:

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

Many vocational school programs include internships, work experience opportunities, etc., that are performed on-site with an employer who provides the training needed to complete certification. Any Work Training placement with work training activities at a work training site must comply with this type of work training model. Additionally, given the lack of job readiness of the participants who are placed in work training activities, it is expected that work training providers will initially expend some effort in providing close supervision, ensuring work is done properly, re-checking the work that is done, etc. For more information on work training versus employment, see 7.4.1.10.

### 7.4.1 Community Service Jobs (CSJ)

The Community Service Job (CSJ) employment position is for individuals who are determined not ready for immediate regular employment, particularly where attempts to place a participant in an unsubsidized or Trial Job have not succeeded. CSJs are intended to provide participants with an opportunity to practice work habits and skills that are necessary to succeed in any regular job environment, including punctuality, reliability, work social skills, and the application of a sustained and productive effort. CSJ work training providers are expected to offer real work training opportunities with appropriate supervision within an environment which generally replicates that of regular employment, realizing that job coaching and mentoring may be needed to help the participant succeed. An individual is permitted to participate in more than one CSJ for a cumulative total of no more than 24 months. (See 2.3.2)

#### 7.4.1.1 General CSJ Participant Description Characteristics

Persons placed in CSJs may have some of the following characteristics:

- Are determined not ready for unsubsidized employment or a Trial Job.
- Little or no work history and/or no evidence of reliable work habits;
- Work history with frequent voluntary quits or terminations;
- Lack of skills needed to gain or maintain employment; and
- Physical or mental conditions or other personal limitations to regular employment which require time and flexibility to be resolved or stabilized, such as domestic violence, temporary illness or incapacity of self, family member, or other family crises.

**EXAMPLE 1:** Jane has two children (ages 1 and 5) and a very limited work history. She last worked a year and a half ago at a restaurant when she was forced to quit due to a difficult pregnancy. She has been off work since that time. She completed her 12<sup>th</sup> grade of school but did not receive her diploma because she failed to complete one class. She is eager to get back into the workforce, but she is worried that her limited experience and lack of high school diploma will hinder her getting a job. She is interested in the child care business and would like to become a child care provider. Jane applied for W-2. The RS assigned Jane to up-front job search. She completed 10 more contacts than required but was unable to find a job. Based on Jane's limited work history, inability to obtain a job and lack of high school diploma, the FEP places Jane in a CSJ. During her CSJ, Jane will be assigned to 10 hours per week of education in order to complete

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her high school course work and obtain her diploma. The FEP will also assign Jane to 20 hours of work experience at the Job Center daycare site. Because the FEP can aggregate Jane's education and training hours, she will assign her to an additional 10 hours of classes to certify Jane as a daycare provider.

**Example 2.** Jennifer applied for W-2. She is 24 years old, has a high school diploma, and she completed a clerical training course a year ago. Her seven-year old son Jason has had severe behavioral problems for many years and has recently been diagnosed with Attention Deficit Disorder (ADD). Jason's doctor is currently trying to get Jason's condition stabilized using medication. Jason goes to school for a full day, but about two to three times a month Jennifer is called to pick him up because of bad behavior. Jennifer wants to work and put her clerical skills to use, but doesn't see how she can until Jason's medication stabilizes his behavior.

The FEP places Jennifer in a CSJ. The FEP designs a CSJ placement to allow Jennifer time to practice her clerical skills and provide flexibility for her to care for her son. In order to do this, the FEP sets up a CSJ worksite in the front office of Jason's school so that she is readily available if Jason begins to act out. The school is understanding of Jennifer's situation and allows her the flexibility to care for her son whenever necessary. Once Jason's medication stabilizes his behavior and Jennifer has the necessary clerical experience, the FEP will consider moving Jennifer up to the Trial Job or Unsubsidized Employment rungs of the W-2 ladder.

7.4.1.2

*CSJ Participation Requirements*

CSJ participants are generally expected to participate 40 hours per week. The FEP can require up to 30 hours per week of work training activities and up to 10 hours per week of education and training activities. Education and training hours may be aggregated to allow participants access to FEP approved education and training activities which require more than 10 hours per week. (See 8.2.0)

CSJ work training hours countable toward the maximum 30 hours of activity as approved by the FEP may include:

- Actual work training hours in the CSJ;
- Training activities conducted at the CSJ work training site; and
- Other assigned work training activities as part of the 30 hours that assist an individual in obtaining a Trial Job or unsubsidized employment, such as:
  - on-going job search activities;
  - vocational rehabilitation "employment related" activities (approved by the FEP); and
  - meetings with child support agency staff, social workers, health care professionals or other meetings approved by the FEP and necessary to prepare a participant for employment.

Although the FEP cannot assign more than 30 hours per week of work training activities and 10 hours per week of education and training (40 hours per week combined), the Employability Plan may include additional activities that would assist the CSJ participant in obtaining unsubsidized employment. Because participants

cannot receive a payment reduction for nonparticipation in these additional activities, these other activities should be scheduled around work training activities wherever possible. CSJ training providers should be somewhat flexible so as to allow participants to complete these activities, recognizing that one of the skills to be learned is to fit one's personal activities around work hours.

CSJ education and training hours countable toward the 10 hours of activity per week can include education and training activities approved by the FEP which will aid the transition to Trial Jobs or unsubsidized employment. The education and training hours cannot include job search. Job search must be included under the up to 30 hours per week of work training activities. (See 8.2.0)

Each CSJ placement may be scheduled for a period of up to six months with an opportunity for a three month extension in special circumstances approved by the FEP.

#### 7.4.1.3

##### *Kinds of CSJ Placements*

CSJ placements may be with public, private non-profit and private for-profit employers. The following is a sample list of entities which may offer opportunities for CSJ positions:

1. Municipal or other government - Jobs with easily expanded work crews. These types of jobs are appropriate because participants can be productively placed in these types of positions with little or no training, unplanned absences do not disrupt the operation, and the functions can be easily expanded or contracted depending upon the need for positions.

Example employers: housing authorities, school systems, parks and recreation, and sanitation departments

Example job tasks: public housing painting and preparation, maintenance of parks or other facilities, city gardening, neighborhood watch patrol, clean up of city property or vacant lots, graffiti removal

2. Community-based organizations and government agencies - Positions which require more supervision by the employer and more reliability and/or skill level from the employee. Participants proven to be reliable in the positions listed in the category above, but who are still not ready for private employment, may be placed into these positions. Many of these positions are currently provided through non-profit community organizations in the human services field.

Example employers: community non-profits, religious organizations, hospitals, schools, government agencies

Example job tasks: health aide, clerical or administrative aide, child care aide, teacher's aide, personal assistant, driver, outreach worker in languages other than English, elder or youth services worker



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The W-2 agency must ensure that persons placed in positions that require a criminal background check will qualify.

3. Contract organizations - Private or public companies which bid for paid work. Non-profit and for-profit agencies provide paid contract services, such as industrial laundry, packaging and distribution, recycling recovery, cleaning and maintenance.

Example employers: private non-profits, W-2 agencies, specialized for-profits

Example job tasks: same as community-based organizations and other government

#### 7.4.1.4 *Prorated CSJs*

W-2 agencies have the option of providing prorated CSJ payments to W-2 applicants/participants who are employed in unsubsidized jobs , but only when the applicant/participant has limitations which prevent an increase in the number of hours in his/her current job or from obtaining another unsubsidized job. Placement in the prorated CSJ must be specifically designed to assist the applicant/participant in overcoming these limitations and becoming self-sufficient within a reasonable time.

##### 7.4.1.4.1 *Assessment*

Applicants who are working in an unsubsidized job less than full-time must be assessed and found to have barriers to either increasing the number of hours in their current job or from obtaining another unsubsidized job before being placed in a CSJ with a prorated payment.

During the initial assessment process, up-front job search activities may be assigned in order to determine if an applicant who is working in an unsubsidized job less than full-time has barriers which prevent an increase in the number of hours in the unsubsidized job. It is strongly encouraged that applicants for a W-2 employment position who are currently working be assigned up-front job search unless certain conditions exists that would prevent a productive search, e.g., doctor imposed limitations on work hours. Up-front job search may take place while the applicant is waiting to meet with the FEP, while submitting required verification, or while the FEP is determining if placement on the W-2 ladder is appropriate. The W-2 agency must assist both applicants and participants in their employment search.

##### 7.4.1.4.2 *General Prorated CSJ Participant Description Characteristics*

The Community Service Job placement is primarily for individuals who are determined not ready for immediate regular employment. A prorated CSJ placement may be appropriate for individuals who are already working in an unsubsidized job less than 30 hours per week and where attempts to increase the number of hours in their current job or to find additional unsubsidized employment have not succeeded due to the participant's barriers.

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If the initial assessment reveals that the applicant has barriers that prevent them from obtaining an additional unsubsidized job or increasing the number of hours in their current job, placement in a CSJ may be appropriate.

Characteristics of an employed individual who may be appropriate for placement in a CSJ with a prorated payment include, but are not limited to, a participant who:

1. Has barriers to increased unsubsidized employment opportunities which cannot be addressed through supportive services; i.e. physical or mental barriers;
2. Has a lack of skills needed that would allow the individual to be competitive for available jobs in the unsubsidized labor market;
3. Has a sporadic work history;
4. Shows little evidence of reliable work habits;
5. Does not have a high school diploma, GED or HSED;
6. Has a work history with frequent voluntary quits or terminations.

The agency must continue to assist the participant in ongoing job search for unsubsidized employment throughout the placement in a CSJ with a prorated payment.

**EXAMPLE 1:** Brenda completed specialized paid training in repairing refrigeration parts at her current job. Once the training was complete, the employer reduced Brenda's hours to 23 hours per week. Brenda applied for W-2. After a thorough assessment and an unsuccessful job search, the FEP determines that Brenda will not be able to increase her hours at work or obtain unsubsidized employment because the job market for refrigeration repair persons is extremely limited. Also, Brenda lacks other skills that would allow her to compete for available jobs in the unsubsidized labor market. Brenda is assigned to an eight-week small engine repair course in the evenings for 10 hours per week and to 7 hours of work training activities per week during the day at the county's physical plant. Her 1/3 CSJ payment, based on less than 10 hours of work activity per week, is \$230.

**EXAMPLE 2:** Jane is a single mom with two teenagers. She works 20 hours per week as a program assistant for an insurance company. A physical disability which causes her severe pain is preventing Jane from increasing her work hours. Jane is unable to support her family on her current income and applies for assistance from W-2. After receiving appropriate documentation from her doctor concerning her work limitations and abilities, Jane is placed in a prorated CSJ position. Jane's FEP talks to her about W-2's goal of self-sufficiency and together they create an employability plan focusing on activities Jane is capable of, given her current work limitations. In pursuit of her career goal to become a technical writer, Jane is assigned to participate in a college-based writing workshop over the internet four hours per week. Jane is also assigned to attend the once-a-week meetings of a **Example cont.:** local support group which offers advice and support for dealing with her disability. In addition, Jane is referred to the agency's disability advocate to assist her in initiating an application for SSI. With her current hours of unsubsidized

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employment at 20 hours per week and less than 10 hours of assigned work activity per week, Jane will receive a 1/3 CSJ payment of \$230 per month.

## 7.4.1.4.3

*Prorated CSJ Participation Requirements*

CSJ participants are generally expected to participate 40 hours per week; however, there may be some situations in which the combination of CSJ activities and unsubsidized employment hours may be less than 40 hours per week. Typically though, 40 hours per week includes up to 30 hours per week in work training activities and up to 10 hours per week in education and training activities. CSJ participants eligible for a prorated CSJ payment are also expected to participate up to 40 hours per week in a combination of hours in their unsubsidized job, work training activities and education and training activities.

In some cases, the combination of CSJ activities and unsubsidized employment may be less than 40 hours per week, such as when the participant's limitations are severe. When a participant's limitations are severe enough, the FEP should work closely with the assessing agency or medical professional to determine the types of activities the participant can reasonably perform. However, these activities must be allowable work training hours as identified in section 7.4.1.2 of this chapter, such as vocational rehabilitation, meeting with social workers and health care professionals, etc. The participant must be assigned CSJ activities that do not interfere with the hours they are expected to work at the unsubsidized job.

Additional case management services for CSJ participants who are working in an unsubsidized job less than full time include, but are not limited to:

1. Assistance in creating a financial plan
2. Providing information about job openings
3. Arranging job interviews with employers
4. Contacting employers on the individual's behalf
5. Assessing possible eligibility for a job access loan
6. Assessing eligibility for other work programs such as the Workforce Investment Act (WIA).

## 7.4.1.4.4

*Prorated CSJ Payments*

A participant placed in a CSJ receives a monthly payment of \$673. A participant placed in a CSJ who is working less than full-time in an unsubsidized job may receive a prorated CSJ payment. The FEP may select one of the following three pre-set levels of a prorated CSJ payment based on the number of hours the participant has been assigned to work training hours (reported as Work Experience (WE) on WPCH):

1/3 CSJ: \$230 for **up to 10 hours** of work training and up to 10 hours of education and training per week. (Participant working in unsubsidized employment 20 to 29 hours per week.)

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1/2 CSJ: \$341 for **11 to 15 hours** of work training and up to 10 hours of education and training per week. (Participant working in unsubsidized employment 15 to 19 hours per week.)

2/3 CSJ: \$452 for **16 to 20 hours** of work training and up to 10 hours of education and training per week. (Participant working in unsubsidized employment 10 to 14 hours per week.)

Participants working up to nine hours per week in an unsubsidized job may be granted a full CSJ payment. Participants working greater than 30 hours per week in an unsubsidized job are not generally regarded as having barriers to full-time employment. Therefore, they would not usually be eligible for a prorated CSJ. Refer to the Prorated CSJ Hours Tracking Chart located at the end of this chapter for assistance in determining the correct payment.

Initial and ongoing payments are issued according to current W-2 payment policies and procedures. (See Chapter 10). Payment reductions and strikes are handled according to current W-2 payment reduction policies and procedures. (See Chapter 11). There is no separate prorated CSJ payment clock. The CSJ clock ticks regardless of whether the participant is in a prorated CSJ or a full CSJ. (See 2.3.2).

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

CSJ participants who, for medical reasons determined by a qualified medical practitioner, are out of the home or are unable to care for their children for periods of less than 60 days may remain in a CSJ placement. The participation requirement will be to cooperate with the prescribed treatment plan.

**7.4.1.6** *CSJ Administration*

The W-2 agency is responsible for identifying, creating and managing CSJ positions. CSJ placements may be with public, private non-profit and private for profit work training providers. The agency may contract for all or part of the operations.

1. CSJ positions must:

- Serve a useful public purpose or be a project of which the costs are partially or wholly offset by revenue generated from it;
- Replicate actual conditions of work;
- Have responsibilities and expectations similar to unsubsidized employees to the extent feasible; and
- Have a work training site supervisor. The work training site supervisor should provide a structured work environment to include close supervision and a willingness to mentor and coach CSJ participants to succeed in the workplace.

2. Management of CSJ positions include:

- Obtaining new work training sites;

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- Maintaining relations with existing providers;
- Promoting entrepreneurial activities;
- Making available CSJ placements within the W-2 agency;
- Providing special or additional supervision of CSJ participants at the work training site when necessary;
- Providing or arranging for reasonable accommodations, translator or other supportive services;
- Acting as a liaison between work training providers and CSJ participants (when necessary);
- Maintaining and updating an inventory of CSJ placements;
- Providing worker's compensation coverage for all participants, except when the W-2 work training provider provides the coverage; and
- Ensuring that an adequate number of CSJs exist.

*7.4.1.7 CSJ Education and Training*

Participants in Community Service Jobs may be required to participate in education and training activities assigned as part of an Employability Plan. CSJ participants can be assigned up to 10 hours per week of education and training activities, unless aggregated. (See 8.2.1)

Education and training activities permitted within the 10 hours may include only the following:

- A course of study meeting the standards established under 115.29(4), Stats., for the granting of a declaration of equivalency of high school graduation;
- Technical college courses and other educational courses that provide an employment skill;
- Employer-sponsored training;
- English-as-a-Second Language; and
- Adult basic education courses.

A W-2 agency may assign the CSJ participant to an assessment and motivational training program for up to 40 hours per week during the first two weeks of their employment position. This activity may be in place of the participant's work training hours or education and training activities. The motivational program can require up to 40 hours of participation per week.

*7.4.1.7.1 Technical College Participation*

A FEP may place a CSJ participant in a technical college education program for up to two years, as long as it is likely to lead to employment (see 8.3.0, #5).

*7.4.1.7.2 Education for 18 and 19-year-old Parents*

When an 18 or 19-year old CSJ participant has not obtained a high school diploma or a declaration of high school graduation, the W-2 agency must allow the participant to decide whether to attend high school or to enroll in a course of study meeting the standards established under 115.29(4), Wis. Stats, in order to satisfy, in whole or in part, the required hours of participation in a CSJ.

7.4.1.8 *CSJ Time Records*

The CSJ work training provider is responsible for keeping hourly time records and reporting nonparticipation to the FEP as it occurs. On a monthly basis, the W-2 agency is responsible for verifying time records of monthly participation.

The participant may be required to provide verification for education and training hours.

7.4.1.9 *CSJ Payments*

The W-2 agency will issue a monthly payment of \$673 to the CSJ participant. The monthly payment of \$673 will not be prorated or otherwise reduced if the assigned hours are less than 30 hours per week of work training activities or less than 10 hours per week of education and training; however, CSJ participants are generally expected to participate 40 total hours per week. The payment will be reduced by \$5.15 for each hour that the participant fails without good cause to participate in assigned activities.

For payments to participants placed in prorated CSJs, see 7.4.1.4.4.

7.4.1.10 *CSJ Placements as Employment*

The U.S. Department of Labor has stated that all federal employment laws apply to welfare employment and training participants. It is clear that W-2 participants with unsubsidized jobs and Trial Jobs are “employees” under both state and federal law. On the other hand, a CSJ participant is, by definition, a person who is not ready for unsubsidized employment. While the CSJ participant is considered to be an “employee” for the purposes of the worker's compensation law, the coverage of this law is intended to be very broad and in some cases to cover a person who is not an “employee” in other contexts.

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

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

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

## 7.4.2 W-2 Transition (W-2 T)

The W-2 Transition (W-2 T) employment position is for individuals who have been determined not ready for unsubsidized employment and unable to successfully participate in one of the other W-2 employment positions for reasons such as an individual's incapacitation or the need to remain in the home to care for another W-2 group member who is incapacitated or disabled. Participants must always be placed at the highest level of participation possible. An individual can participate in a W-2 T position for a maximum of 24 months. This period may be extended on a case-by-case basis by the W-2 agency. (See 2.3.5)

### 7.4.2.1 *General W-2 T Participant Description Characteristics*

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

1. **The participant is determined, based on an independent assessment by a medical professional, DVR or similar qualified assessing agency or individual, to be or expected to be incapacitated for a period of at least 60 days.** Examples of incapacitation that would warrant an assessment may include:

- Physical limitations (temporary or permanent);
- Mental health limitations (temporary or permanent);
- Cognitive limitations;
- Learning disabilities; and
- Substance abuse;

The *Medical Examination & Capacity Form (DES 2012)* (or an agency-developed form that, at a minimum, has the same elements) must be used to document physical and mental limitations. (See 5.2.1). This form can be found in the DWS forms repository.

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

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work training. After completing three months of rehabilitation, Ms. Anderson is moved to a CSJ, where she is able to participate a full 40 hours per week in a combination of work training and education activities. Five months after placement in the CSJ, Ms. Anderson is successfully employed in a manufacturing company in their customer service department.

**2. The participant is needed in the home to care for another member of the W-2 group who is ill or incapacitated;**

The following steps must be taken when determining the need for a W-2 adult to remain in the home to care for a family member:

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

**Example:** Jane Anderson applies for W-2. Jane's daughter Kathy, age 8, is in an advanced stage of leukemia. Kathy has been hospitalized numerous times over the school year and has had extended absences from school. She has an extremely fragile immune system and can no longer be exposed to other children in a school or day care setting. The FEP places Jane in a W-2 T employment position and indicates in CARES that Jane's assigned activity is to provide 38 hours per week of full-time care for her child with a disability (CD) on her EP and WPCS/WPCH. Jane indicates to her FEP that her mother is available for two hours per week so Jane can attend grief mental health counseling sessions (CM). These activities are recorded on both her EP and on WPCS/WPCH. Details of the placement are recorded on CMCC.

**3. The participant is incapable of performing a CSJ or Trial Job, as determined by the W-2 agency, for reasons which may include legal problems, family**



**crises, homelessness, domestic abuse, or children's school or medical activities.**

**Example:** Ms. Smith is a recent victim of domestic violence. She and her two children are currently residing in a domestic abuse shelter. Ms. Smith is placed in a W-2 T position. Her participation requirement is 25 hours per week: 15 hours to seek other shelter and school arrangements; 3 hours of mental health/esteem building sessions; 2 hours of family counseling; and 5 hours of child support/court order activity. These activities are recorded on both her EP and WPCS/WPCH. Additional details of the placement are recorded on CMCC.

**7.4.2.2** *W-2 T Participation Requirements*

Participants in W-2 T should be placed in full-time activity whenever possible; however, some individuals may be unable to participate in full-time activity. An in-depth assessment may need to be completed in consultation with appropriate professionals. (See 5.2.0.) Attendance and cooperation with an in-depth assessment may satisfy participation requirements pending the results of the assessment.

Based on the results of the assessment, which takes into consideration the limits of ability, the participant may be assigned up to 28 hours per week in W-2 T activities and 12 hours per week, unless aggregated, in education and training. (See 8.2.1.)

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

- Community rehabilitation program - a program that provides directly or facilitates the provision of vocational rehabilitation to individuals with disabilities and that enables an individual with a disability to maximize opportunities for employment;
- Activities similar to a CSJ but with more supervision; or
- Volunteer activity.

Other W-2 T activities approved by the FEP may include:

- An AODA evaluation, detoxification, assessment and treatment program;
- Mental health activities, as prescribed by an appropriate health care professional;
- Counseling or physical rehabilitation activities;
- Court ordered activities;
- Activities related to obtaining shelter or retaining safety in a domestic abuse situation or other activities needed to stabilize a family;
- School activities that will provide educational support for children with special needs;
- Other activities that the agency determines are consistent with the capabilities of the participant; and
- Caring for a family member with an incapacity of such severity that without home care, the incapacitated member's health and well-being would be significantly affected, as determined by the W-2 agency.

**7.4.2.3** *Marginally Employed W-2 T Participants*

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

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

## 7.4.2.4

*W-2 T Administration*

The W-2 agency is responsible for the creation and management of W-2 T positions. The W-2 agency is responsible for:

1. W-2 T positions which must:
  - Serve a useful public purpose or be a project of which the costs are partially or wholly offset by revenue generated from it;
  - Allow for flexibility and sensitivity for participants with employment barriers; and
  - Be managed with comprehensive supervision of participants.
  
2. Managing W-2 T positions, which includes:
  - Obtaining new work training sites sensitive to participants with employment barriers;
  - Maintaining relations with existing providers;
  - Providing worker's compensation coverage for all participants, except when the W-2 work training provider provides the coverage;
  - Promoting entrepreneurial activities which may prepare W-2 T participants to work in the home or out of the home;
  - Providing or arranging for reasonable accommodations, translators or other support services;
  - Making W-2 T positions available within the W-2 agency, if possible;
  - Acting as a liaison between providers and W-2 T participants (where necessary); and

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- Ensuring that sufficient W-2 T positions are available to meet the seven-day placement requirement.

The W-2 agency may contract for all or part of the operations.

7.4.2.5 *W-2 T Education and Training*

Participants in W-2 T positions can be assigned up to 12 hours of education and training activities per week. Education and training necessary for progress up the W-2 employment ladder toward unsubsidized employment may be provided directly by the W-2 agency, W-2 T work training provider, and/or educational/training agencies capable of responding to the needs of the participant. Education and training activities should be designed to meet the needs of the individual W-2 T participant.

Education and training activities permitted within the 12 hours may include only the following:

- A course of study meeting the standards established under 115.29(4), Stats., for the granting of a declaration of equivalency of high school graduation;
- Technical college courses and other educational courses that provide an employment skill;
- Employer-sponsored training;
- English-as-a-Second Language; and
- Adult basic education courses.

W-2 T participants may be required to participate in an assessment and motivational training identified by the Community Steering Committee for up to 40 hours per week during the first two weeks of their employment position assignment to the level of their ability. This participation may be in place of the participant's work training hours or activities.

7.4.2.5.1 *Technical College Participation*

A FEP may place a W-2 T participant in a technical college education program for up to two years, as long as it is likely to lead to employment (see 8.3.0, #5).

7.4.2.6 *W-2 T Time Records*

The participant may be required to provide verification for education and training hours as well as other hours in W-2 T activities. The W-2 T work training provider is responsible for keeping hourly time records and reporting nonparticipation to the FEP as it occurs. On a monthly basis, the W-2 agency is responsible for verifying time records of monthly participation.

7.4.2.7 *W-2 T Payments*

The W-2 agency issues a monthly payment of \$628 to the W-2 T participant if all participation requirements are met. The monthly payment of \$628 will not be prorated or otherwise reduced if the hours assigned are less than 28 hours per

week of work training activities or less than 12 hours per week of education and training. Payments will be reduced by \$5.15 for each hour that the participant fails without good cause to participate in assigned activities. (See 11.3.0.)

## **7.5.0 CUSTODIAL PARENT OF AN INFANT (CMC)**

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. It is expected that a single parent probably could not maintain full-time employment and care for a child less than 12 weeks old at the same time. W-2 provides a placement for these single parents so they can stay at home and care for the child during the first few months of the child's life. This policy is based on the Family Medical Leave Act with the exception that the W-2 placement offers income support during the first 12 weeks of the child's life.

### **7.5.1 Eligibility for CMC**

In order to be eligible for a Custodial Parent of an Infant (CMC) payment, the custodial parent must meet all W-2 nonfinancial and financial eligibility requirements (See Chapters 2 & 3). In addition, a custodial parent of an infant must meet the following criteria:

- Have a child 12 weeks old or less; and
- No other adult member of the custodial parent's W-2 group can be participating or eligible to participate in a W-2 employment position or be working in an unsubsidized job.

### **7.5.2 Placement in CMC**

Whether or not an individual is appropriate for placement in unsubsidized employment is a factor for placement in a W-2 employment position; however, that same standard is not appropriate for placement in CMC. If an individual meets the eligibility criteria described in 7.5.1, the FEP must place the participant in the CMC placement.

Once the parent has been determined eligible for the CMC payment, the FEP can encourage the participant to volunteer for appropriate services such as parenting classes, budgeting classes, family planning services and, once appropriate, even job search. However, these services cannot be mandatory activities while the participant is in the CMC placement. Whether or not an individual accepts these services must not be used as a basis for eligibility determination.

### **7.5.3 CMC Verification and Payment**

Individuals placed in CMC will receive a monthly payment of \$673. Although the participant may volunteer for appropriate services and activities, failure to participate must not result in a payment reduction.

The W-2 agency must have verification from a participant of a child's birth prior to placing him or her into the CMC placement. Medical verification requiring the individual to be in the home for 12 weeks is not necessary.

For initial applications, the payment begins as of the W-2 begin date. The CMC W-2 begin date is either the birth date of the child or the date of application, whichever is later. An applicant has seven days to provide appropriate verification. If the applicant provides verification within that timeframe, the placement should begin as of the date of application but no earlier than the date of birth. The agency has the option of extending the verification period up to 30 days and may still backdate the placement back to the date of the application. (See Verification, 4.1.0) If the birth is after the 15th of the month, the initial payment should be prorated.

**Example 1:** Mary gives birth on April 14th. On April 21<sup>st</sup>, she applies for the Custodial Parent of an Infant (CMC) payment. Because she did not bring in verification of the birth at application, Mary's FEP instructs her to bring in verification no later than April 28<sup>th</sup>. Mary brings in her verification on April 25<sup>th</sup>. Mary is placed in CMC effective April 21<sup>st</sup>, the date of application.

**Example 2:** Joan applies for the Custodial Parent of an Infant payment on May 5<sup>th</sup> because her baby is due on May 8<sup>th</sup>. The FEP processes the application and informs Mary to bring in verification of the baby's birth as soon as possible. Joan's baby is born on the 8<sup>th</sup> and she brings verification of birth to the FEP on May 12<sup>th</sup>. Joan is placed in CMC effective May 8<sup>th</sup>, the date of the baby's birth.

For ongoing applications, a participant has 10 days to report a change in circumstances. If the change (the birth of the baby) is reported within this timeframe, the payment should begin as of the date of the child's birth. If it is reported outside of 10 days, the FEP determines whether or not the payment begins as of the date of the child's birth or when the parent verified the birth. The FEP should consider whether or not circumstances prevented the parent from reporting the child's birth within 10 days.

See 10.2.4.1 regarding issuing CMC payments when a participant moves between CMC and other W-2 paid placements.

#### 7.5.4 60-Month and 24-Month Clocks for CMC

See 2.3.1.2 to determine when the Custodial Parent of an Infant placement ticks the 24-month and 60-month clocks. During eligibility, if the FEP determines that placement in CMC will tick the individual's 24-month and 60-month clocks, the FEP must explain the impact this will have on the family's eligibility for future W-2 benefits.

See 2.3.5.1.1 for information on CMC and 24-month or 60-month extensions.

#### 7.5.5 Ending CMC

Once a participant's child reaches 12 weeks of age, the parent is expected to join the workforce, like other parents of young children or, if otherwise eligible, can be placed in a W-2 employment position. Therefore, the CMC placement must end 12 calendar weeks (7 days x 12 weeks = 84 days) after the child is born. CMC cannot extend beyond the date the child turns 12 weeks of age regardless of the date the CMC placement begins. The FEP may want to set a CARES worker alert to remind him or her to change the CMC placement on the appropriate day.

**Example:** Joan applies for the Custodial Parent of an Infant payment on December 28<sup>th</sup> because her baby is due on January 1<sup>st</sup>. The FEP processes the application and informs Mary she must bring in verification of the baby's birth as soon as possible. Joan's baby is born on the 1<sup>st</sup> and she brings verification of birth to the FEP on January 7<sup>th</sup>. Joan is placed in CMC effective January 1<sup>st</sup>, the date of the baby's birth. Joan will no longer be eligible for CMC on March 26, which is 12 calendar weeks from the date the child was born.

Once a participant's child reaches 12 weeks of age, if the participant moves immediately into unsubsidized employment from the CMC placement, the FEP must

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offer the participant follow-up case management services regardless of nonfinancial and financial eligibility criteria. If the participant returns to work full-time and accepts follow-up services, he or she must be placed in CMF (7.1.3). If the participant accepts follow-up case management services, the FEP must provide these services for at least 6 months to encourage and support job retention. See 10.2.4.2 regarding issuing CMC payments when a participant moves between CMC and case management placements.

If the participant does not accept case management services, the W-2 case should be closed. When a CMC placement ends prior to the end of a participation period and the participant no longer requests W-2 services, the FEP must close the W-2 assistance group and issue a prorated payment rather than sanction for the remaining days in the participation period. In these situations, the FEP must follow the process for correct prorated payments by running eligibility with dates to get correct partial payment. (See CARES Guide for more information).

If the participant returns to work part-time, the FEP may consider placing the participant in a prorated CSJ placement (7.4.1.4), if appropriate, as determined by an assessment.

There may be situations in which a CMC participant chooses to return to work *prior* to his or her child reaching 12 weeks of age. If the participant chooses to return to work part-time, again, the FEP may consider placing the participant in a prorated CSJ placement, if appropriate, as determined by an assessment. If the participant chooses to return to work full-time and accepts case management follow-up services, he or she must be placed in CMF. If the participant does not accept case management services, the W-2 case should be closed.

See 10.2.4.1 regarding CMC payments when a participant moves from a W-2 subsidized employment position to CMC.

**PRORATED CSJ HOURS TRACKING CHART**

		Hours in Unsubsidized Job	Maximum Work Activities	Maximum Education & Training	Total
<b>Full CSJ</b> \$673.00	1	29	10	10	40
	2	28	10	10	40
	3	27	10	10	40
	4	26	10	10	40
	5	25	10	10	40
	6	24	10	10	40
	7	23	10	10	40
	8	22	10	10	40
	9	21	10	10	40
<b>2/3 CSJ</b> \$452.00	10	20	10	10	40
	11	19	10	10	40
	12	18	10	10	40
	13	17	10	10	40
	14	16	10	10	40
<b>1/2 CSJ</b> \$341.00	15	15	10	10	40
	16	14	10	10	40
	17	13	10	10	40
	18	12	10	10	40
	19	11	10	10	40
<b>1/3 CSJ</b> \$230.00	20	10	10	10	40
	21	9	10	10	40
	22	8	10	10	40
	23	7	10	10	40
	24	6	10	10	40
	25	5	10	10	40
	26	4	10	10	40
	27	3	10	10	40
	28	2	10	10	40
	29	1	10	10	40
<b>Generally Not Eligible</b>	30	0	0	0	30
	31	0	0	0	31
	32	0	0	0	32
	33	0	0	0	33
	34	0	0	0	34
	35	0	0	0	35
	36	0	0	0	36
	37	0	0	0	37
	38	0	0	0	38
	39	0	0	0	39
	40	0	0	0	40



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**8.1.0 W-2 EDUCATION AND TRAINING**

W-2 emphasizes that education and training is a pathway to meaningful employment, rather than an alternative to employment. Education and training activities should be short-term and provide tangible employment skills. Combining work or work training activities with education and training should, at a minimum, prepare participants for entry-level employment.

The FEP should emphasize the importance of education and training as an ongoing process. The W-2 program acknowledges the importance of life-long learning and encourages participants to pursue further education and job training once they have established an attachment to the workforce. In addition, child care subsidies are often available for those participating in these educational opportunities. (See [Chapter 15.](#))

**8.2.0 EDUCATIONAL NEEDS ASSESSMENTS FOR W-2 APPLICANTS**

The FEP is required to conduct an educational needs assessment with all new applicants at the point in the application process where the individual has been determined to be nonfinancially and financially eligible for W-2. The educational needs assessment must always be completed before making a W-2 placement decision. The assessment must:

1. **Identify the applicant's current educational levels.** Agencies are encouraged to use a standardized educational assessment tool to determine educational levels. Assessment tools such as Test for Adult Basic Education (TABE) and Wide Range Achievement Test (WRAT) are already widely use by W-2 agencies for this purpose.
2. **Determine the applicant's education and training needs.** In making this determination, the FEP must consider the following:
  - A. The information gathered on the applicant's current educational levels. The FEP must document this information on the appropriate CARES screens (WPED 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/wda\\_profiles.htm](http://www.dwd.state.wi.us/oea/wda/wda_profiles.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

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on job requirements and worker competencies for employment sectors and occupations;

-and-

- C. The applicant'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 Employability Plan (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 8 hours per week of tutoring to prepare her for her General Educational Development Certificate (GED).

**Example:** Susan meets both nonfinancial and financial eligibility for W-2. Through the educational needs assessment her FEP learns that she has a high school diploma and a 1-year certificate from the technical college as a Medical Assistant, but no prior employment history. Susan states that she has been applying for jobs but has been unable to find employment in her field. After reviewing local labor market information and determining that there are job opportunities in Susan's field, the FEP assigns Susan to a CMS placement and refers her to the agency's employment unit to work on her resume and interviewing skills and locate job opportunities in her field.

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

### 8.3.0 EDUCATION AND TRAINING ACTIVITIES FOR W-2 PARTICIPANTS

All W-2 participants, including those working in unsubsidized positions, may participate in education and training.

#### 8.3.1 Unsubsidized Employment and Trial Jobs

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If a participant is placed in Unsubsidized Employment (CMS, CMF or CMU) or a Trial Job and that individual needs and wishes to pursue basic education, including a course of study meeting the standards established for the granting of a declaration of high school graduation, the W-2 agency must include the activity in the participant's EP. The W-2 agency must pay for the basic education services identified in the EP.

### 8.3.2 Community Service Jobs and W-2 Transitions

The FEP may assign CSJ participants up to 10 hours per week of education and training activities, and may assign W-2 T participants up to 12 hours per week of education and training activities. Study hours cannot be included in assigned W-2 T or CSJ education and training hours. However, hours spent in lecture, lab and class are allowable.

The following types of activities are allowable under the education and training hours for CSJ and W-2 T participants.

#### W-2 Education

1. A course of study meeting the standards established under 115.29(4), Stats., for the granting of a declaration of equivalency of high school graduation.
2. English-as-a-Second Language.
3. Adult basic education courses.

W-2 agencies may coordinate with the Wisconsin Technical College System and the University of Wisconsin-Extension Program or other educational programs to provide a variety of Adult Basic Education opportunities including literacy skills and remedial math and reading courses.

CARES activity codes associated with these education services include:

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

For more information on W-2 activity CARES codes, see the [CARES Guide](#).

#### W-2 Training

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1. Technical college courses and other educational courses that provide an occupational skill.

W-2 agencies can coordinate with technical colleges to offer certified (or diploma/degree) training programs, and also work directly with employers to develop on-site training opportunities. (See [Aggregating Education and Training Hours 8.3.2.2.](#))

These training courses must be tied directly to occupations for which there are job openings in the community. Examples include:

- Basic welding;
- Keyboard/data entry;
- Certified nursing assistants;
- Utility installation;
- Office software;
- Food preparation;
- Electronic assembly;
- Child care;
- Press production;
- Entrepreneurial/small business; and
- Hospitality training.

2. Employer-sponsored training.

CARES activity codes associated with these services include Job Skills Training (JS) and Technical College (TC). For more information on W-2 activity CARES codes, see the [CARES Guide](#).

If these services are not available through the Job Center or other community resources, W-2 agencies must take responsibility for funding these services if assigned as a required activity, with the exception of technical college (see 8.3.2.3)

At the discretion of the FEP, education and training activities may be assigned, as appropriate, to minor dependent children who are mandatory or accept an offer of case management under W-2 Learnfare. This determination should be made on a case-by-case basis.

### 8.3.2.1

#### **Education for 18 and 19-year-old CSJ Participants**

When an 18- or 19-year old CSJ participant has not obtained a high school diploma or equivalent, the W-2 agency must allow the participant to decide whether to attend high school or to enroll in a course of study meeting the standards established under 115.29(4), Wis. Stats, in order to satisfy, in whole or in part, the required hours of participation in a CSJ. The W-2 agency must monitor each participant's progress towards achieving a high school diploma or equivalent. During the summer months, the agency must assist these participants in finding employment. If employment is not obtained for the summer, these participants must be assigned to appropriate employment-related activities.

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Although it is expected that most 18- or 19-year old CSJ participants will want to obtain a high school diploma or equivalent, some may choose not to do so. If this is the case, they should be assigned to other employment-related activities as appropriate.

**8.3.2.2 Aggregating Education and Training Hours**

The FEP may aggregate education and training hours to allow W-2 T and CSJ participants access to short-term intensive training programs that require more than 10 or 12 hours of participation per week. Totaling education and training hours in this manner allows the FEP to place the CSJ or W-2 T participant in a short-term program.

The aggregation policy can be applied and should be considered for education and training programs that a participant can complete within a one-year period with participation in up to 516 hours of education and training activity. In addition to the education and training activities, the FEP must assign some work training activities each week, not to exceed a total of 40 hours of participation per week.

As is the case for non-aggregated education and training hours, study hours cannot be included in assigned aggregated education and training hours. However, hours spent in lecture, lab and class are allowable.

In the case comments section of the EP, the FEP must document that the aggregation policy was used, the amount of aggregated education and training hours, the occupational skills to be gained, and the expected number of weeks needed to complete the training.

Wisconsin's Technical College system offers many one- and two- semester certificate programs that are accessible to W-2 participants under the aggregated education and training policy.

**Example:** Jennifer is found eligible for a CSJ. Based on an occupational assessment, she is found to be a good candidate for a short-term intensive training program. Jennifer enrolls at her local technical college in a one-semester certification program, requiring 16 credits. Lecture time and lab work requires her to attend school 26 hours per week for 16 weeks. Using the aggregation policy, the FEP assigns her to participate 26 hours per week in the technical college program. The FEP also assigns another 14 hours of work training activity for a total of 40 hours per week.

Jennifer's total aggregated education and training hours over this 16 week timeframe is 416 hours (26 hours per week x 16 weeks), keeping her well within the policy's one-year completion period and the 516 hour limit.

The goal of this policy is full-time unsubsidized employment. If the agency is unsuccessful in connecting Jennifer to unsubsidized employment for

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Jennifer, her hours of participation in education and training activities are limited to the following:

- For the remainder of the year beginning with the date of her assignment to the education and training program, Jennifer cannot be assigned to more than 100 hours of education and training (516 – 416 = 100).
- One year following the date of her assignment to the education and training program, if Jennifer is still in a CSJ placement, 10 hours per week of education and training activity may be assigned.

8.3.2.2.1

*Combining Aggregated Education and Training with Prorated CSJ Policy*

A prorated CSJ placement is appropriate for individuals who are already working in an unsubsidized job less than 30 hours per week and where attempts to increase the number of hours in their current job or to find additional unsubsidized employment have not been successful due to the participant's limitations. (See [Chapter 7.4.1.4.2](#).)

In certain circumstances, these individuals would also benefit from an intensive short-term training program using the aggregated education and training policy. When combining the prorated CSJ policy and the aggregated education and training policy, the FEP must keep in mind that total hours of participation, including unsubsidized employment, must not exceed 40 hours per week.

**Example:**

Geraldine works 15 hours per week washing dishes at a local restaurant. After a brief placement in W-2 CMU, the W-2 agency reassesses Geraldine's employability and determines that she is in need of additional training in order to make her competitive for full-time employment. The FEP assigns her to a half-time CSJ.

A prorated CSJ would normally require Geraldine to participate 11 to 15 hours in work training and up to 10 hours of education and training per week. But Geraldine is motivated and would like to participate in a 16-credit training program on metal casting offered through the local technical college. The training program requires Geraldine to be in the classroom and lab 20 hours per week for 16 weeks for a total of 320 hours of education and training. In addition to the training activity, the FEP assigns Geraldine to 5 hours per week of work experience at a site specifically related to the training. Geraldine is participating a total of 40 hours (15 hours in unsubsidized employment, 20 hours in education and training and 5 hours in work experience). She is meeting the requirements of the prorated CSJ policy while also benefiting from the aggregated education and training policy.

8.3.2.3

**Technical College Education**

If the FEP determines that a W-2 participant is unable to obtain unsubsidized employment without additional training, the participant may be allowed to participate in a technical college education program for a maximum of 2 years as long as the agency has determined that the program will likely lead to employment. An agency must consult with its Community Steering Committee and local technical college

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board to determine if a technical college education program will likely lead to employment. Agencies are encouraged to detail their own internal policies governing how appropriate programs will be identified and how FEPs will make a determination for placement in a technical college education program. In all circumstances, the decision should be documented in case comments.

A person placed in a CSJ or W-2 T may participate in a technical college education program as part of that placement if the participant meets all 3 of the following requirements:

1. The participant maintains full-time status in the technical college education program, as determined by the technical college the participant attends, and regularly attends all classes;
2. The participant maintains a grade point average of at least 2.0 (or the equivalent, as determined by the technical college);
3. The participant is employed or engages in work activities under a CSJ or W-2 T for 25 hours per week in addition to class time.

Including the technical college program on the EP does not obligate the W-2 agency to pay for the program out of its W-2 budget. If the participant has not identified available funding for the program, the agency may require the participant to do so. The agency must assist the participant is applying for financial aid.

As a requirement of W-2, all participants must participate in appropriate job search. According to §49.147(2)(a)(1), Wis. Stat., a participant in a W-2 employment position shall search for unsubsidized employment throughout his or her participation. This is no different for a participant attending a technical college education program. If a participant obtains adequate unsubsidized employment as a result of this job search and the agency determines it is reasonable, the participant may be removed from their current placement and offered case management follow-up services whether the individual completed the training program. The individual would then have the option of continuing the education program on his or her own.

If a W-2 agency determines that an individual is ready for unsubsidized employment either at placement or at some point during participation in W-2, they are not required to place the participant or keep the participant in a CSJ or W-2 T in order to allow the participant to complete a training program. If a participant obtains unsubsidized employment as a result of his or her job search, he or she may be removed from their current placement and offered case management follow-up services regardless of whether the individual completed the training program. The individual then has the option of continuing the education program on his or her own.

8.3.2.3.1

*CSJ Participants And Technical College Participation*

CSJ participants eligible for technical college participation are also expected to participate up to 40 hours per week in a combination of 25 hours in work training activities and up to 15 hours of class time in the technical college program. Study time does not count as participation.

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8.3.2.3.2 *W-2 T Participants And Technical College Participation*

W-2 T participants eligible for technical college participation are also expected to participate in full-time activity up to 40 hours per week in a combination of 25 hours in work training activities and up to 15 hours of class time in the technical college program. Study time does not count as participation.

**8.4.0 OTHER EDUCATION AND TRAINING OPPORTUNITIES**

There are a variety of other education and training opportunities for W-2 participants or those W-2 participants who have obtained unsubsidized employment. These other education and training opportunities do not count toward the education and training requirements allowable under W-2, but should be explored by the FEP and explained to W-2 participants as appropriate. The W-2 agency is not responsible for funding these other education and training opportunities.

**8.4.1 Voluntary Postsecondary Education Opportunities**

W-2 participants are eligible for financial aid resources available to all Wisconsin residents. Improving a W-2 participant's skills, abilities and knowledge can help a participant raise his or her quality of life and increase his or her earning potential. Financial aid resources which may be available include:

- W-2 participants may be eligible for up to two years of child care for voluntary education and training activities. Other low-income workers may also receive funding for up to two years of child care for voluntary educational and training activities if they demonstrate an attachment to the workforce and are otherwise eligible. To receive the child care subsidy, the education or training must be approved by the FEP. (See Chapter 15.)
- In addition to low-interest student loans, the student may consider applying for the federal Pell Grant program. Students should be referred to the financial aid office at the institution they are planning to attend for further information.
- The State Higher Education Aids Board can also provide information concerning financial aid grants:

The Higher Education Aids Board can be reached at:

131 W. Wilson Street, Room #902  
Madison WI 53702  
(608)/267-2214

- The Armed Forces Reserves and state National Guard. In addition to monthly drill pay (based on rank), part-time soldiers in the Wisconsin Army National Guard receive the Montgomery GI Bill (worth up to \$7,124), and a Wisconsin



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Guard Tuition Grant (up to \$5,098). National Guard Recruiters (located in the Yellow Pages) can provide further information concerning financial aid from the Wisconsin Army and Air National Guard and U.S. Armed Forces Reserve units.

- Veterans support through Local Veterans Employment Representative (LVER), or Disabled Veterans Outreach Program (DVOP) staff.

**8.4.2**

**Workforce Investment Act**

Education and training opportunities may also be available through the Workforce Investment Act (WIA). Under WIA, a number of agencies and programs are to work together to provide employment, training and education services through Job Centers. They are:

- WIA activities for Adults; Youth & Dislocated Workers
- Adult Education and Family Literacy (WTCS)
- Job Service- - Labor Exchange such as Job Net (Wagner-Peyser Title III)
- Vocational Rehabilitation
- Community Service Employment for Older Americans
- Post Secondary Vocational Education
- Trade Adjustment Assistance (and NAFTA-TAA)
- Veterans E & T Services, & local veterans outreach programs
- Community Services Block Grants
- Housing and Urban Development E & T Activities
- Unemployment Insurance
- TANF (required in Wisconsin)

### **9.1.0 EMPLOYER GUIDELINES**

W-2 policies and procedures for employers detail the activities that must be undertaken by the W-2 agency and the employer who is providing employment positions. Unless specifically stated as optional or recommended procedures, all items contained in this section are requirements of the W-2 agency and noncompliance is subject to appropriate penalty.

The W-2 agency will periodically evaluate the W-2 employee's progress toward unsubsidized employment. The W-2 agency should assist in resolving workplace conflicts as they arise.

### **9.2.0 EMPLOYER ASSURANCES**

The W-2 agency must develop a written agreement outlining specific responsibilities of both the W-2 agency and W-2 employer/work training provider for Trial Job, CSJ, and W-2 T positions. The State will provide a model work site agreement. The W-2 agency may also consult local labor unions to avoid potential disputes. Each agreement should contain language specific to positions in each rung of the W-2 employment ladder.

Agencies may elect to use a form or format of their choice. However, the written agreement with the W-2 employer must include the following assurances from the employer:

1. Compliance with and observance of 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. 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. Provision of a safe and healthy work environment in compliance with federal, state and local health and safety standards.
4. Collection and verification of 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.

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6. 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.
  7. Timely notification to the W-2 agency of any changes at the worksite which might necessitate a reevaluation of the worksite agreement.
  8. 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.
  9. Provision of appropriate on-site access to W-2 participants by designated W-2 agency personnel as well as access to any participant records, all staff should be instructed to consult their supervisor.
  10. No Wisconsin Works employment position may:
    - Fill a vacancy created by an employer terminating a regular employee or otherwise reducing its workforce for the purpose of hiring an individual in a W-2 employment position;
    - Fill a position when any other person is on layoff or strike from the same or a substantially equivalent job within the same organizational unit; or
    - Fill a position when any other person is engaged in a labor dispute regarding the same or a substantially equivalent job within the same organizational unit.
  11. W-2 employers/work training providers must provide a grievance procedure for regular employees of the worksite to address displacement complaints. For a sample grievance procedure, contact your local Area Administrator.
  12. While employers/work training providers should be sensitive to work and family issues, including single parent households, accommodation for disability related issues, the care of elders, and child care needs. However, they should generally allow no more flexibility in work rules for the W-2 participant than they do for a regular employee.
- 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.
13. Provide work opportunities for no more than the number of participants who can be utilized productively.
  14. Agreement not to disclose information concerning the W-2 participant for any purpose not connected with program administration.

15. 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.

When possible, the W-2 employer/work training provider 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.

### 10.1.0 EMPLOYMENT POSITIONS

- **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. (7.3.3.)
- **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.
- **Custodial Parent of an Infant:** Participants placed into the Custodial Parent of an Infant placement receive a monthly payment of \$673.

For information on W-2 Emergency Payments, see Chapter 18.

### 10.2.0 PAYMENT SCHEDULE

The W-2 participation period is from the 16th of a month to the 15th of the next month. The W-2 payment is issued on the first of the month after the participation period ends and is based on the completion of assigned activity.

The payment includes all reductions and penalties for individuals living in the household during any part of the participation period. If an individual moves out of the household, any sanction or payment reduction for missed hours associated with that individual during the current participation period are deducted from the next payment. The sanctions/missed hour reductions will not follow the individual to a new W-2 group. Recoupments continue to follow an individual from case to case.

### 10.2.1 Applications

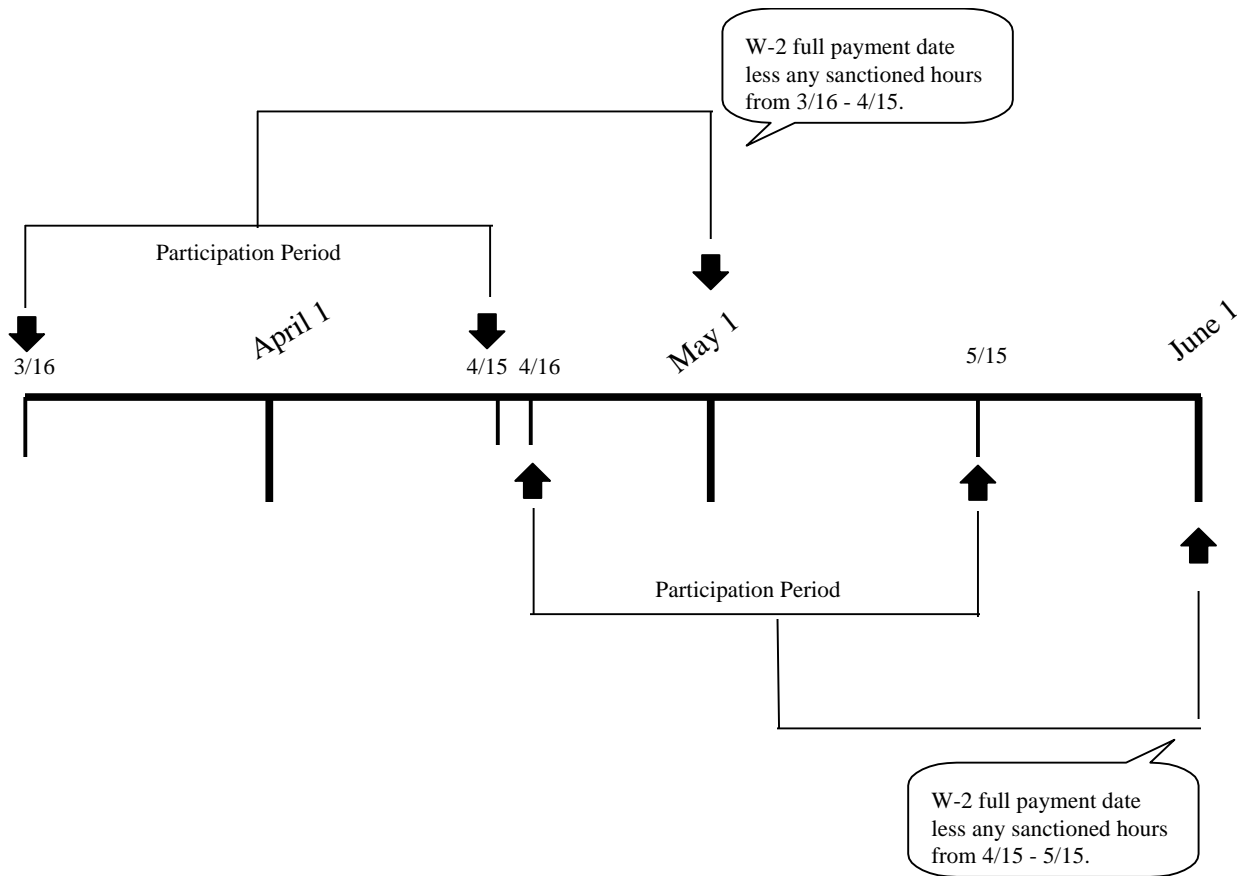
W-2 participants may receive initial payments on the monthly pay cycle as follows:

1. **Begin Date falls on or between the 1st and the 15th:** A prorated initial payment is issued on the first of the next month. The second and subsequent payments cover full participation periods on the regular payment cycle.

2. **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 after the 1st of the month to cover participation minus missed hours for the W-2 Begin Date through the last day of the month. A second payment is issued for participation completed from the 1st through the 15th. This payment will be sent out on the first of the following month. The third and subsequent payments cover full participation periods on the regular payment cycle.

### 10.2.2 Ongoing Cases

The payment for month three and all other ongoing months is issued on the first of the month after the participation period.



Participants in W-2 Transition (W-2 T) or Community Service Jobs (CSJ) are paid on a monthly cycle. The participation period extends from the 16th of each month through the 15th of the next month. Payments are issued on the first of the month following the participation period.

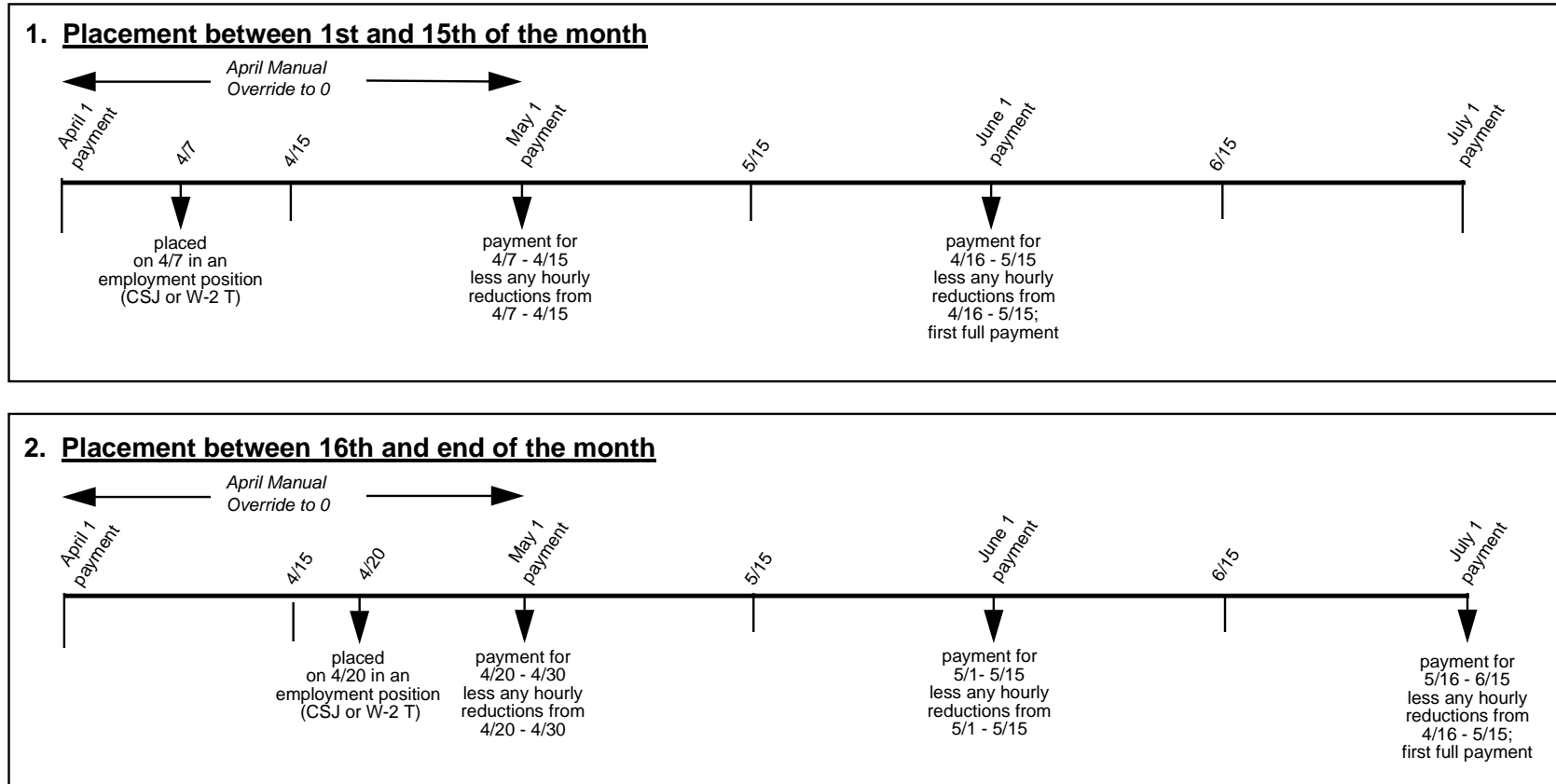
Payment reduction for missed hours must be deducted from the payment for the participation period during which hours were missed. The FEP can enter missed hours as they are reported throughout the cycle. The final date that missed hours

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can be entered into CARES is W-2 Benefit Issuance Pulldown, which occurs six days prior to the end of the month.

## Payment & Reduction Cycles for New Applications in W-2



Participants employed in W-2 Transition (W-2 T) or Community Service Job (CSJ) positions will be given a payment on a monthly cycle. The participation periods will extend from the 16th of each month through the 15th of the following month. Payments will be made on the first day of each month. Participants who begin a position after the 16th but before the 1st should be provided a partial payment between the 5th and 15th of the following month, as soon as participation is verified. The balance of the payment for their first participation period will be made on the regular payment date for the period. Hourly reductions will be deducted from the payment for the participation period during which hours were missed.

Participants who become ineligible for W-2 or otherwise leave a W-2 T or CSJ position will receive a prorated final payment for the percentage of the participation period that they actually worked. Payment reductions for missed hours during the prorated final period will be deducted from the final payment.

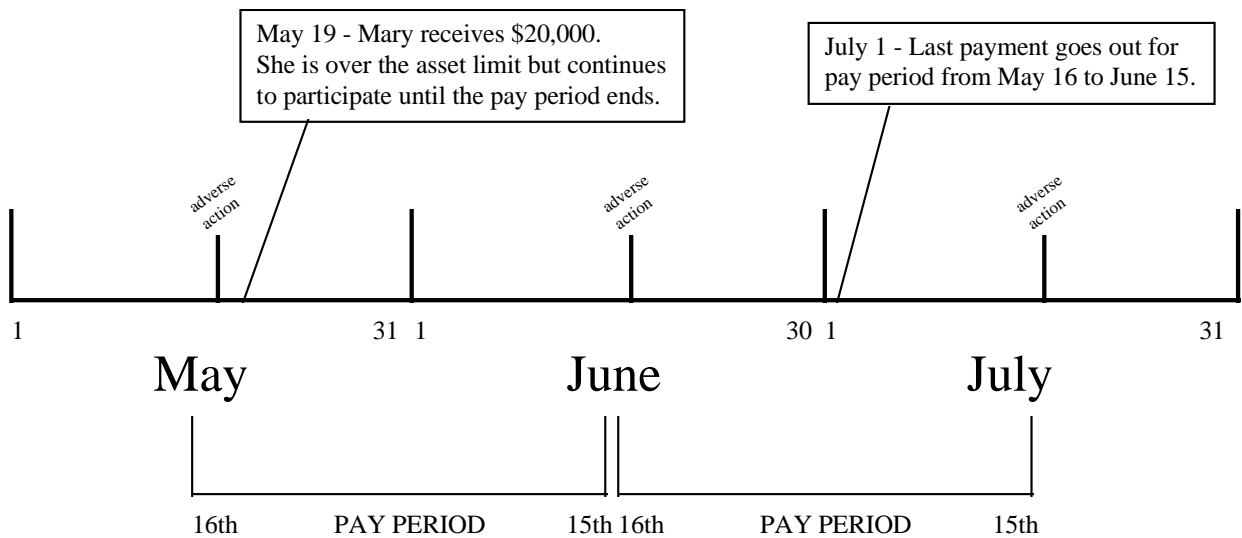


### 10.2.3 Final Payment

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 employer/work training provider and the W-2 participant.

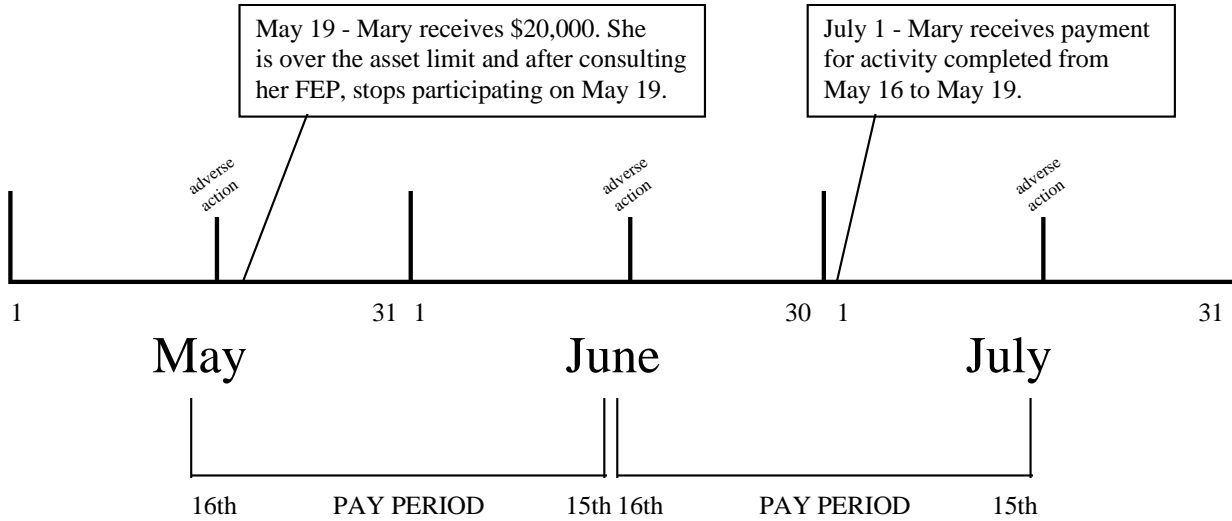
#### Example 1:

**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 end date is June 15th, and she receives final payment on July 1st.

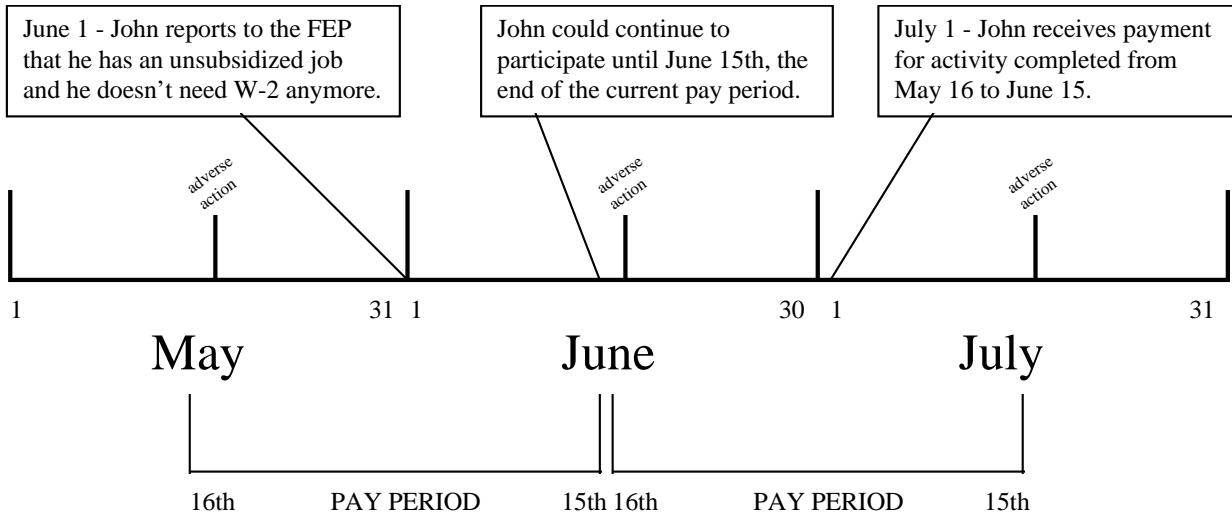


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**Option 2:** The W-2 agency determines that Mary may end her participation before the end of the participation period. Mary's W-2 end date is May 19th, and she receives a final W-2 payment on July 1st for three days of participation. Any hours missed during those three days without good cause will be deducted from the final payment.



**Example 2:** John is in a CSJ and reports that that he found unsubsidized employment. The FEP informs him that he may continue to participate in the CSJ until the end of the participation period on June 15th, and lets the CSJ work training provider know John will be leaving the position. John's payment will be reduced for any missed hours without good cause during this participation period by \$5.15/hr.



If John's new unsubsidized job began June 1st, his W-2 end date would be May 29th, the last day of participation in his subsidized employment position.

## 10.2.4 Changing W-2 Placements

### 10.2.4.1 *Moving Between W-2 Paid Placements (CSJ, W-2 T and CMC)*

When a participant moves between a W-2 T, CSJ, or Custodial Parent of an Infant (CMC) placement during a participation period, the payment is not prorated. The participant receives the payment of the new employment position for that participation period. If the placement is subject to a clock, the participant's clock ticks according to the calendar month, not the participation period. (See 2.3.2).

**EXAMPLE:** Jennifer is a W-2 recipient placed in a W-2 T position. On August 9th, her FEP places her in a new CSJ position. Her payment for participation from July 16th through August 15th is at the CSJ amount.

However, the FEP must take special care when a participant moves from a CSJ or W-2 T to a CMC or vice versa and the CMC placement is backdated. If the CMC placement is backdated, the FEP must ensure that any nonparticipation entered for the time spent in CSJ or W-2 T does not affect the CMC payment. The FEP must check CARES screen ACWI whenever nonparticipation is entered on screen WPNP to ensure that the dates of nonparticipation coincide with the time period the participant was in the CSJ or W-2 T placement and not the time the participant was in CMC, including the backdated time period.

In addition, when moving a participant between paid placements, the FEP must also remember to end date CMC correctly so as not to incorrectly reduce the CMC payment. For more information on correctly ending a CMC placement, see sections 7.5.3 and 7.5.5.

When a participant moves from a W-2 T, CSJ, or CMC placement to a Trial Job, the participant will receive a prorated final W-2 T, CSJ or CMC payment to cover the hours in the paid placement.

**Example:** A W2T participant reports the birth of a child and provides verification five days later. By policy, the date CMC begins may be backdated to the date of birth. The worker may have already entered non-participation hours for the W2T activities on WPNP using dates during what is now the CMC placement. If the worker does not remember to enter Good Cause for the hours during CMC, a CMC sanction occurs.

### 10.2.4.2 *Moving Between W-2 Paid Placements and Case Management Placements*

When a participant moves from a case management placement to one of the paid placements within the same participation period, the FEP must ensure that payment reductions are only applied during the time the participant was in the paid placement (unless the paid placement is CMC in which there are no payment reductions). The FEP must check CARES screen ACWI whenever nonparticipation is entered on screen WPNP to ensure that the dates of nonparticipation coincide with the time period the participant was in the paid placement and not the time in the case management placement. Any nonparticipation recorded for dates when the individual

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was in a case management placement must have good cause applied so these hours will not cause a payment reduction.

When a participant moves from any paid placement (including CMC) to a case management placement prior to the end of a participation period, the FEP must issue a prorated payment rather than sanction for the remaining days in the participation period. In these situations, the FEP must follow the process for correct prorated payments by running eligibility with dates to get correct partial payment. (See CARES Guide for more information).

### 10.3.0 OVERPAYMENTS

W-2 overpayments may occur as a result of an error by either the participant or the W-2 agency. Overpayments fall into three categories:

1. **Inadvertent Household Error:** The participant reports incorrect information or fails to report information due to a misunderstanding or unintended error.
2. **Administrative Error:** The administering agency commits an error that results in incorrect payments.
3. **Intentional Program Violation (IPV):** The 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.

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 subsidized employment positions and child care may be recouped from either a CSJ or W-2 T payment. NOTE: 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.

#### 10.3.1 Deadline for Recovery Claims

A claim for incorrect benefits 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 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 Recovery of Overpayments for Open Cases

W-2 overpayments are 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.

### 10.3.3 Recovery of Overpayments for Closed Cases

Overpayment collections from persons in Trial Jobs, non-cash W-2 components 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.

### 10.3.4 Payment Offsets

When a supplement is needed for a payment made in the past month, the supplement may be used to offset an overpayment. When a recalculation of adjusted missed hours and good cause results in a supplement amount needed for the current payment month, the auxiliary must be sent to the participant.

**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 a supplement to Jane for \$68. The FEP does not use the supplement to offset Jane's overpayment because the supplement is for the current payment month.

### **10.3.5 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.
4. Payment in full.

Persons with AFDC overpayments must select and initial at least one of the above repayment options on the AFDC Repayment Agreement. Failure to complete the repayment agreement may result in additional collection and/or tax offset. A person selecting the recoupment option from W-2 cash payments 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 (items 2 and 3 above) can occur only if a participant agrees to have his/her W-2 payment reduced. Those selecting monthly installments or payment in full 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 by CARES on screen BVSL.

### **10.4.0 ELECTRONIC FUNDS TRANSFER (EFT) OPTION**

W-2 agencies must inform applicants and participants that their CSJ and W-2 T payments may be directly deposited into their checking or savings account using electronic funds transfer (EFT). Although this payment method is currently voluntary, W-2 agencies should encourage all individuals to use this method and assist the participant in opening their checking or savings account, if necessary.

Advantages of EFT include:

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

More information on setting up an EFT account can be found in the CARES Guide.

### **10.5.0 PAYMENT STATEMENT**

When reductions are applied to the W-2 payment, participants receive a Payment Reduction Statement prior to payment issuance, indicating the gross payment

amount, any reductions due to missed hours, Learnfare reductions, drug felon penalties, recoupments, and the net payment.

### **10.6.0 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.

### **10.6.1 Protective and Vendor Payments**

If continued mismanagement of funds is a threat to the health and safety of the child as determined by the FEP, all or part of the CSJ or W-2 T payment may be a protective payment or part of the CSJ or W-2 T payment may be a direct payment and part a protective or 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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**11.1.0 HOURLY PAYMENT REDUCTIONS**

W-2 participants must participate in all required work training hours and activities outlined in the Employability Plan.

Payments for CSJ and W-2 T participants who fail to participate in assigned work training activities are reduced by \$5.15 per hour for hours missed without good cause. In determining a reduction, the W-2 agency must verify nonparticipation. In addition to applying the hourly reduction, the W-2 agency must work with the participant to develop the skills needed to manage issues that arise so the participant does not continue to miss activities without good cause. This includes encouraging the participant to call the FEP as soon as they are aware they will miss planned work training hours or activities. Participants who do not participate at all, without good cause, may receive a strike. (See 11.2.0.)

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.

Custodial Parent of an Infant (CMC) payments must not be reduced. See W-2 Manual, Chapters 7 and 10 and the CARES Guide for more information on processing CMC payments. In addition, the FEP must take special care when moving participants between W-2 paid placements and case management placements so that payments are not reduced incorrectly. See 10.2.4 for more information.

**11.2.0 THREE STRIKES FOR EMPLOYMENT POSITIONS**

A participant who fails or refuses, without good cause (see Good Cause for Unplanned Absences), to participate in a W-2 employment position may accumulate strikes. A participant who fails or refuses to participate three times in any W-2 employment position activity will be ineligible to participate in that employment position for life. A participant who is ineligible for a particular employment position may be eligible to participate in another employment position in which the participant has not failed or refused to participate three times, if appropriate and approved by the FEP.

A participant refuses to participate in a W-2 employment position if the participant does any of the following, without good cause:

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



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A participant does not accumulate strikes each time an hourly reduction is applied. FEPs should use strikes as an employer would use formal suspensions versus a less severe form of discipline such as verbal reprimand or letter of instruction where clarification of policy would suffice. Strikes are a more severe indicator of nonparticipation than an hourly reduction based on the above situations. Before applying a strike, the FEP must review the participant's actions to ensure that good cause did not exist. If the participant failed to participate due to a barrier not originally identified, such as a drug or alcohol addiction, the FEP should apply an hourly reduction and work with the participant to address that barrier instead of applying a strike. The reason for the strike must be documented in the case notes. A strike should be seen as a serious step. In unusual situations, strikes may be forgiven if the W-2 agency identifies good cause for nonparticipation after the 45 day fact finding deadline has past. (See 19.2.0.)

**11.2.1 Two-Parent Households**

The second parent in a W-2 group who is assigned participation activities because they are receiving federally funded child care may accumulate a strike if they refuse to participate in assigned activities. (See 11.2.0)

Strikes earned by each parent in a W-2 group are not cumulative; therefore strikes earned by each parent must be tracked independently of each other. Both the parent in a W-2 employment position and the second parent who is assigned participation activities may each accumulate 3 strikes. Once either parent accumulates 3 strikes for nonparticipation, the parent in a W-2 employment position is ineligible to participate in that employment position for life. (See 2.2.5.4)

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

**11.3.0 GOOD CAUSE**

The FEP shall determine if a W-2 participant had good cause for not complying with the W-2 participation requirements. In making such a determination, the FEP may require that the W-2 participant provide written documentation that good cause existed. No good cause shall exist unless the participant provides timely notification, as determined by the W-2 agency, of the good cause reason to the FEP. Good cause for failing to comply with the W-2 participation requirements shall be any of the following circumstances:

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1. A required court appearance which must include a required court appearance for a victim of domestic abuse.
2. Child care was necessary for the W-2 participant to participate or accept employment, and child care was unavailable and the W-2 agency was unable to provide or refer for alternate child care arrangements. (See 11.3.1).
3. Other circumstances beyond the control of the participant, but only as determined by the FEP.

(For good cause criteria for waiving cooperation with child support, see 16.3.1.1.)

### 11.3.1 Child Care And W-2 Participation

A single parent placed in a CSJ or W-2 T position cannot be assigned work activities during a period of time s/he 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 these participants closely to ensure they are placed in work activities as soon as a child care provider has been located. Participants must be told that they will be subject to the W-2 time limits if they are assigned activities to assist in locating child care. (See 2.3.0) 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. (For a discussion on caring for incapacitated W-2 group members, including children over age 13, see 7.4.2).

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

#### 11.3.1.1 *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 and/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. (For further discussion on two-parent families and child care, see the Day Care Manual, Section 3.1.0)

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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 15.4.0).
4. 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.
5. If the participant does not currently have child care available, refer the participant to the local Child Care Resource and Referral network (CCR&R) 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 11.3.1.2)

For example, the W-2 agency may accept a statement from the CCR&R network noting the unavailability of formal child care. Or, if the participant states that child care is not obtainable due to difficulty in arranging transportation, the FEP may refer to bus schedules or the availability of other forms of transportation, and determine if reasonable distance criteria is met.

6. 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.

11.3.1.2

*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 15.4.0)

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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, s/he must resume W-2 work activities and face payment reductions, or possibly a strike, for nonparticipation.

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

### 11.3.2 Incarceration

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

#### 11.3.2.1 Good Cause/Payment 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 behind 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:** Amy, a W-2 participant, was arrested for unpaid fines from her drunk driving conviction. Amy stated she was unable to pay the fines. Amy served 20 days in jail because she was unable to pay the tickets. Amy's hours were sanctioned for the days she was unable to participate. Amy received payment for the days she was able to participate in her W-2 assigned activities.

**Example:** Ken was arrested on suspicion of drug possession. After the preliminary hearing, the charges were dropped and he was released. Ken served 14 days until the charges were dropped. 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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11.3.2.2 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 Employability Plan may be adjusted to reflect the court-specified terms of that participant's Huber Program release and should be otherwise modified as needed to allow continued W-2 participation, provided the participant maintains care, custody and control of his/her child(ren).

**Example:** Elizabeth, a W-2 participant, is ordered into the Huber Program for 3 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 4 hours a week at the Job Center and clerical work site activities at the Job Center for 8 hours a week where the participant can use the onsite child care.

Just as a W-2 participant may not be in violation of probation and parole orders, a W-2 participant released under the Huber Program must cooperate with jail staff and rules in order to remain eligible for W-2 benefits.

**11.4.0 FRAUD/INTENTIONAL PROGRAM VIOLATION**

W-2 agencies are responsible for timely referral of participants receiving payments under ss.49.141 through 49.161 for investigation when fraud is suspected. Fraud investigations may be conducted by the W-2 agency or a separate entity if under contract with DWD. Operational issues and guidelines for fraud investigation are located in the IM Manual, Section II, Part D. Under W-2, individuals may be found guilty of Intentional Program Violation (IPV) through an administrative hearing or a court.

Under W-2, the penalty for IPV is as follows: 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 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. Payments include employment position payments, Job Access Loans, and/or child care payments. There is no "child-only" grant provision under W-2 for children of adults found guilty of IPV.

AFDC recipients who have been disqualified previously or currently for IPV receive a clean slate under W-2. Previous disqualifications do not carry over.

**11.4.1 Misrepresentation of Identity or Residence**

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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 simultaneously from this state and at least one other state assistance funded by TANF.
2. Fraudulently misstating or misrepresenting his or her identity or place of residence for the purpose of receiving simultaneously from this state and at least one other state benefits under one of the following programs:
  - a. Medical Assistance;
  - b. food stamps; and
  - c. Supplemental Security Income.

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 which caused the suspension, eligibility may be restored beginning on the first day of the first month after the pardon was granted.

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

**11.5.0 LEARNFARE**

For a discussion of Learnfare financial penalties, see 12.7.0.

**11.6.0 NONCOOPERATION WITH CHILD SUPPORT**

For a discussion of Child Support noncooperation, see 16.3.1.

**11.7.0 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 after August 22, 1996 and within the last 5 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 who reports that he or she has been convicted of a drug-related felony within the timeframe above 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

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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.

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

If an applicant has agreed to a drug test, he/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 on March 3, 1999. 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 on September 15, 2001 and reports a drug felony conviction. The conviction occurred on August 29, 1996. There would be no sanction applied to her W-2 payment 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 but continues. 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 hasn't ended while the participant is in the CMC placement.

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**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, 6 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 ends.

### 11.7.2 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/she is eligible for a full W-2 payment. If, at the end of the sanction period, the individual submits to another drug test and the results are negative, the W-2 agency shall discontinue the drug felon reduction. If, at the end of the sanction period, the individual submits to another drug test and the results are positive, his or her pre-sanction payment will continue to be reduced by not more than 15% for no fewer than 12 months, or for the participant's remaining period of participation in a CSJ 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.

Trial Job and Unsubsidized Employment participants are not subject to drug felon penalties.

### 11.7.3 Applicability of Drug Tests for W-2 and Food Stamps (FS)

The time frame that a drug test is valid for the W-2 and food stamp programs is **30 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 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/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 the Food Stamp Program. The worker looks on CARES screen ANDF and sees that the



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drug test has been taken within the last 30 days and it is a negative test result.  
The worker can accept these results and process the application for FS.

### 12.1.0 PROGRAM GOAL

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.

Learnfare has three 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
3. **Financial Penalty.** A financial penalty is imposed for not being enrolled in school or, if not enrolled, for not participating in case management, if required to do so.

### 12.2.0 INDIVIDUALS SUBJECT TO SCHOOL ENROLLMENT

An individual 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 1997 school term);
3. Has not graduated from high school or obtained a HSED/GED; and
4. Is a parent or resides with his or her natural or adoptive parent.

An individual 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 or home instruction is not available;
3. Child care is needed for the student to attend school but child care and transportation to and from child care are 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 student.

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- b. There is no private or public transportation available to another school.
  - c. There is a public or private school which will accept the student but the tuition charge is prohibitive and the student'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 or fair hearing decision.

Children who receive SSI are no longer automatically exempt from Learnfare requirements. However, information on the child's disability and its effect on school enrollment should be considered by the FEP or Learnfare case manager when making an exemption determination.

Any individual exempt from the school enrollment requirement is required to participate in case management if s/he is one of the target groups.

**12.3.0 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.

**12.4.0 TARGET GROUPS FOR MANDATORY CASE MANAGEMENT**

Four target groups are mandatory for case management:

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1. Students not enrolled in school;
2. Dropouts or returning dropouts;
3. Habitual truants; and
4. Minor parents.

A dropout means a child who has 20 consecutive full days of unexcused absence, has not graduated from high school or receive a high equivalency diploma, and does not have an acceptable excuse under s. 118.15 (1) (b) to (d) or (3), Stats.

A returning dropout is defined as dropping out of school and returning in the same or immediately succeeding semester.

Habitual truancy is defined as being 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

A student 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 student is no longer placed in a W-2 Trial Job, CSJ, or W-2T position;
- The student has reached age 18;
- The minor parent has lost his/her child through death or adoption; or
- The student has completed two consecutive semesters, including the semester during which the student returns to school, in the case of a returning dropout.

Any student enrolled in case management can continue 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 students who voluntarily continue to participate in Learnfare case management.

**12.5.0**

**ENROLLMENT VERIFICATION AND MANDATORY CASE MANAGEMENT DETERMINATION REQUIREMENTS**

At the initial W-2 eligibility determination and at each review, the FEP must verify enrollment for each child subject to Learnfare, and determine if the child is mandatory for Learnfare case management.

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The FEP must also verify enrollment and make determination for mandatory case management 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-2T becomes a dropout, habitual truant, or minor parent.

Verification may be in any form determined effective and efficient by the W-2 agency including, if necessary, documentation provided by or through the school. The family 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.

The family 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 Section II - Chapter 3)

Any instance where a parent refuses to provide verification of school enrollment 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 in the immediately preceding semester. When making a determination as to whether a student is a returning dropout, the FEP must review information from both the current and immediately preceding semesters. To determine if a student is an 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.

### **12.6.0 LEARNFARE CASE MANAGEMENT**

Students who are not enrolled in school or who are dropouts, returning dropouts, habitual truants, or minor parents are required to participate in case management.

The FEP or Learnfare specialist must enroll mandatory individuals in Learnfare case management within 14 working days of the date being referred for Learnfare case management.

### **12.6.1 W-2 Employability Plan (EP) and Learnfare Case Management Plan**

Documentation is required on the W-2 EP of all W-2 participants in a Trial Job, CSJ or W-2 T for each child subject to Learnfare. The activity should detail the parents' responsibility to ensure that all children ages 6 to 17 are enrolled in school and that they will comply with Learnfare case management efforts if the children are mandatory for Learnfare case management. (See Chapter 6 for more information on the W-2 Employability Plan).

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A Learnfare Case Management Plan must be completed for all students who are mandatory for Learnfare case management.

A comprehensive Learnfare Case Management Plan must include:

1. Goals for the child during Learnfare case management;
2. Description of the activity 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 Management Plan may integrate an activity service plan 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 case manager deems appropriate. It also incorporates 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.

### **12.6.2 Focus of Learnfare Case Management**

W-2 agencies must provide services which maintain school enrollment, improve school attendance, and prepare students for a career.

For those students in high school, Learnfare case management should focus on graduation, career and/or employment planning, job readiness, and job seeking/job retention activity as appropriate.

For those students 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 goal for Learnfare case management with minor parents is to delay pregnancy until the minor parents are ready emotionally and economically to support additional children.

### **12.6.3 Learnfare Case Management Requirements**

All students mandatory for Learnfare case management must cooperate with case management. Failure to cooperate with case management for the following students may result in a financial penalty:

1. Students who are not enrolled in school.
2. Students who are not enrolled in school and who continue to not be enrolled in school after they are referred for case management. This group include students who are dropouts and who continue to remain dropouts after they are

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referred for case management, if their local school district consider dropouts to be not enrolled.

Do not impose a penalty on the above students if the participant or family requests a Fact Finding Review within (10) days from the date of the Learnfare Penalty Notification, stating the student is not in compliance with Learnfare requirements. A Learnfare penalty cannot 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.

The following groups are required to participate in case management but do not impose a financial penalty for failure to cooperate:

1. Minor parents in good standing.
2. Habitual truants
3. Returning dropouts.

12.6.3.1

*Enrollment Efforts*

The student or his/her parent must respond to efforts to enroll the student in Learnfare case management.

The W-2 Agency must make the following efforts to enroll a student in Learnfare case management:

1. Upon receiving a referral or having identified that a student is mandatory for case management, the FEP or Learnfare specialist will schedule an initial appointment with the student and his/her parent for the purposes of conducting the assessment and completing the Learnfare Case Management Plan. The FEP or Learnfare specialist must schedule the appointment at a time when it will not interfere with the student's school or the parent's work schedule. The FEP or Learnfare specialist will send written notice of the initial appointment to the student and his/her parent seven working days before the appointment date. The notice shall clearly state that if the student and his/her parent are unable to attend, the student or his/her parent must contact the FEP or Learnfare specialist before the scheduled appointment date to reschedule the appointment.
2. If the student and his/her parent fail to report for the initial appointment or fail to reschedule the first appointment, the FEP or Learnfare specialist will send a second and last notice. This notice will ask the student or his/her parent to contact the FEP or Learnfare specialist within five 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 students who are not subject to a financial penalty for failure to cooperate with case management, the FEP or Learnfare case manager should:
  - a. Attempt to meet with the child at school.
  - b. Contact parents to schedule the initial appointment by telephone rather than letter.

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- c. If the Learnfare case manager is not the FEP, attend the next scheduled review and explain the services that are available to the student.
- d. Contact teachers and administrators who have contact with the student to determine what has been tried with the family and student already, and ask for suggestions on what would be a positive way to approach the child or family.

12.6.3.2 *Case Management Services*

Once enrolled in Learnfare case management, case management requirements include:

- 1. The student 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. The student or his/her parent must provide verification of the student's return to school and attendance within seven working days of the date a school is available, if the student is a dropout.
- 3. The student and his/her parent must attend meetings scheduled and moderated by the FEP or Learnfare specialist. Meetings will be scheduled so as not to interfere with the parent's work schedule. No more than one mandatory meeting will be scheduled per month.

The FEP or Learnfare specialist must notify the student and his/her parent seven working days before the scheduled meeting date. If the student and his/her parent fail to report for the meeting or fail to reschedule the meeting, the FEP or Learnfare specialist will send a written notice. This notice will ask the student or his/her parent to contact the FEP or Learnfare specialist within five working days. Otherwise, a financial penalty may be imposed in the next possible payment month. (See 12.7.0)

- 4. The parent must participate along with the student in special services which a student has needs for, as determined by the FEP or Learnfare specialist, and



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where parent participation is indicated. Any special services will be made available at a time that does not interfere with the parent's work schedule.

5. The student or parent must engage in activities identified by the FEP or the Learnfare specialist in the Learnfare case management plan as being necessary to maintain school enrollment or improve school attendance.

### **12.7.0 LEARNFARE FINANCIAL PENALTY**

The following students are subject to financial penalty:

1. Students who are not enrolled in school; and
2. Students who are not enrolled in school and who fail to cooperate with Learnfare case management without good cause. This group includes students who are dropouts if their local school district considers dropouts as not being enrolled.

The following groups are required to participate in case management, but do not impose a financial penalty for failure to cooperate:

- a. Minor parents in good standing.
- b. Habitual truants
- c. Returning dropouts.

The financial penalty is in the amount of \$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 grant 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, do 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 for more information on the Fact Finding process.)

A financial penalty must take effect in the next possible benefit month after the sanctionable event has occurred. The FEP or Learnfare specialist must impose a financial penalty every month until the sanctionable event is cured.

A financial penalty must not be imposed on students who voluntarily continue to participate in Learnfare case management.

#### **12.7.1 Good Cause for Failing to Cooperate with Learnfare Case Management**

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The FEP or Learnfare specialist must determine if a student and his/her parent had good cause for failing to cooperate with Learnfare case management. In making the determination, the FEP or Learnfare specialist may require the student or his/her parent to provide written documentation that good cause existed.

If the student or his/her parent does not have the power to produce documentation of good cause, or requires assistance to do so, the FEP or Learnfare specialist must proceed immediately to seek the documentation.

Good cause for failing to cooperate with Learnfare case management shall be any of the following circumstances:

1. Child care is needed for the student 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.
6. Family emergency.
7. Illness, injury, or incapacity of the student or a family member (spouse, child, or parent) living with the student.
8. Medical or dental appointment for the student or his/her child.
9. Breakdown in transportation.
10. A fair hearing decision or a fact-finding review identifies circumstances that justify good cause.
11. Other circumstances beyond the control of the student or his/her parents, but only as determined by the FEP or Learnfare specialist.

### **13.1.0 JOB ACCESS LOANS**

Job Access Loans (JAL) are short-term loans designed to meet expenses related to obtaining or maintaining employment. JALs are designed for an individual needing assistance because of a discrete financial crisis that cannot be resolved with personal resources and other funding sources are not available or have been exhausted. This crisis, if unresolved, could develop into a long-term problem in which the individual may become dependent upon a W-2 employment position. There is no entitlement to a JAL. The W-2 agency has sole discretion in determining and authorizing JALs. In administering JALs, the FEP must determine not only the appropriate amount needed but also if the applicant has an acceptable repayment plan, as well as balance and prioritize other JAL applications.

### **13.2.0 ELIGIBILITY DETERMINATION**

In order to be determined eligible, an individual must:

- Meet nonfinancial and financial eligibility conditions (See Chapters 2 and 3);
- Meet with the FEP;
- Need the loan to address an immediate and discrete financial crisis (the crisis may not be 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);
- Need the loan to obtain or continue employment (fulfillment of this requirement includes a loan that is needed to repair a vehicle that is needed to obtain or continue employment);
- Not be in default with respect to the repayment of any previous JAL or repayment of any CSJ or W-2 T payment or Trial Job wage overpayments;
- Not be a migrant worker; and
- If the JAL applicant is a custodial minor teen parent:
  - Turn 18 within two months of applying for the JAL;
  - Live in one of the following supervised, alternative living arrangements: Kinship care, foster home, group homes, or an adult supervised independent living arrangement approved by the W-2 agency; and
  - Have a high school diploma or its equivalent.

### **13.3.0 APPROVED LOAN PURPOSES**

W-2 agencies have the authority to approve or deny any proposed uses of JALs. The following loan examples are not an attempt to specify all approved uses of JALs; however, they may be used as a guideline:

- Car loans, including down payment and repairs to provide transportation to work or to look for work;
- Fees for obtaining a driver's license;
- Clothing/uniforms for work;

- Rent or security deposits, to prevent eviction and enable the individual to obtain or maintain employment; and
- Moving expenses only as they relate to obtaining or maintaining employment.

### **13.3.1 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.

Here are some examples of self-employment/entrepreneurial activities which may be supported by a JAL:

1. The individual is a participant in an approved self-employment program, such as the Jobs and Business Development Program or Wisconsin Housing and Economic Development Authority (WHEDA) program. This individual will have already participated in the training elements of the program, have a business plan approved by the appropriate separate government agency, and the purpose of the loan is supported by the FEP.
2. Recognizing the challenge that child care provides to the success of the W-2 program, JALs could be used to create or maintain a child care facility. JAL can benefit the W-2 program by providing loans if:
  - The individual is a current child care provider who may lose the ability to continue without a loan to meet a specific short-term financial need; or
  - The individual is interested in starting a child care program, has completed child care training, has a solid business plan, and would use the funds to meet start up needs (for example, the individual may require baby cribs, diaper tables, etc., to meet child care certification or licensing requirements, to handle start up costs such as changes necessary to comply with building codes).

As a condition of any self-employment/entrepreneurial loan, the W-2 agency must require a business plan that is 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 must meet all work training requirements and education and training activities outlined in the Employability Plan. For example, if a CSJ participant wants to prepare to start a child care business, business plan preparation must be accomplished in addition to work training and education requirements. In addition, W-2 Community Steering Committees will foster and guide entrepreneurial efforts of participants. (See 1.7.0.)

### **13.3.2 Prohibited Uses**

Prohibited uses of JALs include:

1. 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 Section II - Chapter 10)
2. Paying off fines incurred for drunk driving (OWI) or operating after revocation (OAR) offenses, traffic violations, penalties and bail;
3. Expenses covered by Emergency Assistance program;
4. Personal needs such as clothing (not work related), refrigerator, etc.; or
5. Paying off taxes.

The W-2 agency has the authority to further define or expand upon this list of prohibited uses for Job Access Loans.

#### **13.4.0 LOAN REQUIREMENTS**

##### **13.4.1 Loan Application and Repayment Agreement**

Individuals applying for a JAL must complete a JAL Application and Repayment Agreement. This form is issued by the state and contains an application, a repayment agreement, and the terms and conditions of the loan.

##### **13.4.2 Loan Amounts**

The local W-2 agency can approve a JAL from \$25 to \$1,600. In any 12-month period, the maximum allowable amount for all loans for each individual and the maximum allowable outstanding balance for each individual receiving a JAL is \$1,600. The average of all amounts loaned by the W-2 agency in any 12-month period must not exceed \$800.

##### **13.4.3 Loan Payments**

JALs may be necessary in emergency situations. The W-2 agency must establish and maintain a method that will enable an expedited eligibility determination and make emergency payments within 24 to 96 hours of loan approval.

#### **13.4.4 Financial Counseling**

The FEP may provide budget counseling or arrange for financial counseling from outside resources for all loans. Formal budgeting classes may be applicable for large loans or for those with a past history of budgeting problems.

#### **13.4.5 Reporting**

The W-2 agency must enter into the CARES system all information on loan issuance, repayment schedules, or revisions within two working days of loan approval. The W-2 agency must report monthly cash or in-kind repayments into CARES no later than five working days after the 25th of the month.

#### **13.5.0 LOAN REPAYMENTS**

The loan recipient must develop a repayment plan approved by the FEP. The repayment plan must include the maximum level of cash repayment and the shortest repayment period feasible. The applicant must agree to any changes in the repayment plan made by the FEP before the loan is granted.

The loan may be paid back in cash or through a combination of cash and volunteer community work. Repayment through volunteer work shall be valued at the higher of the state or federal minimum wage rate. The individual must repay in cash at least 25 percent of the value of the loan; however, the most desirable method is 100 percent cash repayment.

Cash repayments are required on a monthly basis. The loan recipient cannot make monthly JAL repayments through an automatic deduction from their CSJ or W-2 T payments. However, the loan recipient can make monthly payments from a subsidized employment position payment by filling out an Assignment of Wages form (UCT-11854). (This form can be obtained by calling 800-943-9499). Loan recipients repaying through volunteer community work must begin as soon as possible. Volunteer community work hours must be scheduled around any paid work and must be scheduled in regular monthly increments.

Loan recipients are responsible for finding the volunteer opportunity. The W-2 agency may approve the volunteer proposal or require changes to the proposal as a condition for loan approval. The volunteer work must be an organized and supervised activity designed to benefit the community. Examples of volunteer opportunities include assisting with child care at the Job Center, helping at a soup kitchen, participating in Meals on Wheels, helping to build a home through Habitat for Humanity, or supervising youth activities. Volunteers must arrange their own child care and W-2 agencies may not reimburse for any supportive expenses incurred for volunteer community work, including transportation and child care. Volunteers must provide suitable verification of hours worked as required by the FEP.

JALs are expected to be repaid within a 12-month period, but can be extended up to a maximum of 24 months if the participant requests an extension and the W-2 agency determines that it is appropriate.

### **13.5.1 Collections**

On a monthly basis, loan recipients receive CARES notices outlining payments received, outstanding balances, and upcoming payment due dates.

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 continues to collect cash repayment and should require a new volunteer community service plan, if applicable.

If a loan recipient files bankruptcy on the Job Access Loan, the W-2 agency should submit any bankruptcy notice to the Public Assistance Collection Unit. The Public Assistance Collection Unit will then write off the loan recipient's debt.

### **13.5.2 Overdue Payments**

A JAL payment is considered overdue if not received in full and reported in CARES within five working days after the 25th of the month. The W-2 agency must contact the loan recipient and determine the reason for the delay and make arrangements to collect overdue payments. In addition, a notice will be issued by CARES informing the participant of the delinquency. A second overdue payment generates a second notice to the participant. After a third missed payment, in conjunction with the CARES notice, the Benefit Recovery Unit will process a tax intercept request through either the Wisconsin Department of Revenue or the Internal Revenue Service and initiate other authorized collection actions to recover the entire outstanding balance (original loan amount minus any cash or in-kind payments.) The entire outstanding JAL balance must be recovered in cash whether or not a portion of the payment was guaranteed to be repaid by in-kind services. Unpaid balances are due immediately upon default. Overdue payments need not be consecutive.

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**14.1.0 ELIGIBILITY**

Under W-2, cash payments are available to eligible participants who complete work, work training activities, and education and training activities in W-2 subsidized employment positions. Placement in a subsidized position is appropriate only for individuals with barriers to unsubsidized employment, as determined by the W-2 agency. However, there are several groups of individuals who, by law, are eligible only for case management services. These groups include:

1. Noncustodial Parents
2. Pregnant Women
3. Minor Parents

**14.2.0 NONCUSTODIAL PARENTS**

One of the goals of W-2 is to enable custodial parents to become self-sufficient by ensuring regular child support payments in combination with employment. For this reason, W-2 agencies should work with noncustodial parents to assist them in obtaining employment and increase their ability to make child support payments. In order to do so, under W-2, noncustodial parents may be eligible for case management services. Providing case management services to the noncustodial parent will assist them in meeting their financial obligation and facilitate enhanced contact and emotional investment with their own child(ren). FEPs should take a family case management approach with all W-2 families. Although participation in W-2 by the noncustodial parent is voluntary, FEPs should explain available noncustodial parent services to the custodial parent and give them a copy of the W-2 Fact Sheet, *Services for Noncustodial Parents (DES-10985-P)*. The agency may also consider sending a notice of available services to the noncustodial parent, encouraging contact with the FEP if interested in accessing available services. This family approach to case management helps emphasize the shared responsibility parents have in raising their children.

Case management services for noncustodial parents are a key component of the W-2 program and also support the guiding principles of the Children First program. Agencies who desire to strengthen the services provided to the noncustodial parent may choose to participate in the Children First program. Both the Children First program and the case management services to noncustodial parents provide work experience and training to unemployed and/or underemployed noncustodial parents who are unable to meet child support obligations.

While case management for services for noncustodial parents can be established with the W-2 agencies internal resources, the Children First program requires a formal partnership between the contracting agency, the Child Support Agency, the employment and training provider, and the county judicial system (since it is court ordered). However, the intent of the services offered through both of these programs is to motivate noncustodial parents to pay child support by assisting them in locating employment and to support their involvement in their children's lives.



## 14.2.1 Eligibility - Noncustodial Parents

Participation in W-2 by the noncustodial parent is voluntary and may not interfere with placement of custodial parents in required work activities.

### 14.2.1.1 *Nonfinancial*

The following nonfinancial criteria must be met:

1. The custodial parent is participating in W-2; and
2. The noncustodial parent must:
  - a. Be 18 years of age or older;
  - b. Be a U.S. citizen or qualified alien;
  - c. Be a resident of Wisconsin and unless the NCP is a migrant worker, demonstrate an intent to continue living in the state. To be eligible, the NCP is not required to have resided in Wisconsin for any specified length of time. (See the Income Maintenance Manual, Chapter 1, Part C for methods of residency verification);
  - d. Cooperate in efforts to establish paternity of the dependent child(ren) and secure and enforce child support orders;
  - e. Provide all requested documentation within seven working days after receiving the request for information from the W-2 agency;
  - f. 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 within 180 days immediately preceding application;
  - g. Have cooperated with the efforts of the W-2 agency to assist the individual to obtain employment if the last W-2 application was within 180 days immediately preceding the current application;
  - h. Not receive Supplemental Security Income (SSI) or state supplemental payments;
  - i. Not receive Social Security Disability Income (SSDI);
  - j. 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, they become ineligible for W-2);
  - k. Apply for or provide a social security number (SSN) for all W-2 group members;

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- I. Report changes in circumstances that may affect eligibility within 10 days after the change;
- m. Beginning on the date on which the individual has attained the age of 18, the total number of months in which the individual has actively participated in one (or a combination) of the following does not exceed 60 months:
  - The Job Opportunities and Basic Skills (JOBS) program;
  - A W-2 employment position; and
  - A TANF approved program in this state or another state.

The months need not be consecutive. Participation JOBS begins to count toward the 60-month limit beginning on October 1, 1996;

- n. Cooperates in applying for other public assistance programs or resources that the FEP believes may be available to the individual; and
- o. Cooperates with providing eligibility information for other members of the W-2 group.
- p. Is not a fugitive felon.
- q. Is not violating a condition of probation or parole imposed under federal or state law.
- r. The individual states in writing whether the individual 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.

14.2.1.2

*Financial*

The following financial eligibility requirements must be met:

1. The assets of the noncustodial parent family group do not exceed \$2,500 in combined equity value.
2. The income of the noncustodial parent family group is at or below 115 percent of the federal poverty line.
3. Any vehicle equity value amount over \$10,000 must be counted as an asset to be tested against the \$2,500 limit for the asset test.

14.2.2

**Services Available To Noncustodial Parents**

The W-2 agency may provide case management, job search assistance and/or basic skills training services to eligible noncustodial parents. Concurrently with case management, job search, and employment and training assistance, a successful program creates a balance between family and work to provide a stable environment which benefits both the child(ren) and the noncustodial parent.

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14.2.2.1 *Case Management*

See 7.1.1.2 and 7.1.2.1 for a list of case management activities.

14.2.2.2 *Job Search Assistance*

The noncustodial parent may participate in any of the activities outlined in Job Search Assistance in 5.1.2.1.

14.2.2.3 *Basic Skills Training*

The noncustodial parent may participate in basic skills which enhance employment opportunities, e.g. driver's education.

14.2.2.4 *Employment Positions*

W-2 eligible noncustodial parent(s) may participate in work training activities similar to Community Service Jobs when sufficient positions are available so as not to interfere with placement of W-2 custodial parents into W-2 employment positions. Noncustodial parents are not eligible to receive payments for participation in a Community Service Job. The 24-month time limit does not apply. All other appropriate policies established for W-2 custodial parents apply to W-2 noncustodial parents.

When considering placement into a work training activity, the case manager should replicate the W-2 employment position ladder as much as possible. In this manner, the noncustodial parent participant gains work experience as he/she moves up the ladder toward self-sufficiency.

14.2.2.5 *Job Access Loans*

Participants whose only participation in W-2 is as a noncustodial parent are not eligible for Job Access Loans.

**14.2.3 OTHER PROGRAMS AVAILABLE TO NCPS**

There are three other programs that serve non-custodial parents in Wisconsin: the Children First Program, Welfare-to-Work (WtW) and Workforce Attachment and Advancement (WAA). These programs also provide case management, job search and job retention services to non-custodial parents to facilitate their entry into the unsubsidized labor market and to help them retain employment. Unsubsidized employment will increase their capacity to make consistent child support payments for the benefit of their minor children.

14.2.3.1 *Welfare-to-Work*

WtW provides services to eligible NCPs through Workforce Development Boards (WDBs), who work in close collaboration with W-2 agencies. Participation in WtW is

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voluntary. The WtW program is based on a work-first philosophy. Participants may receive a broad range of services in conjunction with their work activity. After eligibility determination and assessment, the NCP may be eligible for the following activities:

- Case Management and Goal Setting
- Job Readiness
- Employment Activities, such as work experience and on-the-job training
- Post-Employment Services
- Job Retention and Supportive Services (with WtW funds only if not otherwise available through W-2), such as transportation assistance and child care assistance

#### 14.2.3.2 *Workforce Attachment and Advancement (WAA) Program*

The WAA program includes NCPs as a target population for services. WAA services are provided by WDBs and W-2 agencies in all areas of the state. The service priorities for this program are advancement and job retention services, although participants may receive placement and readiness services as well as basic education. WAA offers services to NCPs to promote upward mobility and advancement to higher paying jobs. Participation is voluntary, and NCPs are eligible if their income is under 200% of the Federal Poverty Level and they have minor child(ren) (the children do not need to be low income). **Funding for the WAA program ended effective December 31, 2003.**

#### 14.2.3.3 *Children First*

The Children First program promotes the emotional and financial responsibility of the NCP to his or her children. The Children First program operates through a voluntary partnership with the W-2 agency, the child support agency, and the county/tribal judicial system. Currently there are 43 programs operating in Wisconsin that serve almost 4,000 NCPs annually.

The Children First program requires a court order mandating NCP participation in the program. The NCP may be ordered to participate in Children First if he/she has no current means of meeting a child support obligation, is behind in child support payments, and does not work full-time. The Children First program operates concurrently with the W-2 program.

The program provides, at a minimum, job search assistance, work experience, education and training opportunities, and case management services designed to assist eligible NCPs in obtaining and retaining employment. An NCP successfully completes the Children First Program when he/she pays his/her child support payment for 3 consecutive months or completes 16 weeks of employment and training activities.

### 14.3.0 **PREGNANT WOMEN**

A pregnant woman, whose pregnancy is medically verified and who is both nonfinancially and financially eligible except that she is not a custodial parent of a dependent child, is eligible for job search assistance and case management services provided by the W-2

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agency. Case management services may include making the appropriate referral to access child care or discussing employment goals for the W-2 group when the child is over 12 weeks. When the child is born, a custodial parent may receive a monthly payment of \$673 per month until the child is 12 weeks old. A pregnant woman cannot be required to participate in an employment position until the child is 12 weeks old. (See 7.5.0) There is no penalty for noncooperation with child support for a pregnant woman or while the child is less than 60 days old.

**14.4.0 MINOR PARENTS****14.4.1 Universal Eligibility For Case Management Services**

A custodial minor parent (under the age of 18, male or female) is eligible to meet with a Financial and Employment Planner (FEP) regardless of meeting any living arrangement criteria, financial or nonfinancial eligibility requirements.

The FEP may provide a minor parent with services and information including W-2 eligibility information, available child care services, high school and school-to-work preparation, employment and financial planning, family planning services, community resources, and eligibility for food stamps, other food and nutrition programs or Medical Assistance. Eligibility determination for these other programs will be completed according to individual program eligibility rules.

**14.4.2 Adult Supervised Living Arrangements**

Minor parents are not independently eligible for W-2 financial assistance or employment positions. A minor parent living independently should be counseled on the importance of living in an adult-supervised living arrangement. The FEP should discuss optional living arrangements with the minor such as living with relatives, beginning with the assumption the minor parent would live with her parents.

When living with a parent or relative does not appear to be an option, a referral for the minor parent should 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. In addition, the agency may offer assessment, counseling, or supportive services to assist families experiencing problems that can negatively impact children.

If there is reasonable cause to suspect that the minor parent or a child of the minor parent has been abused or neglected or there is reason to believe that the minor parent or a child of the minor parent has been threatened with abuse or neglect or that abuse or neglect will occur, the FEP must make a report to the child welfare agency. The agency assesses reports of alleged child abuse and neglect in accordance with state standards. In any case where the agency determines that the child is not safe and that in-home safety services would be insufficient to keep the child safe, an out-of-home placement may be necessary. In order for the agency to place a minor in an alternative living arrangement, the juvenile court must find that the child is in need of protection or

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services and that certain conditions exists, such as the child has been abused, neglected, abandoned, is in need of special care or treatment, etc.

When living with an adult parent is not in the best interests of the minor, an adult relative, caring for the minor parent, may qualify for a Kinship Care grant. When a minor turns 18, s/he may qualify for W-2 services as an adult.

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**15.1.0 INTRODUCTION**

W-2 provides a child care subsidy to W-2 employment position participants, families who require child care to obtain or retain employment, and teen parents in school. All eligible families will be funded. Parents must use regulated child care providers and will receive an authorization for reimbursement. Parents are required to make co-payments based on their income and family size, the number of children in subsidized care, and the type of child care provider.

In addition to discussing an applicant's work history, education, skills, etc. when determining job readiness, a W-2 worker must also discuss the applicant's child care needs. At a minimum, child care issues which should be addressed are eligibility, availability of providers, and parents' choice and responsibility in provider selection (including back-up providers). In addition, the worker may refer the parent to the local Child Care Resource and Referral agency (CCRR).

**15.2.0 ELIGIBILITY**

The W-2 agency is responsible for determining eligibility. All adults in the W-2 group must sign the W-2 application. This includes applications for child care. Counties and participating tribes are responsible for creating authorizations, certifying providers, setting maximum reimbursement rates, and reimbursing child care providers. Face-to-face reviews are not required prior to issuing child care authorization once eligibility has been determined and confirmed.

A family is eligible for a child care subsidy if:

1. The individual applying is:

- The custodial parent of a child who is under the age of 13;
- The custodial parent of a child, age 13 through 18, who has special needs;
- A Kinship Care provider;
- A foster parent; or
- An adult acting in the place of a parent that is providing care and maintenance for a child described in the first two bullet points above;

and

Child care services for that child are needed in order for the individual to do any of the following:

- a. Meet the Learnfare attendance requirements (Note: Learnfare participants cannot be required to pay a child care co-payment);
- b. Work in an unsubsidized job, including training provided by an employer during the regular hours of employment;

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- c. Participate in work training activities in a Wisconsin Works employment position, including job search, orientation and participation in education or training activities consistent with the W-2 employability plan;
- d. Participate in up front job search, orientation, and training activities required after the individual has applied for a W-2 employment position and has not yet verified nonfinancial or financial information that will result in child care eligibility.
- e. Participate in Food Stamp Employment and Training (FSET) job search and work experience programs. NOTE: FSET participants cannot be required to pay a child care co-payment during hours of FSET participation. However, FSET participants in unsubsidized employment are required to pay a child care co-payment that is calculated based on the gross income, family size, number of children in care and type of provider category chosen. Therefore, FSET participants may have more than one authorization in place, one with a co-payment and one without a co-payment.
- f. If the individual is a teen parent, including age 18 or 19, obtain a high school diploma or participate in a course of study meeting the standards established by the State Superintendent of Public Instruction for the granting of declaration of equivalency.

If the teen parent is a minor (under age 18), that individual must reside with his or her custodial parent or with a kinship care relative or be in a foster home, treatment foster home, a group home, or an independent living arrangement supervised by an adult in order to be eligible for child care while attending high school or its' equivalent.

A minor teen parent living in an unsupervised independent living arrangement is eligible for child care while employed, if s/he meets all other nonfinancial and financial tests.

All teen parents, including 18 and 19 year olds, who meet child care eligibility requirements are responsible for the minimum possible co-payment, which is the same amount paid by families at or below 70% of the Federal Poverty Level.

Note: Learnfare participants cannot be required to pay a child care co-payment);

- g. For adults 20 years and older, participate in other employment skills training course of study that the W-2 agency determines would facilitate the individual's efforts to obtain or maintain employment in the same or another profession, including:
  - Basic education, including an English-as-a-Second Language;
  - Literacy tutoring;
  - A course of study meeting the standards established by the Department of Public Instruction under s. 115.29 (4), Stats., for the granting of a declaration of equivalency of high school graduation;



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- A course of study at a technical college; or
- Participation in educational courses that provide an employment skill, as determined by the Department.

An individual may receive child care under this provision for up to two years if:

1. The individual is employed; or
  2. The individual is a participant in a W-2 employment position.
- h. Participate in assigned activities, including job search, training, or orientation when placed on the Unsubsidized Employment rung of the W-2 ladder and coded CMS.
2. Is a citizen or qualified alien.
  3. Resides and intends to continue to reside in Wisconsin (intent to reside does not apply to migrant workers).
  4. The individual furnishes the W-2 agency with any relevant information that the W-2 agency determines is necessary, consistent with rules promulgated by the Department, within seven working days after receiving a request for the information from the W-2 agency.
  5. All households where paternity has not been established or an absent parent exists for a child in the assistance group must be formally referred to the local child support agency as a condition of eligibility. After the household has been found eligible for W-2 child care, cooperation with child support is mandatory to maintain eligibility, unless good cause has been established. (see Section 2.2.2). The child support agency must be notified within two days of a change in child care status, which includes notification of termination of child care eligibility.

The individual must fully cooperate in efforts directed at establishing the paternity of the dependent child and obtaining support payments or any other payments or property to which that individual and the dependent child may have rights. An individual who fails three times to meet the requirements remains ineligible until the individual cooperates or for a period of six months, whichever is later.

6. The individual has not been determined to have intentionally violated, on three separate occasions, W-2 statutory provisions or rules.

Families that are applying for child care for the first time are financially eligible if their gross income is equal to or less than 185 percent of the federal poverty level. For the most part, the agency must disregard income in accordance with the W-2

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income disregard policy (see 3.2.7.5). However, use the adjusted gross income of self-employed families rather than the gross income. (See the Child Care Manual for details on how to determine adjusted gross income).

Families that are receiving a child care subsidy remain eligible for child care until their income exceeds 200 percent of the federal poverty limit for 2 consecutive months.

W-2 child care pays for child care for children under age 13 and children ages 13 through 18 who have special needs. Special needs children are eligible through their 18<sup>th</sup> birthday. In addition, W-2 agencies should work with Community Steering Committees and Children's Services Networks to develop community responses for needed services to special needs children and all youth. Counties can also use community aids funds to pay for crisis respite.

The FEP shall determine when a W-2 participant has good cause for not complying with W-2 participation requirements because child care was necessary to participate but was not available. (See 11.3.1).

**15.3.0 CHILD CARE CO-PAYMENTS**

Parents are required to make child care co-payments based on their income and family size, the number of children in subsidized care, and the type of child care provider. Under this new co-pay schedule, co-payments will not exceed 12 percent of gross income, whether they choose a licensed or certified provider. Children that are authorized for a total of 20 or fewer hours a week will be assessed one half of their share of the co-pay when determining the provider payment. Parents who have just left a subsidized W-2 employment position for unsubsidized employment have an additional month of using the minimum co-pay to determine the child care provider payment.

**15.4.0 PARENT CHOICE & RESPONSIBILITY**

Parents in W-2 child care have the option of choosing among a large range of child care providers. Parent options include licensed day care centers, licensed family day care homes, and either regularly or provisionally certified providers that are required to meet basic health and safety standards. Parents will pay a co-payment based on a sliding scale determined by gross monthly income, family size, number of children in subsidized care, and the type of child care provider chosen. Parent co-pay responsibilities are detailed in DWD administrative rules. (See the Child Care Handbook for the co-pay table.).

**15.5.0 PROVIDER REGULATIONS**

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Under W-2, child care providers must be licensed or certified. Licensing laws and rules remain unchanged under W-2, except for a requirement for criminal records checks. Licensing is administered at the state level. Licensing includes extensive health and safety standards, staff qualification standards, and ongoing monitoring. Providers are licensed in three categories: group day care centers (serving nine or more children), family day care centers (serving four to eight children), and day camps.

Providers who are not required to be licensed are required under W-2 to be certified to receive public funding. Certification is intended to ensure basic protections for children when public funds pay for child care. Certification standards include criminal record checks, references, and simple health and safety standards. Certification requires a site visit to ensure compliance with standards.

Certification includes two categories:

1. Regular certification, which requires that 15 hours of training have been completed.
2. Provisional certification, which requires no training.

Certified providers caring only for relatives can be reimbursed at the provisional level only. Individuals living in the child's household are not eligible to be reimbursed for child care provided for those household members unless the county/tribe determines that care is necessary because of a special health condition of the child. Certification standards and procedures are detailed in DWD administrative rules and the Child Care Manual.

Individuals who come to a child's home to provide child care can be certified for reimbursement for one of the following reasons as determined necessary by the local agency:

1. The child has a special need;
2. Licensed or certified care is not available during the times care is needed, such as during evening hours or weekend care;
3. Care is provided to 3 or more children from the same family; and
4. Licensed or certified care is not available within a reasonable geographic distance.

Child care providers are not required to be certified in order to be reimbursed when:

1. The care is an arrangement for parents in W-2 training or counseling programs and the child care is provided on-site at that W-2 training or counseling site.
2. The care is a short-term arrangement when a child is ill and not able to receive care from a regulated child care provider or the provider has an emergency due to illness or other circumstances.

## 16.1.0 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 Transition (W-2 T), Community Service Job (CSJ) or a Custodial Parent of an Infant (CMC) placement. The CMC participant is only required to assign child support payments if the CMC participant previously received AFDC, W-2, or SSI Caretaker Supplement (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 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 Child Support Agency (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 16.3.2.1.

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

## 16.2.0 REFERRAL TO CHILD SUPPORT AGENCY (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

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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:

- a. *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
- b. *Adjudicated fathers*: paternity established through a court order.

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

### 16.3.0 COOPERATION WITH CSA

In order to be eligible for W-2 services, a Job Access Loan or a child care subsidy in a month, an applicant or participant and any other parent in the W-2 assistance group including noncustodial parents (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

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5. Paying to the Department or its designee any court-ordered child support payments received.

A non-custodial parent 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 Department of Workforce Development or its designee.

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

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

### 16.3.1

#### **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 (Kids Information Data Systems). If FEPs do not have Full Inquiry Access (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 Job Access Loan. The person in the W-2 group not cooperating has seven working days in which to cooperate.

If the W-2 case closes and the group reapplies, the individual who failed to cooperate with child support should be left in the noncooperation status when referred to the CSA. The group is ineligible until the individual cooperates or establishes good cause. (See 16.3.2)

#### 16.3.1.1

##### *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

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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.

16.3.1.2 *Three Instances of Noncooperation*

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

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

16.3.2 **Good Cause for Noncooperation with Child Support**

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 Income Maintenance (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.

16.3.2.1 *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

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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.

16.3.2.2

*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.

16.3.2.3

*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.



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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.

16.3.2.3.1 *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 Barrier Screening Tool as an individual or parent of a child who is or has been a victim of domestic abuse or is at risk of further domestic abuse and the alleged perpetrator is the other parent; or
8. Any other supporting or corroborative evidence.

16.3.2.4 *Good Cause Investigation*

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 or evidence is unavailable.

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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 may contact the CSA in the course of the investigation, but may not contact the individual alleged to have committed acts that are the basis of good cause claim based on domestic abuse, physical or emotional harm, or incest or sexual assault.

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.

16.3.2.5 *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.

16.3.2.6 *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.

16.3.2.7 *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:

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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 16.3.1.2, 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.

16.3.2.8 *Reviewing Good Cause Claims*

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

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

**Example:** Joanne was granted good cause for not cooperating with child support because she was working with Catholic Social Services to complete the adoption process for her son. Joanne met with her FEP three months later to update her employability plan and the FEP inquired about the adoption services. Joanne told the worker she no longer meets with Catholic Social Services because she decided to keep her baby. The FEP reviewed the Good Cause Claim form with Joanne and explains that good cause no longer exists because of the pending adoption and Joanne has 10 days to file another claim or cooperate with child support.

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

16.4.0 **CHILD SUPPORT DISPUTE RESOLUTION**

Claims of noncooperation by the CSA and good cause determinations by the W-2 agency are subject to review in the event the individual disagrees with either agency's decision.

16.4.1 *Fact Findings for Noncooperation Decisions*

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

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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.

**16.4.2** *Fact Findings for Good Cause Decisions*

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 Income Maintenance program are based on the same issues and facts, the fair hearing decision shall take precedence. For more information on the W-2 Fact Finding process, see [Chapter 19](#).

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

**16.5.0** **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 noncustodial parent if any of the following applies:

- a. 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
- b. The W-2 agency and CSA have reason to believe that releasing the information may result in physical or emotional harm to the person about whom the information is sought.

**16.6.0** **CHILDREN FIRST**

Children First is a program which promotes the emotional and financial responsibility that a noncustodial parent has towards his/her child(ren). The noncustodial parent 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 noncustodial parent.

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**17.1.0 INTRODUCTION**

Emergency Assistance (EA) provides funding to eligible families with a child(ren) to prevent homelessness. Eligible families must be experiencing a current emergency and meet other EA eligibility requirements. The emergency must be 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.

**17.1.1 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 *EA Application*:

1. Process the *EA Application* (see 17.2.0);
2. Have at least one in-person contact with the EA applicant or his/her representative (see 17.2.0);
3. Request and complete all necessary information/verification (see 17.3.0);
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 17.4.1.1.3);
5. Determine non-financial and financial eligibility (see 17.4.0 and 17.5.0);
6. Issue a written notice of eligibility determination to approved and denied EA applicants (see 17.6.0);
7. 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) (see 17.4.1.1.4)); and
8. Calculate and issue any EA payment (Note: The five business day timeframe may be extended if a Payment Delay Exception applies.) (See 17.7.0 and 17.7.4.1).

The five-business-day 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 17.8.0).

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## 17.2.0 EA APPLICATION PROCESS

The W-2 agency must provide an *Emergency Assistance (EA) Application* form (DWSP-2010) to all persons who request EA. The *EA Application* must be completed in the county of residence. When the group is homeless, the group may choose to complete an *EA Application* either in the county where the group is homeless or the county where the group has found permanent housing, when the group plans to move to a permanent home in a different county. Then the W-2 agency serving that county where the group completed the *EA Application* must process the *EA Application* and issue any EA payment.

**Example:** A homeless family lived in a county in Wisconsin and applied for EA there. The family found housing in another county and plans to move there. The family decided to complete an *EA Application* in the first county, so the first 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. The person has the right to complete and sign the form in the presence of a W-2 agency staff person on the same day the person requests or inquires about EA at the W-2 agency.

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:** 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-day timeframe would end at the close of business on Wednesday December 3rd.

## 17.2.1 Month of the EA Application

The calendar 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 *EA Application* either in the calendar month of the emergency or in the next calendar month after the emergency.

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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 17.4.1.1.1)

**17.2.2 EA Application Form Instructions**

The applicant must complete the first three pages of the *EA Application* form to the best of his/her ability.

Within the five-business-day 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.

**17.3.0 VERIFICATION**

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



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oral verification. When verification is not possible, the agency may accept a sworn statement from the EA applicant or his/her representative.

When documents or other information appear questionable or inconsistent, the 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 does 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 *EA Application* and verification documents.

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

### 17.3.1 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.

**Example:** An EA applicant states the family's belongings were destroyed in a fire. The agency may telephone the fire department to verify the emergency was due to fire and the fire was beyond the control of the EA group. The fire department is a reliable independent source of information about the 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.

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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. Layoff notice;
8. Unemployment Insurance (UI) information;
9. Receipts from a medical facility showing medical expenses; or
10. 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.

For impending homelessness, there are only five types of legal notices to terminate tenancy. (See *Legal Notice to Terminate Tenancy [Eviction Notice]*.) 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 the cause 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, the statement used by the agency as the determination that the housing is uninhabitable from the building inspector, health department or other appropriate local authority may be used as verification.

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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.

To verify any crimes, the agency may review police reports and a sworn statement by the EA applicant or his/her representative. If a money order was lost or stolen, the agency may request the EA applicant activate any available tracer/stop payment on the money order which may result in replacement of the money order if it was not cashed already.

**17.3.2 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 Client Assistance for Re-employment and Economic Support (CARES) system regarding the members of an Assistance Group (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 *EA Application*.

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.

**17.3.3 Verifying Receipt of EA under the 12-Month EA Payment Limit**

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

**17.4.0 NON-FINANCIAL ELIGIBILITY**

Use the following requirements to determine nonfinancial eligibility.

**17.4.1 Qualifying Emergency**

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

1. Impending homelessness (that is not the result of energy crisis, fire, flood or natural disaster);
2. Homelessness (that is not the result of energy crisis, fire, flood or natural disaster);

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3. Energy Crisis;
4. Fire;
5. Flood; or
6. Natural disaster.

17.4.1.1 *Impending Homelessness*

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

1. Qualifying financial crisis which resulted in a legal notice to terminate tenancy for non-payment of rent/mortgage;
2. Determination of uninhabitable housing; or
3. Domestic abuse.

17.4.1.1.1 *Impending Homelessness and Financial Crisis/Notice to Terminate Tenancy*

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

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- f. Other similar reason as determined by the W-2 agency that the group is experiencing a financial crisis. This criterion is intended to cover reasons similar to the above reasons and not to cover general reasons for a group needing rent assistance.

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 17.4.1.1.2)

**Example 1:** 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 2:** After receiving a legal eviction notice for non-payment of rent, 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 filing 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. The W-2 agency may confer with the police about the specific circumstances to determine if the EA applicant reasonably may have prevented the loss/stolen 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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17.4.1.1.2 *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 summons and complaint for an eviction action which is based on failure to pay rent;
2. A notice terminating tenancy for failure to pay rent that meets the minimum requirements of Section 704.17 Wis. Stats.;
3. A summons and complaint for a foreclosure action that is based on failure to pay property taxes or a mortgage;
4. A notice of foreclosure for 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.

When a verbal or written lease or rental agreement is for one year or less, or is a periodic tenancy for week-to-week or month-to-month, the notice terminating tenancy listed in item 1 above is required to be a "five-day" legal notice from the landlord. The legal notice indicates the landlord plans to begin legal eviction proceedings in five days. However, any legal notice that follows the initial five-day legal notice in an eviction proceeding also is valid for EA purposes, including a summons to court for eviction proceedings.

**Example:** Luis and his daughter moved into a rented home where his friends already resided, to fill vacancies left by previous roommates. Luis and his daughter were not added to the lease. 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.

17.4.1.1.3 *Stay of Eviction Proceedings in Impending Homelessness*

The W-2 agency must ask each 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

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remains in effect until the tenant's eligibility for EA is determined and, if the tenant is determined to be eligible, until the EA payment is received by or on behalf of the EA group.

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

17.4.1.1.4 *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 "You already agreed to not proceed with the eviction or foreclosure for non-payment of rent/mortgage. Your cashing this payment further ratifies this agreement."

See section titled Payment Delay Exceptions regarding the requirement that the agency issue any EA payment within five business days of the agency's receipt of this verbal or written confirmation.

See section titled Stay of Eviction Proceedings in Impending Homelessness regarding other possible eviction proceedings.

17.4.1.1.5 *Impending Homelessness and Relocation*

EA will provide funding for EA groups who meet all other eligibility criteria (the cause of the emergency and relocation must be due to reasons beyond the control of the caretaker relative(s) or that constitute good cause as determined by the W-2 agency) and:

1. There is impending homelessness with a legal eviction notice for the current home; and
2. The agency has determined the landlord does not agree to keep the EA group as tenants or the EA group cannot afford the costs of the current home (including costs for rent, utilities, transportation, etc.); and

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3. The EA group has obtained a different home with lower costs than the current home.

17.4.1.1.6 *Impending Homelessness and Uninhabitable Housing*

A group is eligible under the condition of impending homelessness and 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.

17.4.1.1.7 *Impending Homelessness and Domestic Abuse*

A group is eligible under the condition of impending homelessness and 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 provide an eviction notice or a determination of uninhabitable housing.

17.4.1.2 *Homelessness*

The group must be experiencing homelessness 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. A group is homeless for EA purposes if the group needs EA funds to obtain permanent housing and the group also 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.



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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.

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

17.4.1.2.1 *Homelessness and Domestic Abuse*

A group is eligible under the condition of homelessness and domestic abuse if the homelessness condition results because a member of the group was subject to domestic abuse. (See 17.4.1.1.7)

17.4.1.3 *Energy Crisis*

The group must be experiencing loss from an energy crisis due to reasons beyond the control of the caretaker relative(s) or that constitute good cause as determined by the W-2 agency. Energy crisis may include lack of or imminent loss of essential home heating. The energy crisis must include or is likely to include an immediate threat to the health or safety of the group.

17.4.1.4 *Fire*

The group must be experiencing a housing loss from a fire due to reasons beyond the control of the caretaker relative(s) or that constitute good cause as determined by the W-2 agency.

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17.4.1.5 *Flood*

The group must be experiencing a housing loss from a flood due to reasons beyond the control of the caretaker relative(s) or that constitute good cause as determined by the W-2 agency.

17.4.1.6 *Natural Disaster*

The group must be experiencing a housing loss from a natural disaster due to reasons beyond the control of the caretaker relative(s) or that constitute good cause as determined by the W-2 agency. 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.

**17.4.2 EA Group**

In order to be eligible for EA, the EA group must consist of at least one caretaker relative and one dependent child of that caretaker relative. The EA group also may include other caretaker relatives living in the household (i.e. spouse or non-marital co-parent) and other dependent children of a caretaker relative.

Everyone in the household will not always be a member of the EA group although all household members must be listed on the *EA Application*.

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 *EA Application* (i.e. the next 28, 29, 30 or 31 days depending on the length of the month); and

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- 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* (i.e. the next 28, 29, 30 or 31 days depending on the length of the month); 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)

An SSI recipient who meets the requirements to be an EA group member must be included in the EA group. (See 17.5.1.2 and 17.7.0)

17.4.2.1. *Caretaker Relative*

A caretaker relative must be the 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 (does not recognize common-law marriage) as the caretaker's legal husband or wife.

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.

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**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.

17.4.2.2. *Minor Caretaker Relative*

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.

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 W-2 Manual *Nonfinancial Eligibility Criteria Chapter*.)

17.4.4 **Citizens or Qualified Aliens**

All members of the EA group must be citizens or qualified aliens. (See 2.2.0)

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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.

**17.4.6 Failure to Pursue Other Payment Options**

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

**Example 1:** Gwen purchased a money order to pay her family's rent and 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. In addition to filing a police report, Gwen immediately reported the theft of the money order to the financial institution where she purchased the money order, however Gwen declined to pay the \$12 fee for the financial institution to trace the status of the money order, and issue a replacement money order if the original money order was not cashed already. Although Gwen took precautions and immediately reported the theft of the money order, Gwen is not eligible for EA because she failed to pursue other payment options by declining to pursue tracer/possible replacement of the money order. Although Gwen is not eligible for EA, the W-2 agency worked with Gwen to provide her case management services and referrals to other housing and emergency resources.

**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 Unemployment Insurance (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.

**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 EA payment.

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

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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:** 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 \$200 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 30 days 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 1:** 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 2:** 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 he received an EA payment within the past 12 months. He is not eligible again until July of the next year (12 months after his last EA payment). 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.

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**Example 3:** Julia and her daughter, Marta, received EA in June 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 4:** Sue and her daughter Rachel 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 she received an EA payment ten months ago in October.

**17.4.8 "Doubled-Up" Housing**

A family living in "doubled-up" housing situation is not eligible for EA based solely on the "doubled-up" housing situation. However, the family may be eligible for EA based on other factors such as an official determination of an uninhabitable home, domestic abuse, fire, flood or natural disaster. For EA purposes, "doubled-up" housing is when there are more people living in a residence than the residence is designed for.

**17.5.0 FINANCIAL ELIGIBILITY**

**17.5.1 Calculate Financial Need**

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

*17.5.1.1 Time Frame for Evaluating Income, Assets, and Expenses*

The month of the *EA Application* is the time frame for which income, assets and expenses are evaluated. (See 17.5.1.1)

*17.5.1.2 Available Income*

To determine the income available or to be received for the EA group in the month of the *EA Application*, start by using the W-2 income policy. (See 3.1.0)

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Income that was used to meet the group's needs before the date of the *EA Application* must be disregarded. However, any income that was received in the month of the *EA Application* before the *EA Application* which was not used to meet the group's needs is counted as available income.

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 *EA Application* is disregarded in calculating financial eligibility and any payment; and
2. Caretaker Supplement (CTS) payments.

17.5.1.3 *Available Assets*

To determine assets for the EA group available in the month of the *EA Application*, start by using the W-2 asset policy. (See 3.1.0) 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.

17.5.1.4 *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;



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9. Transportation; and

10. Medical care.

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

17.5.1.5

*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 not counted. Also any partially paid expenses that are for more than one month are counted as a monthly expense only for the portion of the amount that is unpaid at the time of the EA application.

Note: 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."

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

17.6.0

**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 *EA Application*. 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 19.1.0)

17.7.0

**EA PAYMENT**

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**17.7.1 EA Payment Amount**

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

1. \$150 for each eligible EA group member; or
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 expenses resulting from the emergency and the unpaid usual and necessary monthly expenses).

When determining the EA payment amount for an emergency due to an energy crisis, the EA payment must be determined using the lowest amount of items 2 or 3 above. Item 1 above is not part of the payment determination for energy crisis.

**Example:** The agency determined a group of three is eligible for EA for impending homelessness. The maximum payment for the group at \$150 per group member would be \$450 (3 X \$150). 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.

**17.7.2 Informed Request**

When the amount requested by the group (i.e. the Financial Request amount from the *EA Application*) is less than the \$150 maximum for each eligible EA group member 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. \$150 maximum for each eligible EA group member; or
  - b. Financial need resulting from the emergency; 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

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EA applicant or his/her representative must initial and date the increased Financial Request amount on the *EA Application*.

**17.7.3 Issuing EA Payment**

The agency may make the EA payment by:

1. Check to the applicant;
2. Voucher to the applicant, landlord or vendor; or
3. Vendor payment.

**17.7.4 Timeframe for Issuing EA Payment**

The EA payment must be made within five business days after the W-2 agency receives the complete *EA Application*, with only the following two exceptions.

**17.7.4.1 Payment Delay Exceptions**

1. An EA payment can be delayed if both of the following conditions exist:
  - a. The group is seeking a new permanent home and the group is homeless including any homelessness that is caused by energy crisis, fire, flood or natural disaster, or the group is eligible for impending homelessness and relocation; and
  - b. The group has not notified the agency that they have found permanent housing within the five-business-day period 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.
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

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five-business-day timeframe. (See *Waiving Right To Proceed With Eviction/Foreclosure*.) The agency has five days to make the EA payment 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 receives 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 day period. Agencies are encouraged to obtain verbal and written confirmation as quickly as possible to expedite this process.

**17.7.5 Allowable Uses of EA Payment**

*17.7.5.1 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.

*17.7.5.2 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.

**17.8.0 EA COORDINATION WITH OTHER RESOURCES**

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 needs calculation. If the EA group needs social services, provide these services with

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appropriate referrals to available resources. The following are examples of social services for the EA group:

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

**17.9.0 EMERGENCY ASSISTANCE TRACKING SYSTEM (EATS)**

The Emergency Assistance Tracking System (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 *EA Application* 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;
4. Monitor EA payment information reported in EATS to ensure accuracy and completeness; and

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5. Reconcile EA payment 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 may be entered into the EATS check number field, along with the voucher date and the voucher amount for the respective EA payment. These fields facilitate reconciliation of EA payment 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://dwd.wisconsin.gov/w2/eats/default.htm>

### 17.9.1

#### EA Denials In EATS

To track denied EA applications in EATS, W-2 agencies must use the most appropriate reason from the following list of EA denial reasons from the EATS Status field:

1. Circumstances do not meet the EA definition of an emergency;
2. No legal notice to terminate tenancy/mortgage for non-payment;
3. Landlord or bank will not agree to stop eviction/foreclosure action;
4. No eligible dependent children in the group;
5. No eligible caretaker relative in the group;
6. Not a resident(s) of Wisconsin;
7. Not US citizen(s) or qualified alien(s);
8. Need for assistance is the result of a refusal to accept employment or training without good cause;
9. Need for assistance is the result of failure to pursue other payment options;
10. Received an EA payment within the 12-month EA payment limit;
11. Unable to obtain a permanent home within a 30-day Payment Delay Exception timeframe;

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12. Does not have a documented financial crisis beyond the control of the caretaker relative(s) of the group;
13. Income and/or assets exceed need;
14. Crucial verification was not available;
15. Did not apply in the calendar month of the emergency or the next calendar month; or
16. Applied in the wrong geographic area.

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>

**17.10.0 EA FACT FINDING**

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 *EA Application* 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 19.1.0)

**17.11.0 OVERPAYMENT RECOUPMENT**

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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**18.1.0 Emergency Payments**

W-2 agencies must determine eligibility for an emergency payment for a participant who has needs and is awaiting a first W-2 payment. For CSJ placements, Custodial Parent of an Infant placements, and W-2 T placements, participants are eligible in the period prior to their first W-2 payment (\$673 or \$628). Trial Job participants are eligible in the period prior to their first paycheck from the Trial Job employer.

Emergency payments do not tick the clock because they qualify as nonrecurrent, short-term benefits under the TANF definition of assistance. Emergency payments are one-time payments designed to meet an emergency need at the outset of a W-2 case, and they are not an additional CSJ or W-2 T benefit.

Emergency payments may be used to pay for needs such as shelter, food and work-related expenses, etc. They should be used in conjunction with other supports available to participants including Job Access Loans, Emergency Assistance, WtW, Community Reinvestment and referrals to the Children's Services Network (food pantries, etc.)

There is no limit on the emergency payment amount; each W-2 agency may choose to establish a range of payments (e.g., between \$25 and \$750). The W-2 agency may also choose to limit the payment to no more than once every 12 months. Participants who receive emergency payments are not required to repay the payments.

Emergency payments are not tracked through the CARES system, though workers may want to note in the case comments if a participant has received this payment.

**18.2.0 FOOD STAMP PROGRAM**

Individuals and families may be eligible for assistance with food costs through the Food Stamp (FS) program. Food Stamp households receiving TANF funded services may be categorically eligible for food stamps. These services include, but are not limited to, W-2 payment positions, W-2 case management services only, Job Access Loans and child care subsidies. The goal of the FS program is to make it easier for persons to have a healthy, adequate diet. Food Stamps can be used to pay for food, including plants and seeds for home gardens. For regular households, the FS benefit amount is based on household size and income (gross income limit of 130 percent of the federal poverty level (FPL)) and a \$2,000 asset limit. For households including members who are elderly and disabled, the FS amount is based on the gross income limit of 165 percent (of FPL) and a \$3,000 asset limit. Individuals may be eligible for FS benefits without applying for W-2 payments; however, all FSET non-exempt individuals who are not participants in a W-2 employment position must be referred to the Food Stamp Employment and Training (FSET) program for participation as a condition of receiving FS benefits. (See [Food Stamp Handbook](#), Appendix 8.0.0)

**18.2.1 FS Budgeting**

A full W-2 payment will be budgeted for FS computations, even though a payment reduction may be applied. Income is budgeted prospectively. Earned income



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budgeted for FS will be calculated based on the best estimate of (hourly rate)(hours/week)(4.3 weeks/month), as with W-2 and Medical Assistance. Unearned income will be budgeted based on the best estimate of (amount)x(4.3 weeks/month) if received on a weekly basis.

FS reviews are held on a three month review cycle. In most cases, reviews must be held face-to-face; however, under certain circumstances, reviews may alternate between face-to-face and phone/mail reviews. (See Ops Memo 98-04 for further details). Once a best estimate for earned or unearned income is determined, a FS participant must report a change if it meets any of the following criteria:

1. A change in the source of earned income;
2. A change in salary or wage rate;
3. A change in full- or part-time employment status; or
4. A change of more than \$25 in unearned income.

The FEP must redetermine the best estimate for all income at each review, or when any change in the income's source, rate of pay, or payment schedule has been reported.

**Example:** Mary receives a small amount of money from a trust fund each month. The amount Mary receives from the trust fund increased by \$10 per month. Although Mary is not required to report this change because it is less than \$25, she calls her FEP and reports it anyway. The FEP must redetermine the best estimate for Mary's unearned income because she reported it.

See the Food Stamp Manual for further food stamp policy direction.

**18.3.0 LOW INCOME HOME ENERGY ASSISTANCE (LIHEAP)**

Households may receive regular and/or crisis assistance payments through the Low Income Home Energy Assistance (LIHEAP) Program to help offset the cost of home heating. The regular heating assistance program operates during the heating season (October 1 through May 15). The crisis assistance component of LIHEAP operates year round. LIHEAP payments may be made directly to the fuel supplier/vendor or applicant household. Eligibility for LIHEAP is dependent upon the household meeting both financial and nonfinancial criteria.

**18.4.0 LOW INCOME WEATHERIZATION PROGRAM**

Low-Income Weatherization Programs provide services to improve homes to reduce energy consumption. Services include the installation of insulation, caulking, storm windows or modification to the heating system.

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**18.5.0 MEDICAID**

Medical Assistance (MA), or “Medicaid” eligibility remains an entitlement. This means that Medicaid must be offered to anyone who enters the W-2 Agency or the County (or tribal) Department of Social/Human Services. If a family or individual is determined eligible, Medicaid coverage will continue until they no longer qualify.

In the federal welfare reform legislation of 1996, the federal government broke apart the connection between AFDC eligibility and Medicaid. However, individuals and families who meet AFDC eligibility requirements that were in place on July 16, 1996, will be eligible for Medicaid.

Medicaid rules are different from those that apply to W-2. Medicaid does not incorporate any of the following W-2 requirements:

1. A work or work training program requirement.
2. Sanctions for individuals for failure to participate in a work program.
3. A 60 day Wisconsin residency requirement.
4. A requirement that teens must live with a parent or other qualifying relative.
5. Time-limited eligibility.

Medicaid eligibility continues for low-income children, pregnant women and families that are eligible even if they choose not to participate in W-2. W-2 participants will qualify for Medicaid only if they meet Medicaid criteria, including (but not limited to) the July 16, 1996 AFDC rules.

The Healthy Start (HS) Medicaid program continues to exist. Pregnant women and children under the age of 6 will still qualify at 185% of the federal poverty level (FPL). Children over the age of 6, born after September 30, 1983, qualify at 100% of the federal poverty level.

Eligible Medicaid families, including W-2 participants and Healthy Start recipients are enrolled in HMOs, unless they meet criteria for exemption, or there is not a choice of HMOs in their area.

See the Medicaid Handbook for further Medicaid policy direction.

**18.6.0 TRANSPORTATION ASSISTANCE**

It is the responsibility of the W-2 agency to work with the Community Steering Committee and the Children’s Services Network to ensure expanded transportation options for W-2 applicants and participants. The W-2 agency may provide transportation for W-2 applicants and participants.

**18.6.1 Eligibility for Transportation Services**

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W-2 applicants are eligible for transportation assistance only if the transportation is necessary for up-front job search activities required by the Resource Specialist or FEP. Participants in any W-2 component (Unsubsidized Employment, Trial Job, Community Service Job, W-2 Transitions) are eligible for transportation assistance.

If the W-2 agency wishes to provide transportation assistance using Temporary Assistance for Needy Families (TANF) funds to other persons receiving assistance, but who are not in a W-2 component (e.g. persons receiving assistance through the Employment Skills Advancement Program, Job Access Loan, etc.), the FEP must place the person in a case management position to authorize transportation assistance.

**18.6.2 Transportation Assistance Ticking the 60-Month Clock**

According to federal TANF regulations, a participant who receives assistance is subject to all TANF requirements pertaining to the 60-month lifetime limit and other nonfinancial specifications such as cooperation with child support.

TANF “assistance” includes cash, payments, vouchers, and other forms of benefits designed to meet a family’s ongoing needs (food, clothing, shelter, utilities, household goods, personal care items and general incidental expenses).

The definition excludes:

1. Nonrecurrent, short term benefits that are designed to deal with a specific crisis situation or episode of need (not intended to meet ongoing needs) and that won’t extend beyond four months.
2. Work subsidies,
3. Supportive services such as child care and transportation when provided to a family with at least one eligible adult who is engaged in unsubsidized employment for at least one hour per week or engaged in job search/readiness activities requiring child care or transportation for no longer than four months,

(NOTE: Child care in Wisconsin, provided under any circumstances through the Child Care program, will not meet the definition of “assistance”).

4. Refundable earned income tax credits,
5. Individual Development Accounts,
6. Services such as counseling, case management, other job retention and advancement services that do not provide basic income support.

Families of W-2 participants placed on the Unsubsidized Employment rung of the W-2 ladder will not have their 60-month clock ticked for transportation if they are employed for at least one hour per month or engaged in job search/readiness activities requiring child care or transportation for not longer than four months. Therefore, if and when the 60-month clock will tick for families of participants on the Unsubsidized Employment rung, the FEP must advise the family of this potential impact and weigh the cost of

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using months of lifetime eligibility against the benefit of the service before assistance is given. Families of W-2 participants in Trial Job, CSJ or W-2 T will not have their 60-month clock ticked for transportation because the clock is ticking for participant's participation in a W-2 subsidized employment position.

If W-2 funds are used for capacity building or facilitating group transportation solutions, recipients of assistance of this type do not meet the definition of assistance. For example, someone who rides a TANF funded expanded bus route is not receiving assistance because the service does not have a direct monetary value to the individual family.

**18.6.3 Transportation Services**

The nature and scope of the W-2 transportation-related services provided will vary from agency to agency depending upon the extent to which transportation barriers exist in the county, the availability of public transit services in the area, job locations, other transportation needs of the applicants and participants, such as transportation to and from child care, etc.

The W-2 agency must:

1. Identify existing public transit bus systems, municipally sponsored shared-ride taxi systems, reverse commute services, commuter bus service, accessible transportation options for the disabled (i.e., handivans, medivan, metro+, etc.), express services, specialized, demand responsive service capacity, etc.; If public transit services that meet the needs of families are available, these services must be used.

2. Identify specific transportation needs of the W-2 participants;

W-2 and W-2 funded programs are not entitlement programs. Transportation assistance should only be provided to eligible individuals/families who need assistance getting to and from work, child care and school.

3. Develop a package of transportation-related options which address these needs;
4. Organize, provide for, or facilitate the provision of easy access to transportation, either on a case-by-case basis or agency wide;
5. Limit financial assistance to assistance for public transportation when a form of public transportation that meets the needs of the participant is available;
6. Organize, provide and facilitate transportation assistance which does not have the effect of creating a new transit service infrastructure, duplicative services or unnecessarily redundant service where existing public transportation arrangements are adequate;
7. Provide timely and accurate reimbursement for transportation costs; and
8. Work with the Community Steering Committee and the Children's Services Network to identify existing transportation resources, and/or potential resources outside of W-2. W-2 agencies which have identified transportation as a "serious",

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critical or substantial barrier should appoint a transportation subcommittee of the Community Steering Committee to identify county-wide transportation concerns, identify the existing resources base, and to recommend local actions to take to fill the “gap” between existing services and emerging needs.

Below is a list of transportation actions and transportation alternatives which could be taken by W-2 agencies to meet these requirements.

1. Invite the local transit manager, city transit coordinator or County Social Services Transportation Planner/Coordinator (specialized transportation for the Elderly and Disabled) to sit on the CSC.
2. Create a transportation kiosk at the Job Center or W-2 agency site.
3. Make arrangements with existing van pools.
4. Set up volunteer driver programs.
5. Seek out loan programs with local banks for automobile purchases.
6. Use Job Access Loan (See Section II - Chapter 12)
7. Encourage employer-based transportation programs, such as van pools, car pools, ride-sharing, use of the state van loan purchase program, employer subscription services through the public transit system, guaranteed ride home programs, and others.
8. Use existing Specialized Services for the Elderly and Disabled on a “space available” basis.
9. Purchase group trips from existing private transportation providers.
10. Invite the local transit system manager or transportation official to participate in all Job Fairs and related activities.

This list is not all inclusive. W-2 agencies should work together and with existing transportation officials at the local and regional levels to share ideas on transportation options and services.

**18.7.0**

**KINSHIP CARE**

Kinship Care is a program that provides cash payment to caretaker relatives (grandparents, aunts, uncles, etc.) who are providing care and maintenance for a person under age 18 or a person age 18 years of age or over, but under age 19 years of age, who is a full time student in good academic standing at a secondary school or its vocational or technical equivalent and is reasonable expected to complete his or her program of study and be granted a high school diploma or GED. With the exception of Milwaukee County, Kinship Care is administered by local county or tribal departments of social/human services child welfare agencies. In Milwaukee County, Kinship Care is administered by the Wisconsin Department of Health and Family Services, Bureau of Milwaukee County Child Welfare. W-2 agencies should refer

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adult caretaker relatives to the appropriate child welfare agency to apply for Kinship Care. The Kinship Care program replaces the former AFDC grant that provided benefits to these non-legally responsible relatives (NLRR).

The program provides payments of \$215 per month per child to caretaker relatives when all of the following requirements are met:

1. There is a need for the child to be placed with the relative and the placement is in the best interest of the child;
2. The child welfare agency determines that the child meets one or more of the criteria specified in s. 48.13, Stats., or s. 938.13, Stats., or that the child would be in jeopardy of meeting more of those criteria if the child were to remain in the home;
3. The caretaker relative, any other adult resident of the relative's home, and any employees or prospective employees of the relative who might have regular contact with the child pass a criminal background check by the child welfare agency;
4. The Kinship Care relative states that neither he nor she, his nor her employees nor prospective employees, or other adult residents of the relative's home have any arrests or convictions that could adversely affect the child or the Kinship Care relative's ability to care for the child; and
5. The Kinship Care relative cooperates with the child welfare agency in the application process, including applying for other forms of assistance, including child support, for which the Kinship Care child may be eligible;

Once the Kinship Care relative is found eligible, the child welfare agency must send a referral to the county child support agency for child support services.

Eligibility for MA is determined by the county or tribal social/human services agency, not the child welfare agency. In many cases, this will also be the W-2 agency.

### **18.8.0 SSI CARETAKER SUPPLEMENT**

Wisconsin Works (W-2) provides that an individual who is a recipient of Supplemental Security Income (SSI) is not eligible for participation in a W-2 employment position. Recipients of SSI have been determined permanently disabled, incapable of supporting themselves through employment, and therefore not appropriate for placement in a time-limited employment program.

To help with the support of SSI recipients' dependent children, a monthly SSI Caretaker Supplement (C-Supp) payment is issued for each eligible child. The payment amount is \$250 for one eligible child and \$150 for each subsequent eligible child in the household. To be eligible, a child must meet all of the following criteria:

1. The child's sole custodial parent receives SSI or the child lives with both custodial parents and both receive SSI.

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2. The child does not receive SSI benefits.
3. The child continues to reside with the SSI parent(s) in Wisconsin.
4. The child is less than 18 years of age, or is age 18, still in high school or working toward a GED, and is expected to graduate by age 19.
5. The child meets financial and nonfinancial eligibility criteria for AFDC as determined by:
  - The child having received an AFDC benefit in the month of November or December 1997. (Children meeting this test are referred to as “grandfathered.”)
  - The child currently receiving AFDC-Medicaid (MA-R in CARES).

The SSI Caretaker Supplement program is administered by the Department of Health and Family Services. The SSI recipient does not have to make a separate application for the C-Supp payment. When an SSI recipient requests C-Supp payments and/or Medicaid for the children, the worker must explain to the individual that the determination for C-Supp payments is automatically processed at the same time as the request for Medicaid for the children. Children who already receive Medicaid when the parent is approved for SSI will begin the C-Supp eligibility determination when the SSI is reported to the worker. Tribal or county social/human services workers who take Medicaid applications are responsible for providing general C-Supp policy information to the SSI recipient. However, these workers should not give the SSI recipient verbal or written approval for the C-Supp benefit.

**18.8.1 Eligibility for C-Supp and W-2**

There are mixed family households where some children in the home will be eligible for the C-Supp payment and an adult in the household is participating in W-2. This will occur if an SSI recipient is the sole custodial parent of at least one child in the home and the SSI recipient and a non-SSI adult are both custodial parents of another child in the home. In this example, the child for whom the SSI recipient is the sole custodial parent is eligible for the C-Supp payments and the non-SSI adult could be participating in W-2. Both W-2 agency staff and tribal and county social/human services staff need to be aware of these cases for income budgeting purposes.

Additionally, if the children in this example are receiving Medicaid through the W-2 agency, the W-2 agency staff may need to explain C-Supp policy for the benefit of the SSI recipient and the child.

**18.8.2 How C-Supp Income Affects Other Programs**

The monthly C-Supp benefit must be treated as unearned income received by the SSI recipient for the purpose of budgeting income for Medicaid, W-2, child care and food stamps. Treat retroactive C-Supp payments as a lump sum payment and follow individual program policies for budgeting of lump sum payments.

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**18.9.0 SUPPLEMENTAL SECURITY INCOME (SSI)**

At any point in the W-2 application process, or anytime after a participant has been placed in a W-2 employment position, a FEP may recommend or require that the applicant/participant apply for SSI as a condition of initial or ongoing W-2 eligibility. An applicant or participant may also apply independently for SSI.

**18.9.1 SSI Application and Appeals**

Most W-2 participants who apply for SSI do so on the basis of a claim that a long-term disability prevents them from working. When a W-2 participant applies for SSI, the Wisconsin Department of Health and Family Services (DHFS) Disability Determination Bureau (DDB) collects information about that participant's medical and work history and applies federal Social Security Administration (SSA) criteria to determine whether the claimed disability qualifies that participant for SSI payments. The application process includes provisions for an SSI applicant to appeal an SSI eligibility decision.

Because the SSI application (and related appeals) process can be long and complex, it can be challenging for W-2 participants to pursue. The W-2 agency is responsible for assisting W-2 participants with the SSI application process to the extent needed by each participant, either directly (through a FEP) or through referral to an SSI advocate. A W-2 participant may also designate the FEP as his/her Authorized Representative, giving the FEP permission to communicate with SSA, provide supportive documentation to the SSA, or testify on behalf of the participant at an appeal hearing.

SSI application and appeal activities (such as interviews with SSA representatives, medical appointments, etc.) may be assigned to W-2 participants as W-2 work activities.

**18.9.1.1 SSI Advocate**

An SSI advocate provides specific services to facilitate the approval of a W-2 participant's application for SSI or appeal of an SSA decision. The roles and responsibilities of the SSI advocate are the same whether a W-2 agency provides for SSI advocacy through its own in-house staff or through contract with an outside resource. A W-2 participant may receive SSI advocacy services at any point in the SSI application process (initial application, reconsideration, or appeal).

In general, a qualified SSI advocate must have the program background and knowledge necessary to successfully assist W-2 participants to navigate the SSI application process. In particular, an SSI advocate should have the following background and knowledge:

1. Experience working with the W-2 population or in an advocacy role;
2. General knowledge of W-2 policy and procedures;
3. Knowledge of the SSI/SSDI application processes.



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4. Legal or medical background or experience in the field of disabilities.

An agency can contact the local SSA office to receive SSI training. SSA's training provides a comprehensive overview of the SSI programs and processes and is normally free to agencies. Some local legal action organizations and private legal organizations provide SSI advocacy training.

### **18.9.1.2 Services Provided by an SSI Advocate**

Services outlined below may be provided during all phases of the SSI process or may be provided at a specific phase of the process.

#### *18.9.1.2.1 Overall Services*

1. Review medical documentation.
2. Coordinate with the FEP or an appropriate service provider to schedule additional evaluations that may support the disability claim.
3. Communicate information to and facilitate contacts among involved parties.
4. Attend meetings, hearings, and appointments with the participant as needed or requested.
5. Present the facts in a participant's case that favor a decision of disability.
6. Assist in supplying initial and subsequent documents including non-medical documentation.
7. Assure all pertinent documentation is available to the DDB.
8. Maintain regular contact throughout the process with SSA, DDB and the W-2 participant.
9. Assist the participant in complying with the SSI claim requirements.
10. Act as a liaison among SSA, DDB and medical professionals.
11. Coordinate with the W-2 agency and the FEP to establish a referral process and an ongoing communication network, to include SSI related activities on the Employability Plan and to provide supportive services such as transportation and childcare for SSI related activities.

#### *18.9.1.2.2 Services Offered At Initial Application*

1. Assist participant to complete required forms.
2. Explain the participant's responsibilities in reporting required information.
3. Discuss time frames on application.

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18.9.1.2.3 *Services Offered At The Request For Reconsideration*

1. Assist participant in filing reconsideration request within 60 days of receipt of the initial application denial notice.
2. Determine need for additional supporting documents based on initial denial reason(s) and assist in the collection of the additional documentation.

18.9.1.2.4 *Services Offered At A Hearing With SSA Office Of Hearing And Appeals*

1. Assist participant in filing hearing request within 60 days of receipt of the reconsideration denial notice.
2. Organize appearance of witnesses who can support the disability claim.
3. Represent participant at hearing or coordinate representation with legal advocacy groups.

SSI application and appeal activities (interviews with SSA representatives, doctor's appointments, etc.) may be assigned to W-2 participants as employment activities. A W-2 participant may also designate the FEP as his/her Authorized Representative, which gives the FEP permission to communicate with SSA, provide supportive assessment or medical documentation to SSA or by testifying at an appeal hearing on behalf of the participant.

**18.9.2 Effects Of W-2 Income On SSI Eligibility**

In the past, under the State-Only W-2 payment policy, W-2 payments had to be fully funded by state funds so that the W-2 payment would be excluded from the SSI income test. To ensure that SSA did not count the W-2 payment in the SSI eligibility determination, a mechanism was created for issuing State-Only W-2 payments to participants who are referred for an SSI application or have an SSI application pending. The State-Only W-2 payments are initiated and terminated through manual entry of information in CARES by the FEP.

In October 2000, SSA revised their SSI policy on treatment of W-2 income. Therefore, W-2 participants who have SSI applications that were filed before October 1, 2000 and are pending a decision must continue to receive State-Only W-2 payments. Effective May 1, 2001, those W-2 participants who have filed an SSI application on or after October 1, 2000, must have their W-2 payments changed back to regular federally-funded W-2.

**18.9.3 SSI Applications Filed Prior to October 1, 2000**

For SSI applications filed prior to October 1, 2000, SSA will continue to consider the full federally funded W-2 benefit as income available to the W-2 participant (the individual placed in W-2 T, CSJ, or CMC).

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As a result, the State-Only W-2 payment policy will continue for all W-2 participants with SSI applications filed prior to October 1, 2000, where a final decision is still pending from SSA. "Pending" means that the SSI application may currently be pending an initial decision on SSI eligibility or the application may be in appeal status. The State-Only W-2 payments will continue on these cases until 1 of the following occurs:

1. A final decision has been made by SSA on the SSI application and if an appeal has been filed, a decision has been made on the appeal.
2. The W-2 case closes.

Continuing to pay State-Only W-2 payments to those W-2 participants with SSI applications filed before October 1, 2000 that are pending with SSA will ensure that the W-2 payment will not be a barrier to SSI eligibility.

**18.9.4 SSI Applications Filed On or After October 1, 2000**

For SSI applications filed on or after October 1, 2000, SSA no longer considers the entire W-2 benefit as income available to the W-2 participant. Instead, SSA now divides the amount of the W-2 benefit by the number of individuals in the W-2 group and uses the resulting dollar amount to determine the SSI applicant's share of the benefit. That amount is used to determine SSI eligibility as well as the amount of the monthly SSI payment. This new SSA policy applies whether the SSI applicant is the W-2 participant or another W-2 group member.

1. If the SSI applicant is also the W-2 participant, SSA will use a portion of W-2 benefits to determine SSI eligibility and the monthly SSI benefit amount will be reduced until the participant is no longer receiving W-2 benefits. Generally the SSI applicant will be eligible for monthly SSI benefits back to the month of application.

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**Example:** A participant with two children receives a monthly W-2 Transitions (W-2 T) payment of \$628. The FEP assists the participant in submitting an SSI application on November 1, 2000 while her participation in W-2 T continues. The participant is notified that she is eligible for SSI and receives her first SSI check in June, 2001. The FEP ends her W-2 T placement on June 15, 2001 and the participant receives her last W-2 payment on July 1, 2001 for \$628. SSA made a determination that the participant was eligible to receive SSI benefits back to the month of her application in November 2000. In each month the W-2 payment was received (November 2000 through July 2000) one-third of the payment ( $\$628 \div 3 = \$209.33$ ) will be budgeted against the SSI benefit resulting in a partial SSI payment for each of those months. The SSI recipient will receive the retroactive SSI benefits in a lump sum payment sometime after her approval of eligibility.

2. If the SSI applicant is a child or a second parent in the W-2 group, SSA will use a portion of the W-2 benefits to determine SSI eligibility and the monthly SSI benefit amount will be reduced during each month the family is receiving W-2 benefits.

**Example:** A W-2 participant has 1 child with severe cognitive limitations. An application for SSI is submitted for the child in January 2001, while the parent is a participant in a W-2 Community Service Job receiving \$673 per month. In July 2001, SSA determines that the child is eligible for SSI benefits back to the month of application. In each month that the family receives a W-2 payment, half the payment ( $\$673 \div 2 = \$336.50$ ) will be budgeted in the SSI income test resulting in a reduced SSI payment for the child.

The process of applying for SSI normally requires an appointment and furnishing medical information to the SSA. It is appropriate for FEPs to provide additional guidance to W-2 participants with mental health or cognitive disabilities during the SSI application process. SSI application activities (interviews with SSA representatives, doctor's appointments, etc.) may be assigned to W-2 participants as their employment activity. The W-2 Case Management Resource Guide may be used as a tool to assist in determining who is an appropriate SSI referral and the types of W-2 activities that may be suitable during the SSI application process.

An individual who is denied SSI may appeal that decision. When this occurs, the SSI application should be considered still in pending status and State-Only W-2 payments continued until the SSA makes a decision on the appeal.

### 18.9.5

#### New SSI Referral Form

Some agencies have a referral process in place for SSI applicants. The "Supplemental Security Income (SSI) Referral" (DES-10892) form has been developed to be used by local agencies to refer a W-2 participant to the SSI program. The form notifies SSA of the individual's eligibility for the State-Only W-2 Payment. SSA has requested that this form be used uniformly statewide. Agencies may photocopy the form for immediate use until the actual forms are available.

**18.9.6 Verification Of SSI Status**

The FEP must verify the disposition of the SSI application and take the appropriate action when SSI eligibility is approved or denied.

Although SSA agencies may, as a courtesy, return the SSI Referral form upon completion of the SSI disposition, verification of the status of SSI claims can be viewed on CARES screen DXSX.

**18.10.0 BURIAL REIMBURSEMENT PROGRAM**

The Department of Workforce Development will provide reimbursement for the cemetery and funeral expenses of a W-2 participant as long as burial benefits are requested within 12 months of the participant's date of death. For more information on burial reimbursement benefits, see the Income Maintenance Manual, Chapter VIII, Part A.

**18.11.0 COMMUNITY REINVESTMENT (CR)**

Under provisions in the Wisconsin Works Implementation Contract, agencies have been allowed access to unspent contract funding to spend on Community Reinvestment (CR) activities. Agencies are required to submit a plan to the Department of Workforce Development (DWD) outlining how they intend to spend these CR funds. CR plans should be innovative, yet must also be consistent with the requirements, purposes and allowable activities of the Temporary Assistance for Needy Families (TANF) block grant.

CR activities and services can supplement those provided under W-2 or help to fill in service gaps for the community, particularly those services which assist individuals making the transition to full time employment. Agencies are required to focus on services that strengthen attachment to the workforce, increase participants' skills and education levels, provide parenting and life skills training, and broaden the availability and extent of supportive services such as child care or transportation.

See Appendix VI: Community Reinvestment (CR) Guide for more information.

Chapter 19 W-2 DISPUTE RESOLUTION

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**19.1.0 INTRODUCTION**

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

The purpose of the Fact Finding review is to resolve disputes for applicants and participants who disagree with a W-2 agency's decision. This includes decisions regarding all W-2 services including Learnfare, Job Access Loans, and Emergency Assistance. A Departmental review may 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, BadgerCare Plus, FoodShare or Refugee Cash and Medical Assistance benefits must file a separate request for a Fair Hearing with the Department of Administration, Division of Hearings and Appeals. Participants must follow the current Fair Hearing time frame. (See [Income Maintenance Manual, Section 1.2, Fair Hearings](#))

**19.2.0 PETITION FOR FACT FINDING REVIEW (First Level Review)**

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

**19.2.1 Timeframe for Requesting a Fact Finding Review**

Individuals who believe that an agency decision regarding any component of W-2, Job Access Loans, Learnfare, or Emergency Assistance, is incorrect may request a Fact Finding review by the W-2 agency. The fact finding request must be made within 45 calendar days from the mailing date of the CARES 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 45<sup>th</sup> 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.

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**19.2.1.1** *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.

**19.2.2** **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.

**19.2.3** **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 timeframe.

**19.2.4** **Fact Finder**

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

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

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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**19.2.5 Fact Finding Review**

The Fact Finding review is an informal process to resolve issues and permit the petitioner (individual requesting the Fact Finding review) 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.

**19.2.5.1 Pre-Fact Finding Review Resolutions**

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

If the petitioner agrees to the agency's proposed resolution, the 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.

**19.2.6 Fact Finding Review Attendance**

The W-2 agency worker who made the decision being disputed should attend the Fact Finding review when possible to present the facts regarding the decision. If that worker is unable to attend the Fact Finding review, another staff person must be present and prepared to represent the agency's actions. The petitioner 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 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



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good cause reason for non-attendance. (See [Chapter 11](#) for more information on good cause.)

### 19.2.7 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 Participation Agreements, employability plans, and any correspondence to support the actions of the W-2 worker.
- Thoroughly document events pertaining to the issue with the date, place and identity of any person involved, including documentation of conversations. Dates of phone calls, names of the person taking the phone call, dates of letters, etc. should be documented for presentation.
- Identify and present W-2 Manual citations and Operations Memos related to the issue(s). Check to ensure that the policy citation was relevant at the time of the action.

### 19.2.8 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.

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If the Fact Finder determines that additional documentation may exist that will support statements made during the review, the Fact Finder may hold the record open for a specified number of days to allow the submission of the additional documentation. However, no new information may be submitted by the agency unless the petitioner is offered an opportunity to rebut the new information.

### 19.2.9 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.

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.)

### 19.2.10 Fact Finding Remedies

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 Division of Family Supports (DFS) Regional Administrator (RA) on or before the 10<sup>th</sup> 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 RA to explain why, may result in a corrective action or a failure penalty as defined in the W-2 and Related Programs Contract.

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19.2.10.1 *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.

19.2.10.1.1 *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.

19.2.10.2 *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.

19.2.10.3 *Remedy for Job Access Loans*

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

19.2.10.4 *Remedy for Emergency Assistance*

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

### 19.2.11 Fact Finder File

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

- [Request For Wisconsin Works \(W-2\) Fact-Finding Review form \(10783\)](#) or its equivalent;
- [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 \(10784\)](#).

### 19.2.12 Reporting Fact Finding Information In CARES

W-2 agencies are required to enter Fact Finding information such as the Fact Finding request date, the review date, the reason for the Fact Finding request, pre-Fact Finding resolutions, Fact Finding attendance and the results of Fact Finding reviews into CARES by the 10<sup>th</sup> day of each month for the prior month.

### 19.2.13 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.
- 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.
- 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.
- The *Fact Finder* shall issue a decision within five work days after the review date.

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- 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.
- The *W-2 agency* must comply with the Fact Finding decision within 10 calendar days after the decision date.
- The *W-2 agency* is required to enter Fact Finding information 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.

### 19.3.0 DEPARTMENTAL REVIEW (Second Level Review)

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

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

#### 19.3.1 Timeframe for Requesting a Departmental Review

The petition for a Departmental review of a *W-2* decision including a Job Access Loan decision must be received by the DHA within 21 calendar days after the date on which the 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 Emergency Assistance decision must be received by the DHA within 14 calendar days after the date on which the certified copy of the *W-2* Fact Finding decision is mailed (the same date as the Fact Finding decision).

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

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

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

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3. Request written supplementation from the petitioner or W-2 representative.

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

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

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

### **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 Department of Workforce Development (DWD). The Secretary of DWD reviews the proposed decision and issues the final decision. The Secretary's final decision can be to agree to 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.

### **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.

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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.

**19.3.4 Departmental Review Remedies**

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

In order to ensure compliance, DHA sends the W-2 agency a *Certification of Administrative Action* (DHA-18) form along with the decision. This form must be completed and sent back to DHA in order to certify that appropriate action has been taken within 10 calendar days. The form should not indicate what the agency will do, but, rather, what the agency has already done to comply with the order. In addition to sending the form back, DHA requires agencies to include copies or make note of CARES screens that have been used to record the action taken. DHA will not close out the case file until there is evidence in CARES that action has been taken.

As with Fact Finding decisions, if a W-2 agency is unable to comply with a Departmental review decision for any reason, the agency must contact its DFS Regional Office on or before the 10<sup>th</sup> 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 19.2.10.1 through 19.2.10.4 for more information on remedies.)

**19.4.0 PUBLIC ASSISTANCE OVERPAYMENT TAX INTERCEPT ADMINISTRATIVE HEARINGS**

When W-2 agency benefit overpayment actions are not successful, the Public Assistance Collection Unit (PACU) located in DWD serves as the State's central collection section for the recovery of delinquent public assistance overpayments. The PACU is responsible for administering the tax intercept program through the Central Recoveries Enhanced System (CRES). 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

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intercept hearings as they relate to respectively administered programs. Although the PACU operates the tax intercept program, the agency that initiated the overpayment is responsible for attending and providing adequate case documentation to support the state's collection actions in a tax intercept hearing.

**19.4.1 Role of W-2 Agency in Tax Intercept Hearing**

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

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. 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



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notice of scheduled hearing will list the Administrative Law Judge and his/her telephone number to contact for requested telephone appearances.

## **20.1.0 INTRODUCTION**

The federal Office of Refugee Resettlement (ORR) in the Administration for Children and Families administers the Refugee and Entrant Program, to which we will be referring as Refugee Assistance Program (RAP). The Department of Workforce Development submits a state plan to operate the refugee program. For the purpose of this manual, Refugee Assistance Program (RAP) consists of Refugee Cash Assistance (RCA) and Refugee Medical Assistance (RMA) which provide temporary assistance to help arriving refugees while they become self-sufficient. "Refugee," unless otherwise indicated, will include refugees, asylees, Cuban-Haitian entrants, certain Amerasians, Victims of Trafficking and any other categories eligible for refugee benefits under federal law.

RCA is modeled upon the W-2 payment system, and RMA is a part of the Medical Assistance (MA) program, providing an MA card and benefits to indigent arriving refugees who are not eligible for MA due to a lack of categorical eligibility. Refugees receiving RCA are referred to refugee employment and training services.

Refugees generally enter the U.S. without income or assets with which to support themselves during the first few months here. Families with children under age 18 are generally eligible for support under Wisconsin Works (W-2). Refugees who are aged, blind or disabled may receive assistance from the federally administered Supplemental Security Income (SSI) program. Refugees eligible for these two programs may be enrolled in the Medicaid program, which provides medical assistance for low-income individuals and families.

Refugees who meet the income and resource eligibility standards of the W-2 or Medicaid programs, but are not otherwise eligible – such as single individuals, childless couples, teen parents and two-parent families with no children under 18 years of age – may receive benefits under the special RCA and RMA programs. Eligibility for these special programs is restricted to the first eight months in the U.S., except for asylees and victims of trafficking, from the date a certification or ORR issues eligibility letter.

## **20.2.0 ELIGIBILITY FOR OTHER PROGRAMS**

Determine eligibility for Wisconsin Works (W-2) before determining eligibility for Refugee Cash Assistance (RCA). Determine each refugee, asylee, and entrant's eligibility for W-2 and MA, and refer for Supplemental Security Income (SSI), if appropriate.

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A client is not eligible for RCA if s/he is eligible for or receiving W-2, or receiving SSI. There is no eligibility for RMA if s/he is eligible for or receiving MA. This applies to all refugees, asylees, and entrants whether they: (1) accept or refuse benefits from other programs, or (2) are ineligible due to failure to comply with any eligibility requirement.

Refugees accepting federal "Match Grant" income or services are not eligible for W-2 or RCA until completion of "Match Grant" program support. Refugees who may be eligible for SSI or Kinship Care should be referred to these programs but may be eligible for RCA on an interim basis until eligibility for an alternative assistance program has been established, not to exceed eight months.

**20.2.1 Wisconsin Works (W-2)**

Determine first if the person is eligible for W-2, and offer a W-2 placement if found eligible. If s/he meets W-2 financial eligibility requirements but does not meet W-2 nonfinancial eligibility requirements, or is not eligible for a paid W-2 placement, then determine his/her eligibility for RCA. Contact the supporting voluntary (refugee) resettlement agency (VOLAG) to determine if a refugee is receiving "Match Grant" support before determining W-2 eligibility. If the refugee is currently receiving "Match Grant", manually deny W-2 eligibility in CARES using reason code 046 on AGOE to override W-2 and confirm the failed W-2. Be sure to go back to ACPA and change the W-2 request from "Y" to "N" and re-run eligibility for confirmation that W-2 eligibility was not granted. Suppress all CARES generated W-2 notices and provide a manual negative notice to the refugee. The manual notice should explain that s/he is not eligible for W-2 or RCA because s/he is receiving "Match Grant" support funds or services, but that s/he can reapply for W-2 after "Match Grant" support is terminated.

**20.2.2 Medicaid (MA), Refugee Medical Assistance (RMA) and BadgerCare (BC)**

Refugees may be eligible for some type of medical assistance upon arrival, including RMA or MA.

**20.2.2.1 Refugee Medical Assistance (RMA)**

RMA is considered a separate benefit from MA but provides the same level of benefits as full MA. RMA is available only in the first eight months after a refugee's date of entry. If it is not applied for in that eight-month period, it cannot be applied for later. While W-2 agencies have contract responsibility for providing RMA, they will need to coordinate

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with economic support agencies to ensure eligibility for all regular MA subprograms is tested first. If the individual fails non-financial eligibility for MA, including BadgerCare (BC), then test for RMA at that point. If the individual fails financial eligibility for MA then s/he would not be eligible for RMA. Eligibility processing for RMA needs to be done manually using form HCF 10110 (previously DES 3070). The medical status codes that may be applicable for this population are the following:

<b>MA Subprogram</b>	<b>Med Stat</b>	<b>Description</b>	<b>CARES category</b>
Refugees, Occasional DOH Funding	88	Refugee, no T19, RMAP, no \$	non-CARES
Refugees, Occasional DOH Funding	89	Refugee, institutionalized, no T19, RMAP, no \$	non-CARES

In the majority of cases, the medical status code "88" should apply. The manual form can be sent to EDS via e-mail. E-mail address: [eds\\_3070@dhfs.state.wi.us](mailto:eds_3070@dhfs.state.wi.us)

**Guidelines for Determining RMA Eligibility:**

1. Use the AFDC-related medically needy financial eligibility standard MA.
2. Do not consider in-kind services and shelter provided to an applicant by a sponsor or voluntary resettlement agency.
3. Do not count RCA payments or Reception and Placement (R&P) cash assistance from a voluntary resettlement agency.
4. Do not use prospective budgeting, count only an applicant's income and resources on the date of application.
5. MA non-financial eligibility criteria do not apply. For example, applicant does not need to have dependents, be a minor, be elderly, blind or disabled to be eligible for RMA.
6. Individual must provide proof of refugee status (See Appendix VIII and Appendix IX).
7. Individual should provide the name of the resettlement agency which resettled them.

Once a person is eligible for RMA s/he is entitled to the benefit for up to eight months from his/her date of entry, *not* from the date of RMA application. A Forward card will be issued to an RMA recipient. Do not terminate RMA regardless of any change in the level of income, earnings, or source of income including W-2, RCA or employment. An individual does not need to be applying for or receiving RCA to be eligible for RMA.

Enrollment in Food Stamps or W-2 has no impact on whether a refugee is eligible for RMA.

#### **20.2.2.2 Medicaid (MA) and BadgerCare (BC)**

In order to be eligible for regular MA or BC, a refugee applicant must meet all the financial and non-financial criteria just like any other applicant (see MA handbook for MA eligibility criteria at:

<http://www.dhfs.state.wi.us/em/mahandbook/index.htm>). Depending on the type of MA applied for, the individual must lodge an EBD MA application HCF 10101 or Family MA application HCF 10100. An application for RCA does not constitute an application for MA. If the refugee is eligible for any type of MA, then s/he is not eligible for RMA.

If an applicant has income which exceeds the limits for MA or BC, follow the spend down policy just the same as with any other applicant. If a refugee, who has been receiving MA and is still within his/her first eight months of arrival, becomes ineligible for MA due to earnings from employment and does not qualify for an MA extension, s/he must be transferred to RMA without an eligibility redetermination for the remainder of the eight month RMA eligibility period. At the end of the eight months, redetermine eligibility for MA.

#### **20.2.3 Supplemental Security Income (SSI)**

Refer any refugee, asylee, or entrant age 65 or older, or who is blind or disabled to the Social Security Administration to apply for SSI. Determine eligibility for RCA and RMA until SSI begins, as long as they are still within the first 8 months eligibility period.

If you learn that SSI has been paid for the same month as an RCA payment, you must attempt to recover the payment.

#### **20.2.4 Kinship Care**

Minor refugees, who are living with adult caretaker relatives (See 18.7.0), instead of their parents, should be referred for application to Kinship Care. Determine eligibility for RCA until Kinship Care begins. When Kinship Care begins, terminate RCA eligibility.

#### **20.2.5 Federal Refugee Resettlement Grants**

When a refugee first enters the country, s/he may be eligible for certain federal assistance grants which provide initial federal resettlement support services and funds.

### **20.2.5.1 Reception & Placement (R&P) Grant**

Reception & Placement (R&P) assistance are “one time” payments to refugees during the first 30 days after arrival to the US. The payments are made by the VOLAG on the refugee’s behalf to pay expenses (rent and household items) or issued directly to the refugees. The amount can be up to \$400 per person. These payments can be verified by contacting the VOLAG.

#### **R&P Treatment for Programs:**

**FS** - Any cash payment received directly by the refugee would be considered non-recurring lump sum payments, and treated as an asset from the date of receipt (FSHB App. 12.02.11).

**CC/MA/RCA/RMA/W-2** – This payment is disregarded. Agencies must not count it in determining financial eligibility, but document it in case comments.

### **20.2.5.2 “Match Grant” Income and Services**

Currently, “Match Grant” benefits are available only to refugees in the Milwaukee and Sheboygan areas. They will be issued by the VOLAG. The Match Grant combines federal funding with matching VOLAG funds which can be used to support refugees in the manner in which the VOLAG determines. These payments can be provided up to 120 days after entry and can be extended up to 180 days in certain cases. The amount of cash received per month from this program can vary per refugee. The VOLAG will need to be contacted to verify participation and any monthly cash income amount received by the refugee.

#### **“Match Grant” Treatment for Programs:**

**FS/MA/RMA/CC** - Count income actually received by refugee as unearned income.

**W-2/RCA** - Refugees who receive cash income or services under the “Match Grant” program are not eligible for W-2 or RCA programs during the same period.

### **20.3.0 DATE OF ENTRY/TIME LIMIT**

A refugee, asylee or entrant may receive financial or medical assistance, or both from the RAP for up to eight months. The eight-month clock begins the date s/he entered the United States (U.S.), or the date the grant of asylum was made. Thus, you may need to calculate a prorated grant for the first and last month’s benefits.

**EXAMPLE:** If a refugee entered the US on 08-16-02, the eight months period expires on 04-15-03.

Partial payments will be issued during the first month of application, and the final month. For example: if the refugee applies on 08-17-02, pro-rate the initial payment from the eligibility begin date through the end of the month. When a refugee will reach the end of the eight-month eligibility period, provide notice of the termination of eligibility at least 10 days prior to the termination date.

(See forms DWSM-13753-E, DWSM-13753-E-B, DWSM-13753-E-R, DWSM-13753-E-H; DWSM-13758-E, DWSM-13758-E-B, DWSM-13758-E-R, DWSM-13758-E-H; DWSM-13767-E, DWSM-13767-E-B, DWSM-13767-E-R, DWSM-13767-E-H; DWSM-13768-E, DWSM-13768-E-B, DWSM-13768-E-R, DWSM-13768-E-H; and DWSM-13769-E, DWSM-13769-E-B, DWSM-13769-E-R, DWSM-13769-E-H. These notices are in English, BCS (Bosnian-Croatian-Serbian), Russian, and Hmong.)

Pro-rate the final payment from the beginning of the month to the end of eligibility.

If a refugee, asylee, or entrant has not received RCA or RMA in the eight-month time period from the date s/he entered the U.S. or acquired asylum status, s/he is no longer eligible for this assistance. There is no future eligibility for these programs.

**EXAMPLE:** A refugee applies for RCA and RMA on 10-03-02, after being in the US for nine months. Deny the application because the period of eligibility has lapsed.

Asylees may have been temporarily in the United State prior to being granted asylum status. Their eligibility clock begins with the date they were granted asylum, as indicated on their asylum letter.

For victims of trafficking, the “entry date” is the date of certification, which is contained in the certification letter.

#### **20.4.0 RCA NON-FINANCIAL ELIGIBILITY**

Eligibility for Refugee Cash Assistance is based on:

1. Ineligibility for W-2 paid placement, SSI, or Kinship Care (20.2.0);
2. Immigration Status (20.4.1);

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3. Date of entry into US (20.3.0);
4. Compliance with employment and training requirements (20.7.0);
5. Lack of status as a full time student in higher education (20.4.2);
6. No job quit or employment refusal within 30 days prior to RCA application.

#### **20.4.1 Immigration Status**

Individuals with any of the following statuses meet the *Immigration Status* requirement for Refugee Cash or Medical Assistance:

1. Individuals paroled as refugees or asylees under §212(d)(5) of the Immigration and Nationality Act (INA);
2. Refugees admitted under §207 of the INA ;
3. Asylees whose status was granted under §208 of the INA ;
4. Cuban and Haitian entrants, in accordance with the requirements in 45 CFR §401.2;
  - Any individual granted parole status as a Cuban/Haitian Entrant (Status Pending) or granted any other special status subsequently established under the immigration laws for nationals of Cuba or Haiti, regardless of the status of the individual at the time assistance or services are provided.
  - A national of Cuba or Haiti who was paroled into the United States and has not acquired any other status under the INA and with respect to whom a final, nonappealable, and legally enforceable order of removal, deportation or exclusion has not been entered.
  - A national of Cuba or Haiti who has an application for asylum pending with the INS and with respect to whom a final, nonappealable, and legally enforceable order of removal, deportation or exclusion has not been entered.
5. Certain Amerasians from Vietnam who are admitted to the U.S. as immigrants pursuant to §584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (as contained in §101(e) of Public Law 100-202 and amended by the 9<sup>th</sup> proviso under Migration and Refugee Assistance in Title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Acts, 1989 (Public Law 100-461 as amended), and
6. The Trafficking Victims Protection Act of 2000, Pub.L.No.106-386, division A, 114 Stat. 1464 (2000) makes adult victims of severe forms of trafficking who have been certified by the US Department of Health & Human Services eligible for refugee benefits. Children who are victims of trafficking do not need to be certified.



## **20.4.2 Full Time Students**

Refugees who are enrolled as full-time students in an institution of higher education are not eligible for receipt of RCA.

## **20.5.0 RCA FINANCIAL ELIGIBILITY**

Use the W-2 financial eligibility criteria found in *Chapter 3*. Note that R&P income described in Section 20.2.5.1 is not counted when determining RCA financial eligibility.

### **20.5.1 Sponsor Income**

When a sponsor of an alien signs a legally enforceable affidavit indicating s/he will provide financial support to the alien, this sponsor's income is usually deemed (considered available) when calculating eligibility for W-2, food stamps, and Medical Assistance benefits. However, refugees do not have this kind of legally responsible sponsor whose deemed income is used in the determination of financial eligibility. Income actually received by the refugee from their sponsor is used in the determination of financial eligibility.

A VOLAG or a state governmental agency working with the federal government has resettled most refugees and entrants. A current listing of VOLAGS can be found in Appendix IX. Contact the VOLAG and ask what assistance that sponsor is giving to the refugee, asylee, or entrant. Enter this information in the case record. Include the name of the refugee caseworker and voluntary resettlement agency's name and address. Work closely with these providers since they have linguistically and culturally appropriate staff as a resource. (See E&T Section 20.7.0)

### **20.5.2 RCA Assistance Groups**

The assistance group can be a primary adult person and his/her spouse without minor children. If an adult refugee becomes ineligible for a W-2 paid placement due to a change in circumstances in which there is no longer a dependent child in the household, redetermine eligibility for RCA for any remainder of the initial 8 month residence period in this country. Each single adult forms her/his own RCA assistance group, even if living in the same household with other RCA groups. In cases where the spouse in an assistance group has a different arrival date, consider the income of the already employed spouse when determining eligibility for 8 months of RCA for the group based on entry of the newly arriving spouse into the country.

### **20.5.2.1 Teen Parent and Minor Children Assistance Groups**

Teen parents and their children can form an RCA assistance group. If either teen parent turns 18 during the RCA eligibility period, redetermine W-2 eligibility and remove the teen group from RCA **IF** the 18 year old is found to be eligible for a W-2 paid placement.

One or more minor siblings living in a single household with adult caretaker relatives (See 18.7.0) instead of their parents may form one assistance group and receive RCA while an application for Kinship Care is pending. One or more non-sibling minors living in a single household with adult caretaker relatives can each form their own assistance group for RCA while an application for Kinship Care is pending.

**EXAMPLE:** A household which consists of a mother, father and their minor children, the minor son and daughter of the mother's sister and the minor child of the mother's brother would form the following assistance groups: One W-2 AG consisting of wife, husband and their children, one RCA AG for the niece and nephew who are brother and sister and one RCA AG for the child of the mother's brother.

RCA for all minors with caretaker relatives will terminate upon acceptance in Kinship Care or completion of the 8 month RCA eligibility period, whichever comes first.

### **20.5.3 Unavailable Resources**

When determining financial eligibility and the amount of assistance, count financial resources that are available to the refugee or entrant.

Resources considered not available include, but are not limited to, resources remaining in the country of origin, whether owned by the refugee, asylee or entrant or by a responsible relative.

### **20.6.0 RCA PAYMENT LEVELS**

RCA will consist of three payment levels consistent with those payments for W-2 Trial Jobs, Community Service Jobs (CSJ) and W-2 Transitions (W-2T). The payment level will be assigned on the basis of level of job readiness. The monthly RCA payment amount for adults and teen parents will be the same as the appropriate W-2 level (CSJ or W-2T payment) for each month in which the participant meets employment and training requirements. For example, the CSJ payment level for RCA would typically be used for refugees who are employable but have barriers such as language, education, or work experience. The W-2T payment level for RCA would typically be used for those with more

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severe personal or family physical, mental, or cognitive barriers. The W-2 agency may also make a subsidy payment to an employer to help a refugee obtain employment, in accordance with the rules for Trial Jobs.

When minor children living with adult caretaker relatives form their own assistance group while they are pending Kinship Care, they will be paid at the CSJ payment level unless they have severe physical, mental, or cognitive barriers which provides a W2T level payment. RCA payment continues until Kinship Care is established.

Eligibility begins on the date of application. Use the W-2 application as an RCA application. Eligibility must be determined within seven working days of the first meeting with the FEP. The initial payment must be made within five working days following determination of eligibility and each monthly payment shall be made by the first of the month thereafter. RCA payment amounts are not reduced on an hourly basis for lack of participation. Rather, failure to participate may result in a sanction, as indicated in 20.8.0.

Eligibility ends eight months after the date of arrival in the United States. Therefore, the agency may need to make pro-rated payments at the beginning and end of any eligibility period, based upon the number of days eligible in relationship to the number of days in the month.

### **20.7.0 EMPLOYMENT & TRAINING (E&T)**

All refugees must be enrolled in Employment and Training Services within 30 days of a determination of eligibility for RCA. Depending on the situation, the RCA E&T provider may be the Food Stamp Employment & Training (FSET) provider or a Refugee E&T provider who can provide culturally and linguistically appropriate services. RCA participants may be co-enrolled in both the FSET and Refugee E&T program services. RCA participants may be co-enrolled in unpaid W-2 case management services and in FSET, plus Refugee E&T program services if needed. However, an RCA participant cannot be co-enrolled in both FSET and paid placement W-2 services. In order to receive transportation funding from FSET and bilingual assistance resolving health-related problems, both FSET worker and Refugee E&T provider must coordinate appropriate services. For FSET eligible refugees, participation in FSET meets the criteria for participation in Refugee E&T. Participation in E&T under the Refugee or Match Grant program meets participation requirements for FSET.

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Refugees who are FSET mandatory may be referred to either the FSET provider or the Refugee E&T provider, whichever agency is best able to serve the participant. Refugees who are not FSET mandatory must be referred to the Refugee E&T provider. If there is more than one adult in the case, both must be referred.

Participation in employment-related services will include any allowable services, as identified in the self-sufficiency plan developed by the refugee E&T provider or FSET worker in consultation with the client. These include but are not limited to:

1. Employment services, including development of a family self-sufficiency plan, world-of-work and job orientation, job clubs, job workshops, job development, referral to job opportunities, job search, and job placement and follow-up;
2. Employability assessment services, including interest, aptitude and skills testing;
3. English language instruction, including Vocational English as a Second Language (VESL), English as Second Language (ESL) must be concurrent with other services;
4. Vocational training, including driver education;
5. Skills recertification;
6. Trial job;
7. Work experience;
8. Transportation;
9. Translation and interpreter services;
10. Case management services; and
11. Assistance in obtaining Employment Authorization Documents (EADs).

In addition, the E&T provider may provide the following services:

1. Outreach services, including activities designed to familiarize refugees with available services, to explain the purpose of these services, and facilitate access to these services, and
2. Social adjustment services. Since refugees come from other countries, including many with much different cultures, in coordination with job-seeking services, the service provider may want to provide or refer the refugee to specific services that help with the acculturation process. These might include:
  - Emergency services, including assessment and short-term counseling to persons or families in a perceived crisis or those suffering from post-traumatic stress disorder; referral to appropriate resources; and/or making the arrangements for necessary services;

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- Health-related services, including information about the health care system; referral to appropriate resources; assistance in scheduling appointments and obtaining services; and one-on-one counseling or workshops to individuals or families to help them understand and identify their physical and mental health needs and maintain or improve their physical and mental health;
- Home management services, including formal or informal instruction to individuals or families in management of household budgets, home maintenance, nutrition, housing standards, tenants' rights, and other consumer education services; and
- Transportation, translation and interpreter services, and case management services, when these are necessary for a purpose other than in connection with employment or participation in employability services.

### **20.7.1 Exemptions**

No adult is exempt from the employment and training requirement. However, all activities required in the employment plan must be consistent with the needs and abilities of the participant.

### **20.7.2 E&T Provider List**

A list of specialized employment and training service providers for refugees is located in the *Appendix IX*. This list identifies providers who are funded by the DWD/DWS/BMLRS/Immigrant Integration Section. Participation in a program offered by one of the listed providers meets the requirements for participation in the FSET program.

### **20.7.3 Employed Recipients**

If a refugee, asylee, or entrant is both employed and income-eligible for financial assistance, the agency can make a prorated CSJ payment. If a participant is working ten or fewer hours in a week, s/he is eligible for 2/3 of a CSJ payment; if employed between ten and 20 hours per week, eligible for 1/2 CSJ; and if employed between 20 and 30 hours per week, eligible for 1/3 CSJ.

## **20.8.0 REFUSAL TO COMPLY AND SANCTIONS IN RCA**

A refugee, asylee or entrant who is an adult member of an RCA assistance group must comply with any appropriate employment and training assignment, go to a job interview arranged by an employment and training agency, and accept any appropriate offer of employment. To

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be considered appropriate, employment or training must meet all of the following:

- Training must be within the scope of the participant's employability plan.
- Services or training must be related to the ability of the person to perform the task on a regular basis. Any claim of adverse effect on the participant's physical or mental health must be documented by a physician, or licensed or certified psychologist.
- The work site must meet federal, state and local health and safety requirements.
- Assignments to work or training may not be made which discriminate based on age, sex, race, creed, color, or national origin.
- Appropriate work may be temporary or permanent, full or part time, or seasonal.
- Wage paid must meet or exceed the appropriate federal or state minimum rate.
- Daily and weekly hours of work may not exceed the hours usually worked in this job.

Do not require the participant to accept employment if:

- The job is vacant due to a strike, lockout, or other bona fide labor dispute.
- Violates the rules of his/her existing union membership. However, employment not governed by that union's rules might be deemed appropriate.
- Make sure that the training meets the quality of training required by local employers, so that the participant is able to compete in the local labor market. Training must be designed to be likely to lead to employment.

If a participant fails to participate without good cause, the employment and training provider must immediately notify the FEP of the non-cooperation failure so the FEP can review the issues and provide a determination of good cause in regards to RCA program participation.

Good Cause reasons for RCA non-participation are:

1. A required court appearance which must include a required court appearance for a victim of domestic abuse.
2. Child care was necessary for participation in activities or to accept employment, and child care was unavailable and the E & T provider was unable to provide or refer the participant for alternate childcare arrangements.

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3. Other circumstances beyond the control of the participant, but only as determined by the FEP.

It is important, though, that FEPs apply good cause in a culturally competent manner.

**EXAMPLE:** A practicing Muslim (whose religion prohibits the eating of pork or use of alcohol) cannot be sanctioned for refusing to butcher pigs or serve alcohol. This individual would have “good cause” for rejecting such an offer.

When the participant refuses to participate and good cause is not found, a sanction process will be used by the W-2 agency to suspend or terminate RCA payments. A sanction is defined as stoppage of RCA payments for a set period of time for non-cooperation when otherwise eligible for RCA. A first sanction will apply for a three-month period. If a second sanction occurs for non-cooperation without good cause by the same individual, then it will be applied for a six-month period. Because RCA eligibility can only extend for the first 8 months upon entry into this country, a second sanction will usually permanently terminate RCA payments for that individual. The following procedures will be used by the W-2 agency when applying a sanction:

- Give the refugee, asylee, or entrant at least 10 days advance written notice of the action for the intended suspension or termination of payment, length of sanction, and the reason for it. The notice will also include a notice of the recipient’s rights and how to appeal for an oral Hearing plus will include a compliance date for appeal submittal. Inform the participant that written RCA program policies are available in English and upon request will be translated verbally into their native language by the W-2 agency at no charge. The notice must be in English and either translated into the recipient’s language or a verbal translation provided.
- If no appeal is made by the required appeal date for single or married participants in an RCA assistance group, the W-2 Agency will suspend or terminate RCA payments to that assistance group for the time period required depending on whether it is a first or second sanction.
- For an assistance group comprised of married persons, the non-sanctioned spouse can only apply for their own determination of RCA eligibility if that member no longer resides in the household of the sanctioned participant.
- If an appeal is filed as required, RCA payments may not be terminated until completion of written hearing findings. However, benefit recovery

may be made by the RCA agency if hearing findings support the sanction.

### **20.9.0 FAIR HEARINGS**

The State will use the fair hearing procedure used in the Income Maintenance Manual for food stamps and medical assistance to resolve disputes.

### **20.10.0 DOCUMENT RETENTION**

Include in the case record:

1. Photo copy of INS form I-94, or letter of asylum, or certification of trafficking;
2. Name of the voluntary resettlement agency and refugee case worker;
3. Date of entry into the US or, for asylees, date of grant of asylum, or date of trafficking determination; and
4. Referral for E&T services to the refugee E&T agency, unless an FSET referral is documented in CARES.

### **20.11.0 REVIEW**

If a participant becomes employed, s/he must notify the caseworker within ten days. A participant must notify the FEP within ten days of any change in income or family status. Because of the short eligibility period, there is no required review period for RCA, but eligibility should be reviewed whenever a participant is scheduled for a regular review of any other benefits administered by the W-2 agency.

### **20.12.0 EXPENDITURE AND REIMBURSEMENT**

Since CARES is not programmed to support the RCA program, manually generated RCA payments are provided by the W-2 agency for up to 8 months after the refugee's official date of entry into this country.

W-2 agencies are reimbursed for their RCA and related administrative costs separate from their W-2 contract allocation. Related payment profiles 0133 and 0134 for W-2 agencies to claim reimbursement for RCA cash and administrative program costs are provided at DWD Internet site: [http://www.dwd.state.wi.us/core/core\\_program\\_codes.htm](http://www.dwd.state.wi.us/core/core_program_codes.htm)



Forms for Caseload Reports are also available at:

[http://dwdworkweb/forms/dws/DWSM\\_2478.htm](http://dwdworkweb/forms/dws/DWSM_2478.htm). They should be sent to:

DWD/DWS  
Bureau of Migrant Refugee and Labor Services  
201 E Washington Ave G100  
Madison WI 53707-7972

# **APPENDIX I**

## **GLOSSARY**

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Arrearage

A payment for past payments owed.

Assessment

The process under which the W-2 agency evaluates each W-2 participant's skills, prior work experience and employability.

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.

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.

Categorically Eligible (for FS)

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

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.

Child Care Resource and Referral Network

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

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

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children, including health insurance coverage;

3. Collect support payments including:

- a. Child support;
- b. Family support (combined support for both the children and the custodial parent in a child support case); and
- c. In cases where there is an order to make separate child support and spousal maintenance payments (alimony), to collect both child support and spousal maintenance;
- d. Take administrative and legal actions necessary to enforce a support order when parents fail to pay the support they have been ordered to pay; and
- e. Locate parents who are not paying support and locate income and assets, when necessary, to establish or enforce a child support order.

Children First

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

Children's Services Network

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

Client Assistance for Re-employment and Economic Support (CARES)

The 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.

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.

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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

With respect to a dependent child, a parent who resides with that child and, if there has been a determination of legal custody with respect to the dependent child, has legal custody of that child. For the purposes of this paragraph, "legal custody" means 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.

Department

The Wisconsin Department of Workforce Development.

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.

Disability

Any mental or physical impairment which prevents a person from participating, or makes it unusually difficult to participate, in major life activities such as walking, talking, thinking, breathing, hearing, seeing, eating, working or selfcare.

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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.

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 Position

See W-2 Employment Position definition.

Employment Option

The W-2 employment ladder consists of the four employment options: Unsubsidized employment, Trial Job, Community Service Job, and W-2 Transition.

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.

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

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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. ([See Chapter 3](#))

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

An in-depth process used when: a) determining incapacitation; or b) a participant appears to have difficulty in successfully completing participation activities. The FEP determines the need for a formal assessment. The participant may be referred to a qualified assessing agency or a medical professional for a formal assessment.

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.

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.

Incapacitation

A medically verified disability, illness or injury which prevents a person from working full-time in unsubsidized employment.

Informal Assessment

A process to determine the appropriate placement of a participant on the W-2 employment ladder.

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This determination must take into consideration a participant's work history, education, job skills, and other factors that will affect employment.

Job Access Loan (JAL)

A loan administered through the W-2 agency to assist a participant to overcome an immediate and discrete financial crisis that prevents the participant from obtaining or maintaining employment.

Job Center System

The Job Center System houses various workforce programs included in the federal Workforce Investment Act of 1998 (WIA) as well as serves other One-Stop mandatory partners.

The federal law includes a number of programs that are referred to as "titles":

- WIA activities for Adults, Youth & Dislocated Workers (WIA Title I)
- Adult Education and Family Literacy (WIA Title II)
- Job Service:
  - Labor Exchange such as Job Net (Wagner-Peyser WIA Title III)
  - Veterans Employment Programs
  - Trade Adjustment Assistance (TAA)
- Vocational Rehabilitation (WIA Title IV)

WIA establishes parameters for the state's workforce investment "system" such as requiring Workforce Development Boards, program partners and One-Stops/Job Centers. Another major aspect of the Act defines the services and eligibility of employment-related training and job placement activities.

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, to refine skills so that each participant is motivated to believe that he or she can succeed in the working world, and to assist 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. Participants are referred by other staff or by themselves

Job Developer

The primary interface between the Job Center/W-2 agency and employers. Customer groups include



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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.

JobNet

JobNet is a job order and customer information system developed by the Wisconsin Job Service that is designed to be used on a self-service basis. It is the basic source of job opening information available in Job Centers and may be used by all local agencies. Through JobNet, Job Center customers obtain information on available local and statewide job openings, including the employer job requirements. In the future, JobNet will contain information about the menu of Job Center services and may allow for on-line registration for services. JobNet is available on touch screen PC workstations at Job Centers and on the Internet as well.

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 Quit

A job quit occurs when an individual quits an unsubsidized employment position within 180 calendar days immediately preceding the application date.

Job Search

Soliciting applications and/or interviews from prospective employers with the intent to become employed in unsubsidized employment.

1. Up-front Job Search: Job search conducted by the applicant during the period the application is being processed. Including Job Search activities.
2. Extended Up-front Job Search: Extended job search conducted by a participant who has been determined to be job ready by the FEP and not placed in a W-2 employment position.
3. On-going Job Search: Appropriate job search for participants placed in a W-2 employment position.

Kids Information Data System (KIDS)

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.

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

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participating in a W-2 employment position.

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 plan fully family 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.

Migrant Worker

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

Minimum Wage

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

Minor Parent

A custodial parent under the age of 18.

Monthly Attendance Report (MAR)

Report, in paper or electronic format, for each Learnfare student on monthly monitoring. For each student listed, the school district reports the total number of absences and dates of the absences during the month for each student listed.

Noncustodial Parent

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.

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

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- 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.

Private Industry Council (PIC)

The governing body created in accordance with the federal Job Training Partnership Act (JTPA) to provide policy guidance for, and exercise oversight with respect to, activities under the JTPA job training plan for each service delivery area in partnership with the unit or units of general local government within its service delivery area. PIC membership consists of representatives from the private sector, organized labor, community-based organizations, educational agencies, vocational rehabilitation agencies, public assistance agencies, economic development agencies and the public employment service.

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.

Qualified Aliens

A qualified alien must meet one of the following criteria:

1. An alien lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act;
2. An alien who is granted asylum under section 208 of such Act;
3. A refugee who is admitted to the United States under section 207 of such Act;
4. An alien who has been certified as a victim of trafficking;
5. An alien who is paroled into the United States under section 212(d)(5) of such Act for a period of at least one year;
6. An alien whose deportation is being withheld under section 243(h) or 241(b)(3) of such Act;
7. Cuban and Haitian aliens, as defined in section 501(e) of the Refugee Education Assistance Act of 1980;

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8. An American Indian born in Canada who is at least 50% American Indian by blood, or an American Indian born outside of the United States who is a member of a federally recognized Indian tribe;
9. An alien who has been battered or whose child has been battered, who is no longer residing in the same household with the batterer, and who meets the requirements of 8 USC 1641(c);
10. An alien who is granted conditional entry pursuant to section 203(a)(7) of such Act as in effect prior to April 1, 1980; or
11. Amerasian Immigrants, as defined in section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988.
12. An alien who is lawfully residing and is one of the following:
  - a. An armed forces veteran who received an honorable discharge that was not on account of alienage and who completed either 24 months of continuous active duty or the full period for which the individual was called, unless the individual received a hardship discharge under 10 USC 1173, early discharge under 10 USC 1171, or a discharge due to a disability incurred or aggravated in the line of duty.
  - b. On active duty in the armed forces of the United States, other than active duty for training
  - c. The spouse of an individual described in subdivision a. or b., or the unremarried surviving spouse of an individual described in subdivision a. or b. if the marriage was for one year or more or the individual had a child in common.
13. An alien who is lawfully residing in the United States and authorized to work by the immigration and naturalization service.

Qualified Alien Deeming

To count a qualified alien's sponsor's income or assets as available to the W-2 group.

Qualified Assessing Agency

An agency licensed or approved under the appropriate State of Wisconsin regulatory body to provide, on a regular basis, professional assessment services necessary to determine the appropriateness of a Wisconsin Works placement.

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, diverts the individual to other resources, and evaluates the need for W-2 services.

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.

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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.

Certain groups of aliens may have individual and/or agency "sponsors;" however, these sponsors do not meet the INS definition of a sponsor since they do not have to ensure that the alien does not become a public charge. These alien groups include:

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.

Strike

Any concerted stoppage of work by employees (including stoppage by reason of the expiration of collective bargaining agreement), and concerted slow down or other concerted interruption of operations by employees.

Strike (W-2)

A penalty a W-2 participant may receive if he or she fails or refuses, without good cause, to participate in a W-2 employment position. A participant who accumulates three strikes in any W-2 employment position activity will be ineligible to participate in that component for life.

Supportive Services Planner (SSP)

A W-2 agency employee, county government employee or contracted employee who determines eligibility for W-2 supportive services such as food stamps, Medical Assistance, child care, and

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Emergency Assistance. The SSP will not provide case management to participants in W-2 employment positions.

Temporary Assistance for Needy Families (TANF)

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.

Unsubsidized Employment

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

Vendor Payment

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

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.

W-2 Child Support Demonstration

Under a waiver from the federal Office of Child Support Enforcement, this demonstration has as its purpose to determine whether the direct payment of child support affects the amount of child support collected on behalf of families, the establishment of paternity and new child support orders, noncustodial parent involvement with his or her children, and the self-sufficiency of the custodial parent. This waiver ended effective January 1, 2006.

W-2 Employment Position

A Trial Job, Community Service Job or Transitional placement subsidized by the W-2 agency.

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W-2 Group (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.

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 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 three W-2 employment positions. W-2 T placements are for individuals who are not job ready. They are intended to provide services to improve the employability of participants by providing work training experience and training to assist them to move into unsubsidized employment, a Trial Job or a CSJ.

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 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 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. Regions for the Bureau of Wisconsin Works may include more than one WDA. 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.



# **APPENDIX II**

## **CIVIL RIGHTS OBLIGATION**

## **SERVICE DELIVERY 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 have similar requirements for recipients and subrecipients of federal funding who provided program services. Basically, these laws require taking affirmative actions to ensure equal opportunity in service delivery and overcome the continuing effects of prior discrimination against people of color, women, people with disabilities and people associated with people with disabilities.

Affirmative actions to ensure equal opportunity are also authorized to overcome the effects of conditions which resulted in limited participation of people in programs based on their race, color, national origin, religion, age, gender or disability. These characteristics are considered protected from discrimination, and people of color, women, people over 40, people with disabilities and people associated with people with disabilities are considered to be members of protected groups under the laws.

The United States Department of Justice is responsible for coordinating the development and publication of uniform standards, procedures and regulations which apply to recipients and subrecipients of federal funding. The US Department of Health and Human Services and other federal departments which provide funding for services to clients have responsibility for issuing regulations and standards to implement civil rights laws. Regional Offices of Civil Rights operated by the federal departments provide technical assistance to state agencies such as the Wisconsin Department of Workforce Development (DWD) 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 DWD has primary responsibility for overseeing civil rights compliance of all subrecipients of federal funding, including county agencies, departments or boards (hereafter referred to as "the county" or "counties") and other providers of health and human services. This oversight includes the provision of technical assistance, the establishment of civil rights standards 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 subrecipient W-2 agencies in turn, have responsibility to follow the uniform standards established by DWD, which includes submitting an Affirmative Action and Civil Rights Equal Opportunity in service delivery Action Plan every two years, posting the provisions of the civil rights policy, the name of an Equal Opportunity Coordinator and an internal complaint process, taking constructive steps to ensure civil rights compliance of any agencies to which they subcontract services with federal funds received from the Department, and requiring an affirmative action and equal opportunity in service delivery plan from their own subrecipients of federal and state funding.

Appendix II CIVIL RIGHTS OBLIGATION

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Under the laws mentioned in preceding paragraphs, regulations and requirements vary, but there are some common requirements which DWD and its subrecipients must meet in order to come into compliance. Written assurances of compliance with all civil rights laws for all programs must be provided by DWD to the federal funding agency, by DWD subrecipients to DWD and by contractors of the subrecipients to the subrecipients. These written assurances are incorporated in the contracts between DWD and the W-2 agencies and all their other subrecipients, and in purchase of service agreements between counties and other providers and their own subrecipients.

These assurances include statements of non-discrimination against all protected groups, of intent to provide services in the most integrated setting, and of intent to post civil rights laws, discrimination complaints procedures and means of contacting the equal opportunity coordinator. Assurance must be provided that information on civil rights laws and complaint procedures will be included in all program information, and that reasonable steps will be taken to provide program information in languages understood by the population served and in formats accessible to people with disabilities.

The DWD and its subrecipients are required to establish policies and procedures to ensure equal access to services. These include the use of bilingual staff or interpreters or procedures for acquiring translation and interpretation services when needed, the provision of reasonable accommodations or aids for people with disabilities, including access to telecommunication through telecommunication devices for the deaf, and physical accessibility to facilities where programs or activities are offered. All staff are expected to receive training on their responsibilities under civil rights laws, and sensitivity training regarding the needs and concerns of all protected groups. In addition, program and outreach material may not perpetuate stereotypes about characteristics of protected group members.

The following pages are a summary of Civil rights standards that all W-2 agency staff must meet in delivering services to applicants and W-2 participants. Questions on how to carry out these standards can be directed to the local (W-2) Equal Opportunity Coordinator or the DES Equal Opportunity Officer.

## **W-2 CIVIL RIGHTS RESPONSIBILITIES**

The W-2 agency assures that services are equally available to everyone by:

- a. Providing equal access to all programs, services or activities, including but not limited to eligibility, treatment, staff assignments, outreach, intake, diagnosis, assessment, evaluation, research, days and hours of service, facilities assignments, communication of information and referrals to other services.
- b. Assuring physical access to the facilities by allowing persons with functional limitations caused by impairments of sight, hearing, coordination or perception, or persons with semi-ambulatory or non-ambulatory disabilities to enter, leave, circulate within, use public toilet facilities and elevators.
- c. Providing translators and/or sign language interpreters to assist applicants and clients with hearing impairments or with limited ability to read, speak or understand English.
- d. Providing literature, posting information and audio-visual materials in languages(s) understood by clients, and in formats which are understandable to persons with visual or hearing impairments.
- e. Providing readers for persons with visual impairments.
- f. Providing special assistance for persons with developmental or learning disabilities.
- g. Providing services regardless of whether the applicant or participant provides demographic information or protected status characteristics. Informing applicants or participants that information regarding protected status is requested as a DHHS requirement, and that this information will not be used to discriminate against applicant or participant.
- h. Ensuring that members of protected classes have equal opportunity to participate on planning and advisory boards on local levels through notification of membership opportunities.
- i. Allocating funds in a non-discriminatory manner.
- j. Providing equal opportunity for applicants to become vendors, subgrantees, and contractors. Using non-discriminatory factors in determining awards, sizes of grants, contracts, projects, and the quality, quantity, range of benefits provided there under proportionate to the number of such members in the service area.
- k. Establishing service areas for the purpose of protected class integration.
- l. Treating protected class members with full courtesy and respect in all personal, oral, written and other forms of communication and contact.

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- m. Providing culturally competent qualified staff and specialized services so as to maximize use and completion of the program by the protected class.
- n. Ensuring that sanctions and terminations are applied in a culturally sensitive, non-discriminatory manner without regard to protected status.

### **DISCRIMINATION COMPLAINT/GRIEVANCE PROCEDURE**

- a. The complaint resolution procedure, including the name, address and phone number of the complaint investigator, is publicly posted in language(s) understood by our clients, and is in a format or formats accessible to persons with visual or hearing impairments.
- b. There is confidential written documentation of all investigations conducted.
- c. All participants in complaint investigations are protected from retaliation.
- d. Complaints are responded to in writing within 30 calendar days with appropriate appeal rights. Corrective actions are taken when evidence of discrimination has been found.
- e. Translators, interpreters and/or readers, who meet the communications needs of our clients, are provided by the organization during the complaint process.
- f. Clients are permitted to have representatives of their choice during the complaint process.
- g. **Client** complainants are made aware of other avenues of redress, including the right to appeal to the Division of Economic Support, or to the appropriate federal Office for Civil Rights (depending on the source of federal funding).
- h. **Employee** complainants are made aware of other avenues of redress, including the Department of Workforce Development, the Equal Employment Opportunity Commission, or the appropriate federal agency (depending on the source of federal funds).
- i. Agency staff will assist complainants during the complaint process if necessary.
- j. Complainants are informed that the complaint must be filed within 180 days from the alleged discriminatory act. Filing times may be extended if deemed necessary.

## **MODEL GUIDELINES FOR LOCAL AGENCY DEVELOPMENT OF POLICIES AND PROCEDURES FOR ENSURING RIGHTS AND RESPONSIBILITIES UNDER SERVICE DELIVERY ANTI-DISCRIMINATION AND ANTI-HARASSMENT LAWS**

### **INTRODUCTION**

Non-discrimination and a harassment-free environment in service delivery is required under the federal Civil Rights Act of 1964, Title VI, the Americans with Disabilities Act of 1990, Titles II, III and IV, the Rehabilitation Act of 1973 Section 504 as amended, the Education Amendments of 1972, Title IX and the Age Discrimination Act of 1975. These requirements apply to the following programs: Wisconsin Works, food stamps, Child Support, Medicaid, child care and any other Division of Economic Support (DES) funded program.

The following guidelines are being provided in order to give local agencies guidance in developing internal policies and procedures to ensure that both participants and local agency staff understand their rights and responsibilities under all the civil rights laws. For further information, please refer to the DWD Civil Rights Compliance (CRC) Standards and Resource Manual, and the DES Civil Rights Compliance Training materials. You may also find information on the federal civil rights laws through the Internet at the Department of Justice website ([www.usdoj.gov/crt/grants\\_statutes](http://www.usdoj.gov/crt/grants_statutes)). State laws, which cover non-discrimination in service delivery, include the Public Accommodations and Amusement Law of 1965. Information on the state law can be found in the DWD CRC Standards and Resource Manual, or the DWD Equal Rights website.

### **PURPOSE**

This document addresses the following model policies and procedures:

1. Informing participants of their civil rights and responsibilities while participating in any program funded through the Division of Economic Support (DES);
2. Informing site supervisors about civil rights and responsibilities while working with Wisconsin Works (W-2) and Food Stamp Employment and Training (FSET) participants;
3. Informing staff of the actions to be taken when participants raise concerns regarding discrimination or illegal harassment while in a work experience site, training program or any component of DES funded programs; and
4. Informing staff of their obligation to maintain a harassment-free relationship with participants.

Information regarding staff employment, civil rights and maintaining a harassment-free local agency environment can be found in the Department of Workforce Development's (DWD) Civil

Rights Compliance (CRC) Standards and Resource Manual and Division of Economic Support (DES) CRC training materials.

The following policies also apply to all subcontracted agencies of local agencies that receive funding through DES contracts. Local agencies should share this model policy with subcontract agencies. Service delivery civil rights laws also apply to all tribes operating a DES funded program. Employment civil rights laws apply to participants served by a tribe who are employed at a private or public employer who is not a tribal employer.

## **1. INFORMING PARTICIPANTS OF THEIR CIVIL RIGHTS**

The agency must inform all participants of their civil rights by: 1) Providing a copy of the agency equal opportunity policy at the time of application and 2) Providing civil rights information in program orientations or before being placed at a worksite. Participants should be informed verbally and in writing, that DES contractors, and work experience and training sites are under obligation to comply with federal and state civil rights laws regarding anti-discrimination and illegal harassment prevention, and that if they have concerns in this area they should immediately report the concerns to the appropriate local agency contact, who will investigate the allegations immediately, or refer the investigation to the appropriate supervisor, manager, Complaint Coordinator, grievance procedure or agency Equal Opportunity Coordinator.

Participants should also be informed that in cases of sexual assault, they have the right to report to the police, and to receive assistance from the local agency in making that report. Participants should be informed that their complaint will be kept confidential to the extent possible, but that an investigation will require contacts with the alleged harassers and the worksite management. They should also be informed that, at the completion of the investigation, they and the worksite would receive a confidential report of the investigation results and any recommendations.

The DWD model Equal Opportunity policy can be found in the DWD CRC Standards and Resource manual. The Division of Economic Support Internal Operations Memo on Illegal Harassment Prevention and the DES Illegal Harassment Prevention training packet is available by contacting the DES Equal Opportunity Office at 608/267-0927 (Voice/TDD). These materials may be helpful for developing orientation and training materials for participants.

## **2. INFORMING SITE SUPERVISORS OF THEIR CIVIL RIGHTS AND RESPONSIBILITIES**

All site supervisors at agencies receiving funding through DES should be informed by the local agency of their civil rights and responsibilities before they have participants placed on-site. For W-2 and FSET work experience and training sites, these obligations are outlined in the DES Form 10792, Wisconsin Works (W-2) Work Training Site Agreement. If this form is modified by

the local agency, then the content regarding civil rights obligations must be in the local version of the worksite agreement. Supervisors should be informed that if participants allege violations of civil rights, including discrimination, sexual harassment or other forms of illegal harassment while at their site, the local agency would be obligated to investigate these allegations promptly and take appropriate action depending on the evidence.

### **3. INFORMING STAFF OF THEIR ROLE IN RESOLVING ALLEGATIONS OF CIVIL RIGHTS VIOLATIONS**

All staff, supervisors and managers employed by a local agency which receives funding through DES contracts should attend employment and service delivery civil rights training during their probationary period and receive refresher training when laws change or the need arises, at a minimum every three years. This can be accomplished through attending DWD sponsored training, getting local curriculum approved by the DES Equal Opportunity Office, using the Civil Rights Computer Based Training Course, or using the DES Civil Rights “train the trainer” guide and video.

All staff, supervisors and managers should receive information and be trained on their role when participants allege civil rights violations such as discrimination, sexual harassment or other forms of illegal harassment. Local policy should include the following elements:

- A. Staff should immediately document participant allegations, attempting to get as much information as possible. Model discrimination complaint forms can be found in the DWD CRC Standards and Resource Manual.
- B. Staff should immediately investigate the concerns, or refer the participant to the local agency contact for these types of complaints. Model investigation procedures can be found in the DWD CRC Standards and Resources Manual.
- C. Staff should determine whether the allegations are serious enough to warrant an immediate reassignment of the participant, such as allegations of violence, blatant racial or sexual harassment, or severe hostile work environment. Other alternatives might include offering mediation at the site or training for the site staff.
- D. Determination should also be made regarding referral to legal authorities if warranted. Staff should be informed of the legal definition of sexual assault, and when allegations should be reported to the police.
- E. After the investigation, the participant and worksite should receive a report of findings, recommendations and outcomes, including any further avenues of appeal. Avenues of appeal can be found in the DWD CRC Standards and Resource Manual.
- F. The participant should be offered appropriate resources to work through issues or concerns arising from being involved in situations of discrimination or harassment. Examples of



appropriate resources might include counseling services, community based organizations serving people from diverse racial/ethnic backgrounds, job coaches, employe assistance or retention specialists who can help provide strategies to participants on how to deal with this type of situation effectively in the workplace.

#### **4. INFORMING STAFF, SUPERVISORS AND MANAGERS OF THEIR OBLIGATION TO MAINTAIN PROFESSIONAL AND HARASSMENT-FREE WORKING RELATIONSHIPS WITH PARTICIPANTS**

During the course of work with participants, situations may arise where conflicts may occur, and participants may perceive that the conflicts are due to discriminatory behavior. If a participant alleges that staff actions are discriminatory, the staff person should attempt to resolve the issue with the participant. Suggested steps include asking the participant if anything has occurred at the agency that has offended them, clarifying the issue, and discussing alternative methods of communication that might have more positive outcomes. If the conflict cannot be resolved, the staff person should inform the participant of the discrimination complaint processes available to them.

Situations may also arise where staff professional relationships turn into personal relationships with participants. Personal relationships may range from activities such as carpooling, sharing daycare, attending social events together, to dating or having sexual relationships. Dating or sexual relationships, may appear to be mutually acceptable or consensual, however staff should keep in mind that they are in a position of power and authority over participants, and what may be perceived as consensual by the staff person may not truly be perceived by the participant as consensual. When consensual relationships do happen, staff should follow local agency policies and procedures, and any applicable ordinances or professional codes of ethics. At a minimum, local agency policies should address when a staff person should report these relationships to their supervisor, and request that the participant be assigned to another staff person. Some staff/participant relationships may not involve a dating or sexual relationship, but involve friendships outside of the workplace. Local agency policies should address under what circumstances friendships outside of the workplace constitute a conflict of interest and warrant supervisory notification and a new designation of a staff person.

For technical assistance in addressing issues of discrimination and harassment, please consult the local agency Equal Opportunity Coordinator, local agency Legal Counsel, and or the DES Equal Opportunity Office at 608/267-0927 (Voice/TDD).

# **APPENDIX III**

## **FORMS**

Appendix III FORMS

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

All forms and publications are located in an electronic forms and publications repository. Some forms in the repository can be accessed via the *Internet Forms Repository*, while other forms are located under *DWD Internal Forms*, which is a secure area called the Extranet. While it is the goal of the Division of Family Supports (DFS) to move all W-2 and related program forms to the *Internet Forms Repository*, forms may be located in either place. This is the same for publications. Some publications are located under the *DWD Workweb* and some are on the *DWD Internet*. Be sure to view each location when looking for forms or publications. Individuals wishing to access the Extranet need a user ID and password. Contact your local agency's Security Officer for information on obtaining a user ID.

To access forms and publications from the DWD Workweb, use site <http://workweb.dwd.state.wi.us> and click on the *Forms, Publications & Records* link on the left side of the page. To access forms and publications from the Internet, use <http://dwd.wisconsin.gov/>. Click on the *Documents* link on the top of the page and then click on *DWD Forms*.

When looking for a W-2 form, it is best to use the DWD forms and publications repository search function. 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."
- If you enter either a form number or a form name in the search boxes and you do not find the form and you decide to search again, make sure that you click the "RESET SEARCH" button prior to entering a new form number or form name. Even if you delete the number or name you originally entered, you still need to click on the "RESET SEARCH" button.

Questions regarding DWD/DWS forms and publications can be directed to:

Department of Workforce Development  
Division of Family Supports  
Attention: DFS Forms Officer  
P.O. Box 7972  
Madison, WI 53707-7972  
Phone number: 608-266-8002

E-mail: [jeannie.holtan@dwd.state.wi.us](mailto:jeannie.holtan@dwd.state.wi.us)

# **APPENDIX IV**

## **JOB CENTERS**



## **THE JOB CENTER SYSTEM IN WISCONSIN**

### **INTRODUCTION**

The Workforce Investment Act of 1998 (WIA) establishes parameters for the state's workforce investment "system" such as requiring Workforce Development Boards, program partners and One-Stops/Job Centers. Another major aspect of the Act defines the services and eligibility of employment-related training and job placement activities.

The federal law includes a number of programs that are referred to as "titles":

WIA activities for Adults, Youth & Dislocated Workers (WIA Title I)

Adult Education and Family Literacy (WIA Title II)

Job Service:

Labor Exchange such as Job Net (Wagner-Peyser WIA Title III)

Veterans Employment Programs

Trade Adjustment Assistance (TAA)

Vocational Rehabilitation (WIA Title IV)

The Job Center System serves these programs as well as other WIA One-Stop mandatory partners (see attachment to appendix IV for list of partners).

Broadly, the Federal priorities for the workforce investment system for this planning cycle include:

- Build a demand-driven system within a regional economic development context;
- Implement system reform, with streamlined governance and alignment of economic and workforce development regions;
- Enhance an integrated service delivery system that focuses on services rather than programs;
- Advance a vision for serving youth most in need;
- Expand workforce information as the foundation for strategic planning and career guidance;
- Strengthen partnerships with community and faith-based organizations;

## Appendix IV JOB CENTERS

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- Increase the use of flexibility provisions in WIA to design innovative programs that fuel regional economic competitiveness and create employment opportunities for career seeker customers; and
- Utilize an integrated and enhanced performance accountability system.

At the state level, the Department of Workforce Development (DWD) is responsible for carrying out the requirements of WIA. This includes a WIA State Plan approved by the U.S. Department of Labor that guides the system and prescribes state policy on specific activities.

Wisconsin has 11 Workforce Development Areas (WDAs). Each WDA has a Workforce Development Board (WDB) that coordinates, plans and oversees the local workforce investment system in their area. WIA requires that the majority of the local board are people who have decision-making authority in businesses within the local private sector. It also requires that the mandatory one-stop partners serve on the local board. The Chief Local Elected Official (CLEO) of each WDA appoints members of the local board after following WIA-mandated nomination processes. There is a WIA local plan approved by the board that guides the WDA's WIA efforts and includes specific local policies that augment, or are in addition to, the state policies. Guidance for these local plans comes from DWD, and are ultimately approved by DWD.

The Local Plans are based on current and projected needs of the workforce investment system as a whole. The needs of job seekers, incumbent workers, youth and businesses are considered in every step of the planning process. It is the responsibility of the WDB to maintain a "big picture" view of the system-wide needs of the workforce development area rather than focusing on programmatic and operational details.

### **JOB CENTER SITE DESIGNATION**

Service locations are designated by the WDAs in cooperation with DWD. These Job Centers provide integrated employment and training services to the general public, including all job seekers and employers. There are outlets besides Job Centers for employment and training services, but Job Centers must meet certain standards in terms of what services are available and how the services are delivered. Individual service locations, and the regional operation within which they function, are evaluated relative to the Job Center Standards.

The Job Center system in each local area must include at least one comprehensive physical center that provides the core services applicable to each partner's program and must provide access to other programs and activities carried out by the Job Center partners.

Comprehensive Job Centers (CJC) must be certified by the WDB, using the *Criteria for Certifying Comprehensive Job Centers*. Any Access Point of Service (APS) that is not certified by the WDB as a CJC must be affiliated with a CJC.

Activities that are implemented through the CJC include:

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- Developing and implementing a *Business Services Plan*.
- Developing the Memorandum of Understanding (MOU) between the WDB and the partners in a CJC and its affiliated APS.
- Preparing the *Cost Contribution and Staffing Plan* roll-up for the CJC and its affiliated APSs.

A Comprehensive Job Center is defined through the regulations as:

- Location at which the core services specified in WIA section 134(c) and access to other programs and activities carried out by the Job Center partners must be provided.
- At a minimum, the core services that are applicable to the program of the partner must be made available at the comprehensive Job Center. These are services that are in addition to the basic labor exchange services traditionally provided in the local area under the Wagner-Peyser program operated in Wisconsin by the Job Service Bureau of the Division of Employment & Training. These services must be made available to individuals attributable to the partner's program who seek assistance at the Job Center.
- Locations through which intensive and training services can be accessed.
- The applicable core services may be made available at a comprehensive center by the provision of appropriate technology, co-locating personnel, cross training of staff, or through cost reimbursement or other agreement between service providers and the partner at the comprehensive center, as described in the MOU.

An APS may include the following:

- A network of affiliated Access Point(s) of Service (APS) that can provide one or more partner programs, services and activities at a site;
- A network of Job Center partners through which each partner provides services that are linked, physically or technologically, to an affiliated APS that assures individuals are provided information on the availability of core services in the local area; and
- Specialized centers that address specific needs, such as those of dislocated workers.

Areas are given flexibility in designating service locations as Job Centers or groups of related service sites as Job Center networks. The nature of job seeker and employer needs in the area, the existing arrangements between service providers and the availability of resources are all factors which are taken into consideration. While collocation of partner agencies at a single service location is an ideal arrangement, all services do not have to be provided at a single-site and other service sites may be used to the extent it makes sense for the area.

### **SERVICES FOR JOB SEEKERS**

The Job Center system is open to any and all job seekers: older workers, students, persons with disabilities, Wisconsin Works (W-2) participants, persons reentering the workforce, veterans and existing workers needing career planning. It is designed to help job seekers find and maintain employment by providing persons with the services they need, when they need

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them. The features of the Job Center system include a single point of entry to a variety of services, access to statewide job orders, specialized services through employment planners and a fast path to emergency services.

Not all job seekers will require the same type of services. That is why the Job Center provides levels and types of service ranging from self-service for anyone to individualized services that depends on meeting eligibility requirements for these services.

***Self-Service***

Those persons who want to look for a job immediately and need little or no assistance can go directly to the JobNet. It is a computerized listing of jobs available by region and throughout the state that lists the employer requirements necessary to obtain these jobs. JobNet may be accessed at locations state-wide and on the Internet.

Persons also may review Career Information & Resources for information such as the supply and demand for certain types of jobs, required skills, resume writing, training opportunities and financial aid. Job seekers also can learn what areas of employment best suit their work history and aptitudes.

***Staff-Assisted Services: Eligibility Requirements and Services for Adults***

Three levels of services are available for Adults, depending on eligibility: Core Services, Intensive Services and Training Services.

Adult Services are available for those meeting the general eligibility requirements:

- age 18+,
- authorized to work in the US, and
- registered for Selective Service, if applicable.

Veterans are to be first-served based on federal law.

Core Services

Core Services are available through the one-stop delivery system to individuals who are adults or dislocated workers, and at a minimum, include:

1. determinations of whether the individuals are eligible to receive assistance under WIA;
2. outreach, intake (which may include worker profiling), and orientation to the information and other services available through the one-stop delivery system;
3. initial assessment of skill levels, aptitudes, abilities, and supportive service needs;
4. job search and placement assistance, and where appropriate, career counseling;
5. provision of employment statistics information including:
  - accurate information relating to local, regional, and national labor market areas;
  - job vacancy listings in such labor market areas;
  - information on job skills necessary to obtain the listed jobs; and



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- information relating to local occupations in demand and the earnings and skill requirements for such occupations
6. provision of performance information and program cost information on:  
eligible providers of training services, provided by program, and  
eligible providers of youth activities,  
providers of adult education,  
providers of postsecondary vocational education activities and vocational education activities available to school dropouts under the Carl D. Perkins Vocational and Applied Technology Education Act; and  
providers of vocational rehabilitation program activities under the Rehabilitation Act of 1973.
  7. provision of information regarding:  
how the local area is performing on the local performance measures and any additional performance information with respect to the one-stop delivery system in the local area;
  8. provision of accurate information relating to:  
the availability of supportive services, including child care and transportation, available in the local area, and  
referral to such services, as appropriate;
  9. provision of information regarding filing claims for unemployment compensation;
  10. assistance in establishing eligibility for programs of financial aid assistance for training and education programs that are not funded under this Act and are available in the local area; and
  11. follow-up services, including counseling regarding the workplace, for participants who are placed in unsubsidized employment, for not less than 12 months after the first day of the employment.

Intensive Services

Intensive Services are available for adults and dislocated workers, and there is no Federal or State required minimum time period an individual must be in core services before they are eligible for intensive service. Eligibility is met by adults and dislocated workers:

1. who are unemployed and are unable to obtain employment through core services and
2. who have been determined to be in need of more intensive services in order to obtain employment (the case file must contain a determination of need for training services as identified in the individual employment plan, comprehensive assessment, or through any other intensive service received); or
3. who are employed, but who are determined to be in need of such intensive services in order to obtain or retain employment that allows for self-sufficiency
4. who are in the priority of service category (ies) that may be established by the Local WDB

Intensive Services may include the following:

1. Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include diagnostic testing and use of other assessment

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tools; and in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals.

2. Development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve the employment goals.
3. Group counseling.
4. Individual counseling and career planning.
5. Case management services.
6. Short-term prevocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct, to prepare individuals for unsubsidized employment or training.

Training Services

Training Services are available for adults and dislocated workers:

1. who have met the eligibility requirements for intensive services and who are unable to obtain or retain employment through such services;
2. who after an interview, evaluation, or assessment, and case management, have been determined by a one-stop operator or one-stop partner, as appropriate, to be in need of training services and to have the skills and qualifications to successfully participate in the selected program of training services;
3. who select programs of training services that are directly linked to the employment opportunities in the local area involved or in another area in which the adults or dislocated workers receiving such services are willing to relocate;
4. who meet requirements related to obtaining other grant assistance for training; and
5. who are determined to be eligible in accordance with the priority of service policy established by each WDB.

Training services may include:

1. occupational skills training, including training for nontraditional employment;
2. on-the-job training;
3. programs that combine workplace training with related instruction, which may include cooperative education programs;
4. training programs operated by the private sector;
5. skill upgrading and retraining;
6. entrepreneurial training;
7. job readiness training, and
8. adult education and literacy activities.

Relationship of Intensive Services to Training Services

At a minimum, the participant must receive at least one core self-service/informational activity, staff-assisted or intensive service before receiving a training service

The principle exceptions to ITAs for training services are on-the-job training provided by an employer and customized training

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The Local Workforce Development Board may impose limits on ITAs, such as limitations on the dollar amount and/or the duration of the ITA. Any limits must be described in the Local WIA Plan.

The limitations on an ITA may include a limit on individual participation based on the needs identified in the individual employment plan. These limitations must be described in the State or Local plan.

Limitations should not be implemented in a manner that undermines the Act's requirement that training services are provided in a manner that maximizes customer choice in the selection of an eligible training provider.

Local WDBs may have a "priority of service" policy that imposes additional eligibility requirements for eligibility for Intensive and Training Services (typically based on income, though other criteria may be used).

Supportive Services

Services to adults and dislocated workers who are participating in core, intensive or training services and who are unable to obtain supportive service through other programs providing such services. The participant must receive at least one core, intensive or training service funded by WIA before receiving supportive services.

Supportive services include, transportation, child care, dependent care, housing, etc. to enable an individual to participate in WIA Title I activities.

Local Boards, in consultation with the One-Stop partners and other community service providers, must develop a policy on supportive services that ensures resource and service coordination in the local area.

***Staff-Assisted Services: Eligibility Requirements and Services for Youth***

For youth, general eligibility requires:

- not less than 14 years old and not more than 21 years old,
- low-income, and
- possessing one or more of the following characteristics:
  1. deficient in basic literacy skills,
  2. a school dropout,
  3. homeless, a runaway, or a foster child,
  4. Pregnant or a parent,
  5. An offender,
  6. Needs additional assistance (locally defined) to complete an educational program, or to secure and hold employment.

Program Design (also known as "Design Framework")

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The general program design for the WIA youth program is to be comprehensive and year round. Under WIA the service approach is to emphasize the long-term development of youth. The program design will reflect an age continuum of services which are highly individualized and age appropriate. The intensity and method of service delivery will vary over time for and among participants. The WIA Title I-B program design must provide youth with:

- a. Preparation for post-secondary educational opportunities;
- b. Strong linkages between academic and occupational learning;
- c. Preparation for unsubsidized employment opportunities; and
- d. Effective connections to intermediaries with strong links to:
  - (1) The job market; and
  - (2) Local and regional employers

### Program Elements

1. Tutoring, study skills training, instruction leading to completion of secondary school, including dropout prevention strategies
2. Alternative secondary school offerings
3. Summer employment opportunities directly linked to academic and occupational learning
4. Paid and unpaid work experiences
5. Occupational skill training (does not allow ITAs)
6. Leadership development opportunities
7. Supportive services –
8. Adult Mentoring
9. Comprehensive guidance and counseling
10. Follow-up services required for a minimum of 12 months after program exit

### **SERVICES FOR EMPLOYERS**

The Job Center system is designed to assure that the workforce needs of employers are met. Features include a single point of entry to services, state-wide access to job seekers, a fast path for emergency workforce services and connections to outside services, such as the state educational system.

The workforce investment system in Wisconsin demonstrates a strategic, demand driven approach by focusing on high growth, high demand industries to develop a skilled workforce. To be effective, the workforce investment system must be responsive to help prepare a workforce to meet the industry-specific knowledge and skills both necessary and required by today's businesses and employers. By focusing on strategies and approaches used to serve high growth industries, workforce development and economic development move forward together.

Integral in creating a demand-driven system as defined by the US Department of Labor, Employment and Training Administration, Business Relations Group is "the power of E3 – employment, education, and economic development". This theme highlights the fact that the resources devoted to employment, education and economic development must be brought

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together and used strategically to build a skilled workforce. This skilled workforce will be required to help businesses remain globally competitive, and for workers to get good jobs at good wages and have opportunities for advancement.

Employers can access the Job Center services in person, via a toll-free telephone number (888-258-9966), or via the Internet ([www.wisconsinjobcenter.org](http://www.wisconsinjobcenter.org)).

The system will also link employers to other programs outside the Job Center such as the Department of Commerce, the UW Small Business Development Center, the Wisconsin Technical College system, and state-supported local economic development networks.

### *Self-Service*

Employers can list job openings on JobNet Business. Job orders can be sent to the Job Center for staff entry, or entered and managed directly by employers through on-line access to JobNet Business.

Service to business and employers continues to be an important function of a comprehensive one-stop job center model. In Wisconsin each comprehensive job center is required to designate a business service representative/team specifically charged with providing services to businesses and employers. In this model the job centers provide leadership for the workforce system along with their education and training partners to develop solutions for those industries with the greatest demand for new workers. Business service teams will continue to be a high priority within each workforce development area in order to advance the goal of creating a demand driven workforce investment system.

Employers who have special needs may ask for additional services, such as developing workforce goals, retraining current workers and upgrading worker skills. This activity would follow an assessment of employer needs. Employers also may be able to contact Industry or Functional Specialists at Job Centers who are experts on certain industry groups or keep up to date on certain types of jobs. These staff can assess employer needs and can help with long and short term planning.

Job Centers can provide Job Skill Development including job testing, employee screenings, mentoring, linkage with worker supports such as child care, health care and transportation, and follow-up services such as job coaching. Employers also can provide subsidized employment opportunities such as trial jobs under the W-2 program.

When a layoff is anticipated or announced, Job Centers can design a Rapid Response reemployment plan for those to be laid off and help coordinate community resources. The Job Center also provides workforce supports to ensure a positive employment outcome for both employers and employees such as mentoring relationships and availability of on-the-job training opportunities.

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For more information on these programs and services, contact your nearest Job Center.

**ATTACHMENT TO APPENDIX IV**

WIA Mandatory One-Stop Service Delivery Partners:

- WIA activities for Adults, Youth & Dislocated Workers (WIA Title IB)
- Adult Education and Family Literacy (WIA Title II)
- Job Service - Labor Exchange such as Job Net (Wagner-Peyser WIA Title III)
- Vocational Rehabilitation (WIA Title IV)
- Welfare-to-Work (No longer a federally-funded program)
- Temporary Assistance to Needy Families/WI W-2 (Added by the Governor)
- Food Stamp E & T and Food Stamp Workfare
- Senior Community Service Employment Program- Older Americans Act
- Carl D. Perkins Vocational and Applied Technology Education
- Trade Adjustment Assistance (and NAFTA-TAA)
- Veterans E & T Services & local veteran's outreach programs
- Community Services Block Grants
- Housing and Urban Development E & T Activities
- Unemployment Insurance

Representatives from national programs if present in area:

- Native American Programs
- Migrant and Seasonal Farm Worker Programs
- Job Corps
- Youth Opportunity Grants
- Veterans

Other partners as identified in WIA & considered traditional partners in Wisconsin:

- National and Community Services
- Wisconsin Service Corps
- Conservation Corps
- Literacy Councils
- Child Care agencies



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WISCONSIN  
*LOCALLY DESIGNATED*  
ONE-STOP  
JOB CENTERS

Comprehensive Centers and  
Affiliated or Specialized Centers

CONTACT LISTING  
and MAP  
August 3, 2007

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*Note to Users*

This list and map depict one-stop Wisconsin Job Center sites throughout Wisconsin. These centers are locally designated as Comprehensive Job Centers and other locations called Access Points of Service (APS) sites which are connected or attached to a designated comprehensive job center. These sites could be county human or social services offices that directly provide Wisconsin Works (W-2) program services, or sites which offer limited direct services of varying degrees. Wisconsin's One-Stop Centers are defined as "places where publicly funded employment and training services are delivered to employers and to job seekers." There are other places where such services are available, but, in order for a location to be a One-Stop Center, it must meet certain standards in terms of what services are available onsite and how those services are delivered. Using a variety of funding sources many agencies work together to provide employment and training services in job centers or access points of service where funding, needs or population is insufficient for a comprehensive job center.

Wisconsin has 11 Workforce Development Areas (WDAs) designated by the Governor and based on population and other criteria. Each area has a **Workforce Development Board (WDB)** with a majority of members representing businesses and the Board determines where One-Stop Comprehensive Job Centers and APS sites should be located to best provide employment and training services to its local citizens. The system has a "no wrong door" policy so no matter what site customers first enter, they receive information on where they can receive appropriate services.

- **Comprehensive One-Stop Job Centers**- are designated by a Workforce Development Board in the WDA's 5-year plan under the federal Workforce Investment Act (WIA). They must offer a full range of core services and include all of the core partners either on a fully staffed, itinerant staffed or network basis.
- **Access Point of Service (APS) Sites** – Each of these job center sites is affiliated with a designated Comprehensive Job Center and offers direct services of varying degrees onsite but doesn't provide all of the services necessary to be classified as a comprehensive job center. All of these sites do, however, provide *all* Wisconsin customers with entry into the workforce system either through direct services or referrals to other sites where they can get the services they need.

To find a Wisconsin Job Center site near you, call toll-free **1-888-258-9966** and enter your zip code. On the web go to < <http://wisconsinjobcenter.org> > and double click on the Wisconsin Job Center logo located at the top of the right side of the page or choose "Wisconsin Job Centers" from the list under "Businesses and Employers." This Job Center Directory is also located on the Department of Workforce Development's web site, < <http://dwd.wisconsin.gov/dws/directory/> >. Search for a job center by city, by county, or by location of Wisconsin Job Centers; there's also an option to select a job center from a Wisconsin map with Wisconsin Job Center locations on it.

**Contact Information for One Stop Job Centers:**

For general information contact Gary Denis, State Job Center Coordinator  
DWD-DET-Bureau of Workforce Training  
P.O. Box 7972  
Madison, WI 53707-7972

(608) 266-6886; Fax 608-267-0330

e-mail: [gary.denis@dwd.state.wi.us](mailto:gary.denis@dwd.state.wi.us)



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The Department of Workforce Development (DWD) is an equal opportunity employer and service provider. If you have a disability and need to access this information in an alternate format, or need it translated to another language, contact Kristy Budde by phone, 608-266-9199 or by email at [kristy.budde@dwd.state.wi.us](mailto:kristy.budde@dwd.state.wi.us). TTY/TDD users can contact her directly through WTRS (dial 711).

## WISCONSIN ONE-STOP COMPREHENSIVE JOB CENTER & ACCESS POINT OF SERVICE<sup>1</sup> CONTACTS

LOCALLY DESIGNATED ONE-STOP JOB CENTER	ADDRESS	PHONE	JOB CENTER CONTACT	08-03-07 E-MAIL ADDRESS
<b>Workforce Development Area #1 SOUTHEASTERN WISCONSIN Web site: none</b>	<b>Southeastern WI WDA (Workforce Development Area) UW-P, Tallent Hall, CCP, 900 Wood Rd., PO Box 2000, Kenosha, WI 53141-2000. E-mail: cwelch@fvwdb.com</b>	<b>(262) 595-2754 Fax: 262.595.2513</b>	<b>Beth Norris WDA Coordinator</b>	<b>norris@uwp.edu</b>
1. Kenosha County Job Center (CJC)	8600 Sheridan Rd., Suite 100, Kenosha, WI 53143-6507	(262) 697-4586 (262) 697-4500	John Milisaukas Job Ctr Main no.	jmilisaukas@co.kenosha.wi.us
2. Kenosha County (Service) Center Bristol (APS)	19600 - 75th St., PO Box 545, Bristol, WI 53104 Mgr. same as Kenosha County Job Ctr., Kenosha phone →	(262) 857-1967 (262) 697-4586	Bristol Ctr. no. John Milisaukas	jmilisaukas@co.kenosha.wi.us
3. Racine County Workforce Development Center (CJC)	(RCWDC) 1717 Taylor Ave. Racine, WI 53403	(262) 638-6620 (262) 638-6420	Alice Oliver Job Ctr Main no.	Alice.Oliver@goracine.org
4. Racine County Service Center Burlington (APS)	380 MCanna Blvd., Burlington, WI 53105 <b>(new address)</b> The Center Mgr. is the same as RCWDC; Racine phone→	(262) 767-5399 (262) 638-6620	Burlington no. Alice Oliver	Alice.Oliver@goracine.org
5. Walworth County Job Center (CJC)	1000 E Centralia St. Elkhorn, WI 53121	(262) 741-5274 (262) 741-5180	Marilyn Putz Job Ctr Main no.	mputz@kaisergrp.com
<b>Workforce Development Area #2 MILWAUKEE COUNTY</b>	<b>PIC of Milwaukee County, Inc. 2338 N. 27th Street, Milwaukee, WI 53210 Web site: www.milwaukeepic.org</b>	<b>(414) 225-2360 Fax: 414.225.2375</b>	<b>Don Sykes, CEO (414) 270-1717</b>	<b>dsykes@milwaukee.gov</b> cc-1: mkessinich@milwjobs.com cc-2: jhagen@milwjobs.com
Milwaukee Job Ctr. Network				
6. Milwaukee County Job Ctr. North <u>Planned</u> Access Point of Service	4030 N. 29th St. Milwaukee, WI 53216 (APS) (UMOS)	(414) 486-5209 (414) 486-5200	Paula Lampley Job Ctr Main no.	paula.lampley@umos.org
7. Milwaukee Job Center Northwest <u>Planned</u> Comprehensive Job Center (CJC)	6550 N. 76th St. Milwaukee, WI 53223 (Maximus)	(414) 760-5193 (414) 760-6060	Wanda Montgomery Job Ctr Main no.	wandamontgomery@maxim us.com
8. South Milwaukee County Job Ctr. <u>Planned</u> Comprehensive Job Center	2701 Chase Avenue, Milwaukee, WI 53207 (UMOS) Lupe Martinez, Exec. Director; Tina Koehn.	(414) 389-6683 (414) 389-6600	Leonor Rosas Job Ctr Main no.	leonor.rosas@umos.org
9. Southwest Milwaukee County Job Center <u>Planned</u> APS Site	1304 S. 70th St. West Allis, WI 53214 (Maximus)	(414) 607-7447 (414) 607-0477	John Wilberding Job Ctr Main no.	johnwilberding@maximus.co m
Milwaukee Job Center Teutonia <u>not</u> in WDA 2's 2007 plan.	6091 N. Teutonia Ave., Milwaukee, WI 53209 This existing job center is scheduled to close.	(414) 438-2010 (414) 438-2000	Allen Turner Job Ctr Main no..	allen.turner@dwd.state.wi.us
10. Northeast Milwaukee County Job Center ( <u>Approved</u> CJC)	1915 N. Martin Luther King Dr., Milwaukee, WI 53212	(414) 267-3121 (414) 267-xxxx	Lisa Boyd- Gonzalez	lisa.boyd- gonzalez@r1.ywcamilw.org
<u>11. Hire Center (APS)</u>	816 W. National Avenue, Milwaukee, WI 53204	(414) 385-6920		hire@milwjobs.com
<u>12. Milwaukee Career Center/REACH</u>	2342 N. 27th Street, Milwaukee, WI 53210	(414) 270-7500		
<u>13. Washington Park Senior Ctr. (APS)</u>	4420 W. Vliet Street, Milwaukee, WI 53208	(414) 931-0253	Boyce Harris	bharris@interfaithmilw.org
<u>14. Interfaith Older Adult Pgrms. (APS)</u>	600 W. Virginia St., Suite 300, Milwaukee, WI 53204	(414) 291-7500	Brian Warnecke	bwarnecke@interfaithmilw.org

### KEY:

#### **Regional Contacts (WDA Directors)**

Comprehensive Job Center or will be.  
"Access Points of Service"(APS)

## WISCONSIN ONE-STOP COMPREHENSIVE JOB CENTER & ACCESS POINT OF SERVICE<sup>1</sup> CONTACTS

LOCALLY DESIGNATED ONE-STOP JOB CENTER	ADDRESS	PHONE	JOB CENTER CONTACT	08-03-07 E-MAIL ADDRESS
<b>Workforce Development Area #3 Waukesha-Ozaukee-Washington Counties (W-O-W)</b>	<b>Workforce Development, Inc. (WDI) 892 Main Street, Suite A, Pewaukee, WI 53072 Web sites: <a href="http://www.wowwdb.org">www.wowwdb.org</a> &amp; <a href="http://www.wfdc.org">www.wfdc.org</a></b>	<b>(262) 695-7880 Fax: 262.695.7890</b>	<b>Francisco Sanchez<sup>o</sup> President (262) 695-7888</b>	<b>fsanchez@wctc.edu</b>
15. Hartford Job Center (Washington County)	666 Grand Avenue, Hartford WI 53027	(262) 673-2324 (262) 695-7898	Mike Mortell	general: washington@wfdc.org mmortell@wctc.edu
16. Workforce Development Center (Ozaukee County)	Mailing address: PO Box 547, Mequon, WI 53092 Location: 5555 W. Highland Rd. N128 -- next to the Milwaukee Area Tech College (MATC)-North Campus.	(262) 238-2880 (262) 695-7898	Mike Mortell	general: ozaukee@wfdc.org mmortell@wctc.edu
17. Workforce Development Center (Washington County) Back up contact for WDCs 11-13	2200 Green Tree Rd, West Bend, WI 53090 Location: on Moraine Park Technical College Campus. Mike Mortell, Operations Mgr for <i>all</i> WOW WDCs	(262) 335-5300 (262) 695-7898 (262) 695-7898	WDC Main no. Mike Mortell Mike Mortell	general: washington@wfdc.org mmortell@wctc.edu mmortell@wctc.edu
18. Workforce Development Center (Waukesha County) <sup>o</sup> WDA 3-wide back-up for Mr. Mortell	892 Main St., Pewaukee, WI 53072 Location: next to Waukesha County Tech College Campus 890 Main St. The WDC, 892 Main St., Pewaukee, WI 53072	(262) 695-7898 (262) 695-7800 (262) 695-7880	Mike Mortell WDC Main no. Francisco Sanchez	mmortell@wctc.edu general: waukesha@wfdc.org fsanchez@wctc.edu
<b>Workforce Development Area #4 FOX VALLEY</b>	<b>Fox Valley Workforce Development Board, Inc. 1401 McMahan Drive, Neenah, WI 54956 Web site: <a href="http://www.foxvalleywork.org">www.foxvalleywork.org</a></b>	<b>(920) 720-5600, Ext. 15; Fax: 920.720.5606.</b>	<b>Cheryl Welch Executive Administrator</b>	<b>E-mail: <a href="mailto:cwelch@fvwdb.com">cwelch@fvwdb.com</a></b>
(19-24). Manager for all Fox Valley Area Job Centers listed for WDA 4	Fox Valley Workforce Development Board, Inc. 1401 McMahan Drive, Neenah, WI 54956 ( - not a JC)	(920) 720-5600	Richard Turner, Mgr. all #4 JCs	<a href="mailto:richard.turner@workforceeconomics.org">richard.turner@workforceeconomics.org</a>
19. Fond du Lac Area Job and Career Center	349 N. Peters Avenue Fond du Lac, WI 54935 Website: <a href="http://www.fdljobcenter.com">www.fdljobcenter.com</a>	(920) 929-3900	Job Ctr Main no. Dick Turner	<a href="mailto:info@fdljobcenter.com">info@fdljobcenter.com</a> See 19-24 above for mgr. e-mail
20. Fox Cities Workforce Development Center (FCWDC)	1802 Appleton Road, Menasha, WI 54952-1110. Serves Outagamie and Northern Winnebago Counties; Website: <a href="http://www.foxcitiesworks.com">www.foxcitiesworks.com</a>	(920) 997-3272	Job Ctr Main no.  Dick Turner	Keith Wilk, onsite contact; -- e-mail: <a href="mailto:kwilk_gw@gwicc.org">kwilk_gw@gwicc.org</a> See 19-24 above for mgr. e-mail
21. Green Lake County Job Center aka Berlin Job Center	742 Green Tree Mall, Berlin, WI 54923-3374. Website: <a href="http://berlinjobcenter.com">http://berlinjobcenter.com</a>	(920) 361-3400	Job Ctr Main no. Dick Turner	See 19-24 above for mgr. e-mail
22. Oshkosh Area Workforce Development Center (OAWDC)	315 Algoma Blvd., Suite 107, Oshkosh, WI 54901. Website: <a href="http://www.oshkoshwdc.com">www.oshkoshwdc.com</a>	(920) 232-6200	Job Ctr Main no. Dick Turner	<a href="mailto:info@oshkoshwdc.com">info@oshkoshwdc.com</a> See 19-24 above for mgr. e-mail
23. Waupaca Area Job Center Serves Waupaca County.	120 W. Badger St. Waupaca, WI 54981. Website: Website: <a href="http://www.waupacajobcenter.com">www.waupacajobcenter.com</a>	(920) 258-8832	Job Ctr Main no. Dick Turner	See 19-24 above for mgr. e-mail
24. Waushara County Job Center	205 E. Main St, Suite 23, Wautoma, WI 54982. Website: <a href="http://www.wausharacjobcenter.org">www.wausharacjobcenter.org</a>	(920) 787-3338	Job Ctr Main no. Dick Turner	See 19-24 above for mgr. e-mail

**Regional Contacts (WDA  
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## WISCONSIN ONE-STOP COMPREHENSIVE JOB CENTER & ACCESS POINT OF SERVICE<sup>1</sup> CONTACTS

LOCALLY DESIGNATED ONE-STOP JOB CENTER	ADDRESS	PHONE	JOB CENTER CONTACT	08-03-07 E-MAIL ADDRESS
<b>Workforce Development Area #5 BAY AREA WDA</b>	<b>Bay Area Workforce Development Board 317 West Walnut Street, Green Bay, WI 54303 Website: <a href="http://www.bayareawdb.org">http://www.bayareawdb.org</a></b>	<b>(920) 431-4100 Fax: 920.431.4101</b>	<b>Jim Golembeski Executive Director (920) 431-4102</b>	<b><a href="mailto:jgolembeski@bayareawdb.org">jgolembeski@bayareawdb.org</a></b>
25. Door County Job Center	1300 Egg Harbor Rd, Ste 124 Sturgeon Bay, WI 54235	(920) 743-6915 same as above	Cheri Gilbert JC main no./email	<a href="mailto:cgilbert@charterinternet.net">cgilbert@charterinternet.net</a> <a href="mailto:dcjc@charterinternet.net">dcjc@charterinternet.net</a>
26. Florence County Job Center	501 Lake Ave PO Box 232 Florence, WI 54121	(715) 528-4251	Patty Nagel	<a href="mailto:pnagel@fsc-corp.org">pnagel@fsc-corp.org</a>
X . <del>Kewaunee County</del> (closed)	Kewaunee Job Center has <b>CLOSED</b>	n/	n/a	n/a
27. Manitowoc County Job Center	3733 Dewey St. Manitowoc, WI 54220-5844	(920) 683-4675 (920) 683-2888	Ruth Christensen Job Ctr Main no.	<a href="mailto:ruth.christensen@gotoltc.edu">ruth.christensen@gotoltc.edu</a>
28. Wisconsin Job Center - Marinette <u>Planned APS</u>	1605 University Dr., Suite A Marinette, WI 54143 [Below is address for Menominee <u>County</u> <u>and</u> 26. Menominee (all that was listed) Hwy 47 & 55, PO Box 280 Keshena, WI 54135 ]	(715) 732-7840 -- a phone no. (715) 799-5393	Heidi Schaible <u>Planned APS</u> only	<a href="mailto:heidi.schaible@dwd.state.wi.us">heidi.schaible@dwd.state.wi.us</a> n/a at this time
29. NEW (NorthEast WI) Job Center (CJC) aka "Brown County JC"	701 Cherry St. Green Bay, WI 54301 <b>new address</b>	(920) 448-6760	Scott Anderson Job Ctr Main no	Don't have yet
28. Oconto County Job Center	1201 Main St. Oconto, WI 54153	(920) 834-5985 (920) 834-4621 (920) 490-3777	Lynn Ratzburg Job Ctr Main no. <i>Pre Leverance</i>	<a href="mailto:Lynnratzburg@newcap.org">Lynnratzburg@newcap.org</a> <a href="mailto:pleveran@oneidanation.org">pleveran@oneidanation.org</a>
X Oneida Ctr for Self-Sufficiency Not in WDA 5;s 2007 plan.	2640 West Point Rd, Green Bay, WI 54304 Mailing address: PO Box 365 Oneida, WI 54155	(715) 524-2912 (715) 526-4707	Peggy Durand Job Ctr Main no.	<a href="mailto:pdurand@shawanojobctr.com">pdurand@shawanojobctr.com</a>
30. Shawano County Job Center	707 E. Elizabeth St. Shawano, WI 54166	(920) 208-5820 (920) 208-5856	Kathy Karshna Job Ctr Main no.	
31. Sheboygan County Job Center (CJC)	3620 Wilgus Ave Sheboygan, WI 53081			

**Regional Contacts (WDA  
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## WISCONSIN ONE-STOP COMPREHENSIVE JOB CENTER & ACCESS POINT OF SERVICE<sup>1</sup> CONTACTS

LOCALLY DESIGNATED ONE-STOP JOB CENTER	ADDRESS	PHONE	JOB CENTER CONTACT	08-03-07 E-MAIL ADDRESS
Workforce Development Area #6 NORTH CENTRAL WISCONSIN	North Central WI Workforce Development Board 1121 W. Grand Ave. S., Wisconsin Rapids, WI 54494 Website: <a href="http://www.ncwwdb.org">http://www.ncwwdb.org</a>	(715) 422-4700 Fax: 715.422.4715	Sally Cutler Executive Director D (715) 422-4720	scutler@ncwwdb.org
32. <i>Adams APS Job Center <u>Planned</u> APS (was Adams County JC)</i>	401 N. Main St. PO Box 158 Adams, WI 53910-0158	(608) 339-9559	Linda Bennett Job Ctr Main no.	LBennett@fsc-corp.org
33. <i>Antigo APS JC -- <u>Planned</u> APS (was Langlade County JC)</i>	312 Forrest Ave. Antigo, WI 54409 <i>Located at Northcentral Tech College - East Campus</i>	(715)675-3331 (715) 623-2117	x6005, Larry Kind Job Ctr Main no.	kind@ntc.edu
34. Wausau Job Center (CJC) (aka Marathon County Job Center)	364 Grand Ave. Wausau, WI 54403-6221	(715) 261-7704 (715) 261-7700	Mary Lontkowski Job Ctr Main no.	mclontkowski@mail.co.marathon.wi.us
35. Northern Advantage Job Center CJC (located in Oneida County)	100 W. Keenan St., RiverWalk Centre, Rhinelander, WI 54501 Northern Advantage Job Center's web site is <a href="http://www.northernadvantage.org">www.northernadvantage.org</a>	(715) 365-1500 ↓Wausau no. for (715) 365-2696	←Rhinelander no. Job Ctr. Contact↓ Tom Younger	thomas.younger@dwd.state.wi.us
36. <i>Marshfield APS Job Center in Wood County - <u>Planned</u> APS with WI Rapids as designated CJC.</i>	630 S. Central Ave., Suite 102, Marshfield, WI 54449. D. Miller based off site at Stevens Point. Call to ask which days Miller will be at the Marshfield Job Center (or Stvns. Pt.)	(715) 422-5000 Stevens Pt. no. ↓ (715) 387-8448	Job Ctr Main no. Dorothy Miller	dorothy.miller@dwd.state.wi.us
37. <i>Stevens Point Job Center <u>Planned</u> APS</i>	1001 Maple Bluff Rd, Suite 1, Stevens Point, WI 54481	(715) 345-5338 (715) 345-5330	Dorothy Miller Job Ctr Main no.	dorothy.miller@dwd.state.wi.us
38. Wisconsin Rapids Job Center in Wood County (CJC)	320 W. Grand Ave., Suite 102, Wisconsin Rapids, WI 54495 <b>new address</b>	(715) 422-5000 (715) 422-5000	Terri Rapp Job Ctr Main no.	trapp@wood.co.us

**Regional Contacts (WDA Directors)**  
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## WISCONSIN ONE-STOP COMPREHENSIVE JOB CENTER & ACCESS POINT OF SERVICE<sup>1</sup> CONTACTS

LOCALLY DESIGNATED ONE-STOP JOB CENTER	ADDRESS	PHONE	JOB CENTER CONTACT	08-03-07 E-MAIL ADDRESS
<b>Workforce Development Area #7 NORTHWEST WISCONSIN The CEP website: <a href="http://www.nwcep.org">www.nwcep.org</a></b>	<b>Northwest WI CEP, Inc. (NWCEP headquarters) 422 3rd Street West, Suite 200, PO Box 616, Ashland, WI 54806 <u>WIB</u> website: <a href="http://www.nwwib.biz">http://www.nwwib.biz</a></b>	<b>(715) 682-9141 Fax: 715.682.9181</b>	<b>Steve Terry Executive Director</b>	<b><a href="mailto:sterry@nwcep.org">sterry@nwcep.org</a></b>
“WJC” = Wisconsin Job Center counties listed for info rest of #7 ↓				
39. WJC-Ashland (Ashland County)	411 Ellis Avenue Ashland, WI 54806	(715) 682-4889 (715) 682-7220	Chuck Gottschall ←Main JC No.	<a href="mailto:chuck.gottschall@dwd.state.wi.us">chuck.gottschall@dwd.state.wi.us</a>
40. WI Job Center - <u>Burnett County</u>	H&HSD, 7410 County Rd K #280 Siren, WI 54872	(715) 349-2159	Karla Brunberg	<a href="mailto:kbrunberg@dss.co.burnett.wi.us">kbrunberg@dss.co.burnett.wi.us</a>
41. WJC-Hayward (Sawyer County)	15618 Windrose Lane, Suite 108, Hayward, WI 54843	(715) 634-7547	John Vanderhoof	<a href="mailto:jvanderhoof@nwcep.org">jvanderhoof@nwcep.org</a>
42. WJC-Ladysmith (Rusk County)	108 W 2nd St N, Ladysmith, WI 54848 main no.→	(715) 532-2702	John Vanderhoof	<a href="mailto:jvanderhoof@nwcep.org">jvanderhoof@nwcep.org</a>
43. WJC-Medford (Taylor County)	624 E. College Ave. Medford, WI 54451 main no.→	(715) 748-5621	John Vanderhoof	<a href="mailto:jvanderhoof@nwcep.org">jvanderhoof@nwcep.org</a>
44. WJC-Phillips (Price County)	1408 Pine Ridge Rd, PO Box 96, Phillips, WI 54555	(715) 339-7255	Bob Martin	<a href="mailto:martin@ntc.edu">martin@ntc.edu</a>
45. WJC-Spooner (Washburn County)	522 Service Rd E., Suite A, Spooner, WI 54801	(715) 635-2175	John Vanderhoof	<a href="mailto:jvanderhoof@nwcep.org">jvanderhoof@nwcep.org</a>
46. WJC-Superior (Douglas County)	1805 N 14th St., Suite 1, Superior, WI 54880	(715) 392-7812	Chuck Gottschall	<a href="mailto:chuck.gottschall@dwd.state.wi.us">chuck.gottschall@dwd.state.wi.us</a>
<b>Workforce Development Area #8 WEST CENTRAL WISCONSIN</b>	<b>Workforce Resource Inc. 401 Technology Drive East, Suite 100, Menomonie, WI 54751 Website: <a href="http://www.workforceresource.org">www.workforceresource.org</a></b>	<b>(715) 232-1412 Fax: 715.232.2240</b>	<b>Richard Best Executive Director</b>	<b><a href="mailto:bestd@workforceresource.org">bestd@workforceresource.org</a></b>
47. Barron County Job Center	330 S. Main St. Rice Lake, WI 54868	(715) 234-6826	Jane Lillegard (M)	<a href="mailto:lillegar@workforceresource.org">lillegar@workforceresource.org</a>
48. Chippewa County Job Center	770 Scheidler Road #2 Chippewa Falls, WI 54729	(715) 726-2551 (715) 723-2248	Sue Lane Job Ctr. Main no.	<a href="mailto:lanesm@workforceresource.org">lanesm@workforceresource.org</a>
49. Clark County Job Center	501 Hewett St. Neillsville, WI 54456-1925	(715) 743-4631	Jody Conner (M)	<a href="mailto:connerj@workforceresource.org">connerj@workforceresource.org</a>
50. Dunn County Job Center	401 Technology Dr. E., Ste 200, Menomonie, WI 54751	(715) 232-7380	x125 Merry Lienau	<a href="mailto:lienaum@workforceresource.org">lienaum@workforceresource.org</a>
51. Eau Claire County Job Center	221 W. Madison St., Eau Claire, WI 54703 Contact (Job Service) in Ste 140B; (DVR in Ste 140C).	(715) 232-7360 (715) 836-4101 (715) 858-9675	Job Ctr. Main no. Nanette Vetsch Job Ctr. Main no.	<a href="mailto:nanette.vetsch@dwd.state.wi.us">nanette.vetsch@dwd.state.wi.us</a>
52. Pepin County Job Center	316 W. Madison St. Durand, WI 54736	(715) 672-8801	Laura Brantner (M)	<a href="mailto:brantner@workforceresource.org">brantner@workforceresource.org</a>
53. Polk County Job Center	404 Main St., PO Box 278, Balsam Lake, WI 54810	(715) 485-3115 (Job Ctr Main no.)	x104 Bonnie Fredrickson	<a href="mailto:fredrick@workforceresource.org">fredrick@workforceresource.org</a>
54. St. Croix Valley Job Center	625 Whitetail Blvd., Ste 120 River Falls, WI 54022	(715) 426-0394 (715) 426-0388	Aracely Olguin Job Ctr. Main no.	<a href="mailto:aracely.olguin@dwd.state.wi.us">aracely.olguin@dwd.state.wi.us</a>

**Regional Contacts (WDA  
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## WISCONSIN ONE-STOP COMPREHENSIVE JOB CENTER & ACCESS POINT OF SERVICE<sup>1</sup> CONTACTS

LOCALLY DESIGNATED ONE-STOP JOB CENTER	ADDRESS	PHONE	JOB CENTER CONTACT	08-03-07 E-MAIL ADDRESS
<b>Workforce Development Area #9 WESTERN WISCONSIN (WWWDB)</b>	<b>Workforce Connections, Inc. 402 N. 8th St., 3rd Fl. P.O. Box 2908, La Crosse, WI 54602-2908 Website: <a href="http://www.wvjobcenter.org">http://www.wvjobcenter.org</a></b>	<b>(608) 789-5620 Fax: 608.785.9939</b>	<b>Jerry Hanoski Executive Director (608) 785-9938</b>	<b>HanoskiJ@workforceconnections.org</b>
56. WI Job Ctr - Crawford County Suite 124 (Job Center Suite #)	Crawford County Admin. Bldg., 225 N Beaumont Rd., (Hernesman in Suite 326), Prairie du Chien, WI 53821	(608) 326-0248	Barb Hernesman General JC email	#57-63 new e-mail addresses cchsdbah@mhtc.net ccjobcenter@mhtc.net
57. WI Job Center - Jackson County	808 Red Iron Road Black River Falls, WI 54615 Western Technical College Main Job Center #-	(715) 284-4772 (715) 284-7117	Marianne Torkelson Job Ctr. Main no.	TorkelsonM@workforceconnections.org
58. WI Job Center - Juneau County	211 Hickory St. Mauston, WI 53948	(608) 847-4899	Shane Gesler Job Ctr. Main no.	GeslerS@workforceconnections.org
59 WI Job Center - La Crosse County	402 N. 8th St., La Crosse, WI 54601; <u>Contact's mailing address:</u> WWWDB, PO Box 2908, La Crosse, 54902	(608) 785-9331 (608) 789-5627	Job Ctr. Main no.	
60. Monroe County Job Ctr - Sparta (county's comprehensive JC)	Community Services Center, Bldg B, 14305 County Highway B, Box 19, Sparta, WI 54656-4509	(608) 269-8900	Kris Tock Was/still contact?	TockK@workforceconnections.org
61. Monroe County Job Center - Tomah ( county's affiliated JC)	1310 Townline Road, PO Box 847, Tomah, WI 54660 Western Technical College, Tomah campus	(608) 374-7740	Terry Shreve Job Ctr. Main no.	ShreveT@workforceconnections.org
62. WI Job Ctr-Trempealeau County	36084 Walnut St., Independence, WI 54747 Western Technical College, Independence campus	(715) 985-2335 (715) 985-2118	Pam Taylor Job Ctr. Main no.	TaylorP@workforceconnections.org
63. WI Job Center - Vernon County	220 S Main St. Viroqua, WI 54665 Western Technical College, Viroqua campus	(608) 637-6450	Kathy Neidert Job Ctr. Main no.	NeidertK@workforceconnections.org
<b>Workforce Development Area #10 SOUTH CENTRAL WISCONSIN</b>	<b>Workforce Development Board of S. Central WI (WDBSCW) Inc, 3591 Anderson St., Suite 203, Madison, WI 53704 Website: <a href="http://www.wdbscw.org">www.wdbscw.org</a></b>	<b>(608) 249-9001 Fax: 608.249.9356</b>	<b>Pat Schramm, Executive Director</b>	<b>pschramm@wdbscw.org</b>
64. Columbia County Job Center	2875 Village Road, Suite 200 Portage, WI 53901	(608) 745-6704 (608) 742-4181	Ann Hein Job Ctr. Main no.	ann.hein@dwd.state.wi.us
65. Dane County Job Center	1819 Aberg Ave., Madison, WI 53704 (basic address) Job Service is in Suite C; Main Job Service number is →	(608) 242-4916 (608) 245-5390	Mary Pasholk <i>Acting JSDD or</i>	mary.pasholk@dwd.state.wi.us staff to be named later
66. Dodge County Job Center	138 Front St. Beaver Dam, WI 53916	(920) 887-4641 (920) 887-4260	Wendy Gubin Job Ctr. Main no.	wgubin@eata.org
67. Workforce Development Center (WDC) of Jefferson County	874 Collins Rd., Jefferson, WI 53549	(920) 675-4638 (920) 674-7500	Dawn Smith Job Ctr. Main no.	dawns@co.jefferson.wi.us
68. Marquette County Job Center <a href="http://marquettecountyjobcenter.com">http://marquettecountyjobcenter.com</a>	15 West St. PO Box 99 Montello, WI 53949 Director Carol Wright	608-297-9136 dir (608) 297-7550	Carol Wright, Dir. General inquiries:	<a href="mailto:cwright@co.marquette.wi.us">cwright@co.marquette.wi.us</a> <a href="mailto:kmartin@co.marquette.wi.us">kmartin@co.marquette.wi.us</a>
69. Sauk County Job Center	522 South Blvd., PO Box 730, Baraboo, WI 53913	(608) 335-3140	Jolene Gruber (m)	<a href="mailto:jolene.gruber@dwd.state.wi.us">jolene.gruber@dwd.state.wi.us</a>
<b>Regional Contacts (WDA Directors)</b> Comprehensive Job Center or will be "Access Points of Service"(APS)	Note: for Jefferson and Sauk Counties	JS S.C. Supv.	Judy Mathews	<a href="mailto:judith.mathews@dwd.state.wi.us">judith.mathews@dwd.state.wi.us</a> us

## WISCONSIN ONE-STOP COMPREHENSIVE JOB CENTER & ACCESS POINT OF SERVICE<sup>1</sup> CONTACTS

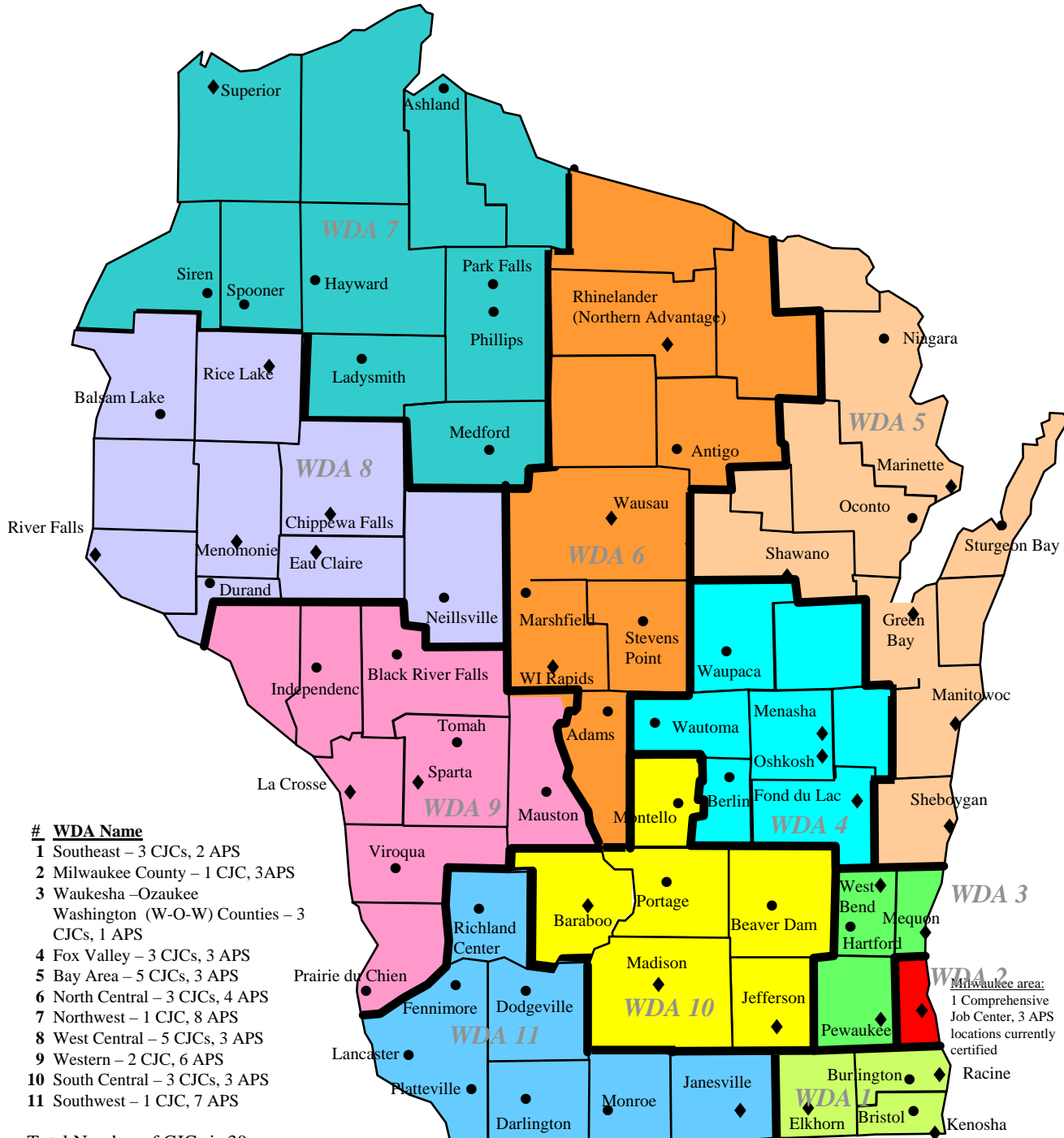
LOCALLY DESIGNATED ONE-STOP JOB CENTER	ADDRESS	PHONE	JOB CENTER CONTACT	08-03-07 E-MAIL ADDRESS
<b>Workforce Development Area #11 SOUTHWEST WISCONSIN</b>	<b>Southwest WI Workforce Development Board 1370 North Water Street, P.O. Box 656, Platteville, WI 53818-0656 web sites: <a href="http://www.swwdb.org">www.swwdb.org</a> and <a href="http://www.jobcenter.org">www.jobcenter.org</a></b>	<b>(608) 342-4220 Fax: 608.342.4429</b>	<b>Robert Borremans Executive Director</b>	<b><a href="mailto:r.borremans@jobcenter.org">r.borremans@jobcenter.org</a></b>
70. <i>Grant County Job Center</i> (1 <sup>st</sup> Grant County Job Center - APS)	8820 Hwy 35 & 61 South, Lancaster, WI 53813	(608) 723-2153	Denise Stelpfulg	<a href="mailto:denise.stelpflug@dwd.state.wi.us">denise.stelpflug@dwd.state.wi.us</a>
71. <i>Green County Job Center</i>	1518 11th St., Suites 1-3, Monroe, WI 53566	(608) 325-7681	Dave Shaw	<a href="mailto:dave.shaw@dwd.state.wi.us">dave.shaw@dwd.state.wi.us</a>
72. <i>Iowa County Job Center</i>	201 South Iowa St., Dodgeville, WI 53533-0267	(608) 935-3116	Lola Williams	<a href="mailto:lola.williams@dwd.state.wi.us">lola.williams@dwd.state.wi.us</a>
73. <i>Lafayette County Job Center</i>	627 N. Main Street Darlington, WI 53530	(608) 776-4900		<a href="mailto:@jobcenter.org">@jobcenter.org</a>
74. <i>Platteville Job Center</i> (2 <sup>nd</sup> Grant County Job Ctr - APS)	1370 North Water Street, Platteville WI 53818 Mailing adrs: PO Box 656, Platteville WI 53818-0656	(608) 342-4231	Bev Loy Main JC #	<a href="mailto:b.loy@jobcenter.org">b.loy@jobcenter.org</a>
75. <i>Richland County Job Center</i>	221 W. Seminary St. Richland Center, WI 53581	(608) 647-8821	Kari Oates	<a href="mailto:kari.oates@dwd.state.wi.us">kari.oates@dwd.state.wi.us</a>
76. Rock County Job Center (CJC) (only CJC in this WDA)	1900 Center Ave Janesville, WI 53546	(608) 741-3400	Shannon Moe	<a href="mailto:s.moe@jobcenter.org">s.moe@jobcenter.org</a>
77. <i>SWTC Job Center</i> (Southwest WI Tech College) (3 <sup>rd</sup> Grant County Job Center - APS)	1800 Bronson Blvd, Fennimore, WI 53809.	(608) 822-3262, Ext. 2335	<i>Sheila Marten, Career Center Specialist</i>	<a href="mailto:s.marten@jobcenter.org">s.marten@jobcenter.org</a> or <a href="mailto:smarten@swtc.edu">smarten@swtc.edu</a>

**Regional Contacts (WDA  
Directors)**  
Comprehensive Job Center or will be  
"Access Points of Service"(APS)



# Comprehensive Job Centers and Access Points of Service Locations in Wisconsin's 11 Workforce Development Areas

- ◆ Comprehensive Job Center
- Access Points of Service Sites



- # **WDA Name**
- 1 Southeast – 3 CJCs, 2 APS
  - 2 Milwaukee County – 1 CJC, 3APS
  - 3 Waukesha –Ozaukee  
Washington (W-O-W) Counties – 3  
CJCs, 1 APS
  - 4 Fox Valley – 3 CJCs, 3 APS
  - 5 Bay Area – 5 CJCs, 3 APS
  - 6 North Central – 3 CJCs, 4 APS
  - 7 Northwest – 1 CJC, 8 APS
  - 8 West Central – 5 CJCs, 3 APS
  - 9 Western – 2 CJC, 6 APS
  - 10 South Central – 3 CJCs, 3 APS
  - 11 Southwest – 1 CJC, 7 APS

Total Number of CJCs is 30  
 Total Number of APS is 42  
 Total CJCs and APS is 72

**WDA 2**  
 Milwaukee area:  
 1 Comprehensive  
 Job Center, 3 APS  
 locations currently  
 certified

**WISCONSIN  
WORKS (W-2)  
CASE  
MANAGEMENT  
RESOURCE GUIDE**

**A Reference Guide to Readiness Screening, Employment  
Barriers, and Referrals**

**State of Wisconsin  
Department of Workforce Development  
Division of Economic Support**

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## CHAPTER 1: INTRODUCTION

The primary role of W-2 Financial and Employment Planners (FEPs) is to assess individuals and determine the appropriate placement in an employment position. Matching participants to the best positions requires the right combination of interpersonal communication skills, training, and experience. Making an appropriate judgment of a person's capabilities may require the use of a variety of resources and tools and no one test or assessment is guaranteed to provide the right answer.

The focus of the W-2 Case Management Resource Guide is to provide general information and a framework for organizing additional resource information related to job readiness screening, employment barriers and referrals. The guide's intent is to support, not duplicate, information provided in the Fundamentals of Case Management training. The guide is organized into chapters which touch on six important aspects of W-2 case management. Each chapter is further divided into sections which present guidelines, assessing tools, and instructions for your use. The table of contents makes it easy for you to find valuable assistance when it is needed and also provides you with a place to file other useful information related to these topics. If you use this guide to organize your personal resources, local agency tools and guidelines, and other information, you will have one place to turn when a participant presents a unique case management challenge.

In many cases the information and tools provided are very basic. They are not intended to make the FEP an expert on any particular employment barrier or aspect of case management. The guide will often only indicate that more professional consultation may be needed. To facilitate this process, each section identifies resources that can provide additional information. You are encouraged to add your own notes and contacts when local professionals are available.

While the Department will occasionally provide updates to information included in the guide, share best practice techniques, and refer to this guide during training, feel free to make this guide best suit your local agency and participant needs by reorganizing it or updating it as you see fit.

### ACKNOWLEDGMENTS

This guide could not have been developed without significant cooperation from many individuals and agencies. The Department of Workforce Development (DWD) consulted with many agencies that provide services to persons with barriers to employment to ensure the accuracy of information provided herein. Agencies reviewed material, provided feedback, additional information, and tools where noted in the guide. Special recognition is provided to the following agencies for their assistance:

Equal Employment Opportunities Commission;

Social Security Administration;

Waisman Center Early Intervention Program, University of Wisconsin-Madison

Wisconsin Association for Perinatal Care

Wisconsin Coalition Against Domestic Violence;

Wisconsin Council on Developmental Disabilities;

Wisconsin Council on Children and Families;

Wisconsin Department of Public Instruction

Wisconsin Department of Health and Family Services  
Division of Care and Treatment Facilities, Bureau of Community Mental Health  
Services;

Wisconsin Department of Health and Family Services  
Division of Supportive Living, Bureau of Substance Abuse Services;

Wisconsin Department of Health and Family Services  
Division of Supportive Living, Client Assistance Program;

Wisconsin Department of Health and Family Services  
Division of Supportive Living, Bureau of Developmental Disabilities Services,  
Wisconsin Birth-to-Three Program;

Wisconsin Department of Workforce Development  
Division of Vocational Rehabilitation;

Wisconsin Department of Workforce Development  
Division of Workforce Excellence

Wisconsin Maternal and Child Health Education and Training

Wisconsin Technical School College Association

Governor's W-2 Committee of Education and Training

Governor's Committee on Pregnancy Prevention

## **CHAPTER 2: JOB READINESS SCREENING**

The first extended meeting with a W-2 agency representative will include completion of an employment readiness screening. This process will help the agency better understand the participant and the family situation, ensures that the participant understands the W-2 program and its goals and objectives, and will result in a placement on the Employment Ladder, if appropriate.

In addition to, or in lieu of, a formal readiness screening instrument, the FEP may use the questions included in this chapter to assess the participant and help in the decision making process.

## **JOB READINESS SCREENING**

Unlike standard eligibility criteria, there is no formula for developing the best W-2 Readiness Screening Instrument. Most agencies have developed their own procedures from operating past employment and training programs. These successful strategies run the gamut from no formal instrument to long detailed questionnaires. Rather than providing a mandated instrument, this section provides sources for obtaining tools and some guidelines that agencies might consider when choosing or developing instruments or procedures which best suit local population needs.

## LOCATING AN INSTRUMENT

To find a tool that has been developed, contact:

- 1) a DWD Job Center;
- 2) a DVR agency;
- 3) a local or national staffing agency;
- 4) a library;
- 5) an employment and training program within Wisconsin, your county, geographic region or another state;
- 6) a local technical college or university; or
- 7) a case management training agency.



## **SOME GUIDELINES TO CONSIDER**

When selecting or developing a readiness screening instrument, consider the following guidelines relating to the W-2 program.

**Focus on what individuals can do, not what they can not do.** This is very important, since everyone in W-2 is expected to participate in work-like activities as soon as possible. In addition, the W-2 agency is responsible to help participants move up the ladder to self-sufficiency as quickly as possible. This is especially true as W-2 cash assistance is subject to a maximum lifetime limit of only 60 months, but placement cannot exceed 24 months in any W-2 employment and training category.

**Try to find out what the person would like to do in the future,** rather than the traditional emphasis on collecting a detailed employment history. Sometimes participants have poor employment histories because their interests and skills had not been identified and developed. Try to learn from past employment mismatches, and not repeat them since individuals now have a limited time to participate in the program.

**Always consider the needs of your employers.** A good match will help the participant and ensure that the employer returns to the agency to fill future openings. The readiness screening must assist you to help employers.

**Find the right balance between uncovering barriers and giving excuses.** It is imperative that true barriers to employment, both systemic and personal, be identified. A person who has difficulty finding child care or one who has serious substance abuse problems may fail no matter how perfect the employment match. A person who fails an assignment fails the employer and the program requirements. These failures should be minimized through proper screening.

Remember that readiness screening has more than one definition. However, within an agency, consistency in readiness screening between case managers is vital. The next section of the guide offers some suggested screening discussion questions and the final section offers a place to file other useful readiness screening tools.

## **DISCUSSION QUESTIONS**

The automated CARES system will guide you through all the information required to determine W-2 eligibility. However, when making a W-2 placement decision, the information you most need may not be information that is collected by CARES. Uncovering wishes, interests, fears, and even basic information relevant to work, such as physical limitations, may require other, more probing questions that get to the heart of the person, the core of the situation, and ultimately the heart of the solution.

The questions on the following pages will help you collect information needed to understand the participant's immediate situation and make appropriate placements and referrals. The questions included are not structured as an interview, and are not intended to be asked for every participant. Instead, they are meant to serve as a reminder when you feel you do not have a complete picture, but are not sure what pieces of the puzzle are missing.

## **WHAT IS THE SITUATION?**

When a person comes for the initial interview, even after having completed a preliminary interview, you still may not have a complete picture of the issues and needs of the individual and his or her family. You know they are potentially eligible for W-2 services and have a financial need, but more information may be necessary before you know what your real assignment of helping the person to self-sufficiency will involve.

**What brought you here today? Do you need a job or help in keeping a job?**

**What is your current employment situation, and how has it changed recently?**

**Have you examined your household budget to determine your needs?**

**Are your children receiving the appropriate amount of child support?**

**Would food stamps, Medicaid and child support income be enough to meet your needs?**

**Would services such as child care and transportation assistance help you maintain employment?**

**Have you been receiving any other financial or social service assistance?**

**Is your current housing situation stable?**

## **WHAT IS THE BEST SOLUTION?**

There will be many times when the policy does not provide an answer to an unusual case or circumstance. There will be needs that have never been addressed and problems that are unique to your local agency. When these situations arise, ask yourself the following questions, based on the eight philosophical principles, to help find, or test a solution.

**Is there a problem or need, and what exactly is that need?**

**Is cash assistance needed? If so, how can it be earned?**

**Is there a way to help the family help themselves or help the parents to help their children?**

**Can this situation be used to generate work opportunities for others?**

**Is there a way to reinforce, rather than threaten, the family unit?**

**What happens to other working families that face similar circumstances?**

**Is there a way to reward behavior leading to self-sufficiency?**

**Is there a way for the community to be involved?**

**Am I, or is the W-2 agency, the appropriate entity to resolve this dilemma? Are there others that are more capable, or have better access to needed resources?**

**How can we accomplish our goal in the most cost-effective manner? Is there a way to use performance incentives?**

**What other community services may be appropriate, e.g. LIHEAP, housing assistance, WIC, school lunch, etc.?**

## **WHAT RESOURCES ARE AVAILABLE?**

Persons should explore all other forms of assistance before turning to cash assistance. W-2 should be the option that is offered when families have no other resources or their barriers cannot be overcome through support provided through the community, family or friends. The following questions might help a person understand their level of need and explore alternatives to assistance.

**What sources of income do you currently have?**

**What sources of income have you recently lost that could be regained?**

**What sources of income do you have that could be increased?**

**What sources of income do your children have or what sources may they be entitled to receive?**

**What assets of unusual value do you have that could be sold?**

**Do you have family and/or friends in the area? Are they aware of your current difficulties?**

**Are there family or friends to whom you could turn for help, temporarily?**

**Do you belong to a religious or other neighborhood organization where there are people who know you and could help temporarily?**

**Are there other social service professionals involved with you or your children?**

## **WHAT IS THEIR EXPERIENCE?**

Finally, it is time to explore what a person can accomplish through W-2. An accurate picture of their interests, aptitudes and past experiences will help you make an appropriate placement.

**What would your dream job be?**

**What skills do you have that are related to that line of work?**

**What are your interests and hobbies?**

**Name three accomplishments in any part of your life that make you proud.**

**Have you been employed in the past in a position you liked?**

**Is there a place you would most like to work? Or an environment that makes you feel comfortable?**

**What household chores do you most like and dislike?**

**Name three positive things about yourself.**

**Name three things about yourself you would most like to improve.**

**If you had to guess, what would your last employer say about you?**

## CHAPTER 3: BARRIERS AND REFERRALS

Based on the job readiness screening, the FEP may find that the individual faces barriers to employment or is in need of additional social service assistance. In many cases barriers to employment will be systemic--barriers generally associated with working--like child care, transportation, or an appropriate work wardrobe. In other cases, individuals may have personal barriers to employment--like substance abuse, domestic violence, or children with special needs. This chapter focuses on how to identify barriers through the readiness screening process and where to go to make referrals. For more information about specific personal barriers to employment, see Chapter 4.

## **WHAT ARE THE BARRIERS?**

Some persons will be forthcoming about reasons why they might be unable to work. They may tell you they have a hard time finding child care for a child with a disability or they are in a bad relationship with an abusive partner. Others will have many barriers and be reluctant to share information about their personal lives. It is important that barriers are identified and addressed up-front, whenever possible. Consistent with the discussion questions in the last chapter, these questions might give you some insight.

**If an employer were interested in hiring you today, is there any reason you could not report tomorrow?**

**Have you had problems in the past that caused you to be fired or quit a job?**

**We all have stress in our lives. What types of things cause you stress?**

**I deal with some of my stress by exercising (fill in something appropriate). In what ways do you deal with stress?**

**Are you living with other adults? How are they supporting your efforts to work?**

**Are other adults in your household employed? Will you be able to share some common experiences and problems?**

**What child care arrangements have you made for your children? Have you experienced any difficulties or do you think it will be difficult to find?**

**Does anyone in your family have any special health needs?**

**Are your children having any problems with school (e.g., learning, behavioral or attendance)?**

**Do you have reliable transportation, or access to a bus route?**



**Do you have friends or others with whom you can car pool?**

**Are there hours you are unable to work, and why?**

**Do you have any language problems?**

**Do you have any reading problems?**

**Are you concerned about your personal safety in your home or in the work place?**

## **RED FLAGS**

The previous questions might be used during the initial screening to help a person identify barriers to employment. Sometimes individuals will not admit to having personal barriers to employment but they also do not seem to be cooperating. In fact, noncooperation is frequently a sign of a deeper problem. As a result, you should consider personal barriers to employment, and consult Chapter 4 if you need more information, when any of the following red flags are presented by a W-2 participant.

**Does the person seem to understand the requirements, yet not comply regularly?**

**Is the person's mood or demeanor often unpredictable?**

**Does the participant or their child(ren) have frequent illnesses or doctor visits?**

**Is lack of child care or a need to take care of children a frequent excuse for nonparticipation?**

**REMEMBER THAT PERSONS WHO FACE PERSONAL BARRIERS TO EMPLOYMENT MAY OFTEN SEEM NONCOMPLIANT, BUT THEIR LACK OF PARTICIPATION MAY BE BEST ADDRESSED THROUGH THE RIGHT HELP.**

## REMOVING POTENTIAL BARRIERS

Once some barriers are identified, it is important to find ways to address them. Child care, transportation, and work supply barriers are generally easier to solve than health problems, addictions and other similar issues, but any barrier to employment should be linked to some type of activity that leads to resolution. The following chart provides some ideas on where to turn for help to address and remove common barriers. Also, always remember to use your Community Steering Committee and Children's Services Networks. Blank spaces at the end of the chart provide space for you to record additional barriers and links as you identify them.

<b>BARRIER</b>	<b>POTENTIAL LINKS</b>
Child care	Child care agency, W-2 local agency developed barter network, Child Care Resource and Referral Agencies
Housing	Local housing agency, shelters
Transportation	Public transportation, car pools, employer provided transportation and local transportation initiatives
Legal Issues	Attorneys, Judicare, Legal Action of Wisconsin
Domestic violence	Local shelters, counseling, W-2 local agency sponsored support group
Alcohol or other drug abuse (AODA)	Local support groups, W-2 local agency organized support groups, recovery programs
Disabilities	Division of Vocational Rehabilitation, Social Security Administration, Office for the Blind, Office for the Deaf, rehabilitation providers, physician referrals, home health agency

Children with special needs	Birth-to-Three, Wisconsin Council on
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	Developmental Disabilities, Wisconsin Council on Children and Families, special child care providers, physician referrals
Language and Cultural Issues	WTCS Mutual Assistance Association, Spanish Centers, Office of Refugee Services, Urban League, NAACP Great Lakes Intertribal Council, the Center for Applied Linguistics, tribal agencies
Mental health	Local mental health associations, Alliance for Mental Illness (AMI, NAMI), county human/social service agency
Troubled children	Social services, school counselors, religious programs, Boys and Girls Clubs, Big Brothers/Sisters
Felony Convictions	Work Opportunity Tax Credit Office, Division of Community Corrections Regional Office, Probation/Parole Officers

## IMPORTANT CONTACTS

NAME/ORGANIZATION	FEDERAL/STATE CONTACT	LOCAL CONTACT
Americans With Disabilities Act (ADA) Information	(800) ADA-WORK	
Birth-to-Three	Department of Health and Family Services (DHFS) Bureau of Developmental Disabilities Services (608) 266-3236	
Bureau of Child Support	DWD (608) 266-9909	
Bureau of Children, Youth and Families	DHFS Child Abuse (608) 266-3036 Domestic Abuse (608) 266-9305	
Bureau of Community Mental Health	DHFS (608) 257-7792	
Bureau of Employment and Program Operations	Department of Workforce Development (DWD) (608) 266-7281	DES Regional Area Administrator
Bureau of Job Seekers	DWD, Division of Workforce Excellence (608) 266-0487	
Bureau of Substance Abuse Services	DHFS (608) 266-2717	
Bureau of Welfare Initiatives	Call Center (608) 261-6317	DES Regional Area Administrator
Client Assistance Program	DHFS (800) 362-1290	
Division of Handicapped Children and Pupil Services	Department of Public Instruction (DPI) (608) 266-1781	
Division of Housing	Department of Administration (DOA) (608) 266-0288	
Division of Health	DHFS (608) 266-1511	
Refugee Services Program	Office of Refugee Services (608) 266-8354	

## CHILD CARE OPTIONS

Some types of child care are more difficult to find than others. Though your local child care agency is responsible for the majority of duties related to obtaining suitable child care, it is in the W-2 agency's best interests to ensure that child care is never a barrier to employment. Use this space to record local providers that offer certain types of hard-to-find care.

TYPE OF CARE	PROVIDER	CONTACT
<b>Evening/Night/Weekend</b>	1	
	2	
	3	
	4	
<b>Children With Special Needs</b>	1	
	2	
	3	
	4	
<b>Infants</b>	1	
	2	

TYPE OF CARE	PROVIDER	CONTACT
	3	
	4	
<b>Sick Children and/or Drop-ins</b>	1	
	2	
<b>Bilingual Child Care</b>	3	
	4	
<b>Other</b>	1	
	2	
	3	
	4	

## TRANSPORTATION

### *Description*

The lack of reliable transportation is a significant barrier for many low-income jobseekers. Many jobseekers are transit dependent, meaning they do not have reliable access to an automobile. The ability to access reliable transportation is a key component of any employment plan, not only in obtaining, but also retaining or advancing in employment.

There are many resources available in local areas to increase transportation options, coordinate existing resources, or assist customers in obtaining reliable transportation. It is crucial that all employment related needs be accounted for including, but not limited to, child care, training and education, interviews, and work. When utilizing a transit option such as carpool, vanpool, or bus, parents (especially single parents) often face the concern of being unable to get home in case of an emergency. Working with the employer or local transit provider to offer a “guaranteed ride home” is a low cost, effective method for overcoming this barrier.

### *Identification of significant transportation needs*

The W-2 agency should maintain a close working relationship with local public and private transit providers, the regional transportation office, employers (especially those hiring numerous W-2 participants), child care providers, Regional Planning Commissions (RPCs), Metropolitan Planning Organizations (MPOs), and locally elected officials. Information on what services and choices are available to the participant should be readily available. It is critical that, *prior* to placement, participants understand how important reliable transportation is to *maintaining* employment.

### *Program Requirements*

It is important to remember that there are some transportation services that may tick the 60-month eligibility clock. Proposed federal regulations define assistance to mean “every form of assistance provided to families under the Temporary Assistance for Needy Families (including child care, work subsidies and allowances to meet living costs) except those that do not involve explicit or implicit income supports such as case management or counseling, and one-time short-term assistance (i.e., paid within a 30-day period)” result in a tick on the clock. If participants receiving transportation benefits are already receiving cash assistance, this should not cause concern. If, however, a participant needs transportation benefits but is receiving no other assistance, it is important that it is understood by the participant that this may tick the clock. If a participant’s vehicle is repaired for \$300, this does not count. A regular monthly bus pass, or any other type of ongoing transportation benefit, would count.

### *Service Planning*



There are many creative ways to overcome the transportation barrier. Many services are provided through or supported by employers. Carpooling may also be an option. Although individual transportation solutions may seem the only viable alternative, in many areas this is not the case. Additionally, W-2 dollars *can* be used to create group transportation and build transportation capacity solutions (although because W-2 dollars can only be used on the eligible population, there must be some means for allocating costs).

*Individual-type transportation solutions possible using W-2 dollars:*

- Bus passes, vouchers, payments
- Gasoline reimbursement
- Payment for car repairs
- Driver licensing, education, training
- Insurance assistance
- Maintenance: paying for regular tuneups or classes teaching simple maintenance to participants
- Vehicle repair program (through tech or high school)
- Develop auto buyer or financing plan with local businesses
- Education on “how to buy a used car”
- Vehicle donation/rehabilitation program
- Vehicle lease program
- Job Access Loans
- Encourage people to move closer to employment centers

*Group-type transportation solutions possible using W-2 dollars (again, group solutions are possible, and encouraged, but a cost allocation methodology must be identified):*

- Volunteer driver program
- Bike, walking programs
- Park and ride program
- Outreach to employers
- Public transportation creation/expansion
- Private transportation creation/expansion (better coordination with schools, elder programs, or agencies during downtime)
- Car pool programs (especially through local employers)
- After-school or employer-based child care options to reduce transportation needs
- Van pool creation/expansion (especially through local employers)
- Create transportation directory/hotline
- Hire a mobility manager or transportation broker
- Shared ride taxi

- Ongoing local planning (working with business and transit providers prior to locating new offices, child care centers, etc.)

Once solutions are in place, the next step is to create a transportation plan for the participant or groups of participants. First, you should obtain data on the participant. Knowledge of the participant's residence area, potential worksite, and child care location are key:

- What other issues may affect your participant's employment transportation situation?
- Is training involved? Is transportation to the training site needed?
- Does the participant need child care services? Does the child need transportation to the child care site? Does the employer offer on- or near- site child care?
- Is the participant worried about being able to get home in an emergency should one arise?
- Do you know of other participants that live and work in the same area? Could the two ride together?
- Does the person have a disabling condition requiring a specialized mode of transportation?

It is also important that you understand the transportation infrastructure and alternatives in your area. There are questions you should ask about your regional transportation situation:

- Does the participant have access to a reliable car?
- Is there bus service in your area?
- Do the employers post information about carpooling?
- Is walking or bicycling possible?
- Are there any vanpools in your area?
- Is it possible to coordinate with existing private transportation services (elderly, disabled, other type of shuttle) for transportation to the worksite?
- How much will the various options cost initially? How much will they cost the participant as a portion of his or her salary?

It is important that you try to work with the participant to determine options that are agreeable to all. If the participant is forced to accept an uncomfortable situation, job retention will be difficult. It should be the goal to offer as broad a range of options as possible. If busing, biking, or walking are possible, those are effective solutions to pursue. They are the least expensive, most reliable, and easiest to coordinate.

Additionally, many employers offer vanpools or information about ridesharing or carpooling. Knowing which employers offer these services allows you to determine in advance whether a particular job might be a good fit for a particular candidate. It is also possible to do some publicity and employer outreach on these inexpensive solutions to employers in the area to increase the number willing to participate. In a

tight labor market, employers are receptive to ideas that might help them attract and retain more workers.

Finally, pursue other options that may be available. Perhaps the participant will need to depend on a friend or family member for awhile until other arrangements, such as ridesharing, can be made. A Job Access Loan may be appropriate to help with vehicle purchase or repair. There are many choices: it is important that they all be considered. What doesn't work in one situation may work perfectly in another (e.g., in some areas, AAA has been contracted with to do immediate towing to help get a person to work if the person's vehicle breaks down; in other areas this may not work).

### *Resources and Referrals*

For more information on transportation resources and information, contact the following agencies:

Department of Workforce Development  
Job Seeker Services Bureau  
(608) 267-7514

WI Department of Transportation  
Transportation Demand Management Program  
(608) 266-8508

Local agencies:

- Metropolitan Planning Office (MPO)
- Regional Planning Commission (RPC)
- Regional Wisconsin DOT office
- Public transit agency
- Private transit providers

### *Acknowledgments*

Department of Workforce Development  
Division of Workforce Excellence

## TRANSPORTATION OPTIONS

Transportation is frequently cited as a major barrier to matching participants with jobs and quality child care. Like child care, it is in the W-2 agency's best interests to ensure that transportation is never a barrier to employment. Use this space to record some transportation options.

TYPE OF SERVICE	LOCATION	CONTACT
<b>Car/Van Pools</b>	1	
	2	
	3	
	4	
<b>Employer Vans/Buses</b>	1	
	2	
	3	
	4	

TYPE OF SERVICE	LOCATION	CONTACT
Agency Resources	1	
	2	
	3	
	4	
Other	1	
	2	
	3	
	4	
	5	
	6	

## HOUSING ISSUES

### *Description*

Housing is the largest on-going monthly expenditure for most households, particularly for those persons whose income is less than 30 percent of the County Median Income. Rising costs, shrinking real wages and the loss of a significant portion of the affordable rental stock have confined many families to paying high proportions of their income for rent. Clearly, families who have few resources are at a greater risk for homelessness.

Housing is a basic necessity for people to obtain and retain jobs. Without stable housing, people will be forced to move from one transitional place to another, may have to stay with family and friends, or move in and out of shelters. These unstable housing situations make it extremely difficult to hold down a full-time job.

### *Identification*

Basic information regarding the living situation of the individual should be gathered when interviewing a W-2 applicant or participant. If the percentage of income being applied for housing costs is above 50 percent, it may indicate an increased risk of homelessness. The survey found in the pamphlet entitled, "Finding the Perfect Rental Unit" will be helpful in determining the percent of income being used for housing costs. The FEP should provide information on local housing resources to the W-2 participant.

Individuals who are facing a crisis due to flood, fire, natural disaster, or an energy crisis or is homeless, may be eligible for Emergency Assistance. (See Other Programs Manual for Emergency Assistance eligibility guidelines). In addition, W-2 applicants or participants may be eligible for a Job Access Loan to assist in an eviction situation, or preventing an eviction situation from occurring. The W-2 agency may also use agency funds for this purpose.

Many homeless and transitional housing programs provide case management services. Coordination with these services will help stabilize a family in crises.

### *Resources*

Department of Administration  
Division of Housing

- "A Guide Identifying Public Sources of Housing Financial and Informational Assistance for Low and Moderate Income Individuals."
- "An Inventory of Services Provided for Individuals and Families in Urgent Need of Housing Throughout the State of Wisconsin"
- "Finding the Perfect Rental Unit"

## **PUBLIC SOURCES OF HOUSING FINANCIAL AND INFORMATIONAL ASSISTANCE FOR INDIVIDUALS WITH LOW AND MODERATE INCOME LEVELS**

Provided is a list of various housing resources available for Wisconsin low and moderate income households. The publicly funded programs described are for home purchases, owner-occupied rehabilitation and improvements, and residential rental services. In addition, contacts for programs and resources for qualifying people with mental and physical disabilities are listed.

Requirements for programs and resources are subject to change, affecting availability. Please be aware that administering agencies have separate eligibility restrictions for programs that may greatly vary by county. The upper income eligibility limits for many federal and state programs is 80% of the county median income adjusted for family size.

### **OWNER-OCCUPIED PURCHASE PROGRAMS**

#### **1) Housing Cost Reduction Initiative (HCRI) and HOME/Homebuyer Program, WI Division of Housing (DOH)**

- Provides funds to local governments and housing organizations to cover down payment assistance, closing costs, and other soft costs involved in the purchase of a home.
- HOME funds can be utilized for acquisition and rehabilitation of home to be purchased.
- Reduces home ownership costs for low-income households.

Contact: Joan Stangler, (608) 267-6906, Division of Housing, PO Box 8944, Madison, WI 53708, for a list of currently funded agencies or Tom Mish, (608) 267-6904, for more detailed information.

#### **2) Housing Loans -- Rural Development, Agriculture, U.S. Dept. of Agriculture**

- Offers direct and guaranteed loan funds for the purchase and construction of homes by first-time buyers in qualified rural areas of the state.

Contact: Rural Development State Housing Office (formerly Farmers Home Administration), 4949 Kirshling Court, Stevens Point, WI 54481, (715) 345-7623, or a local regional office.

**3) Home Purchase Programs -WI Dept. of Veteran's Affairs**

- Provides mortgage loan funds for construction or purchase of a home at a low interest rate with a minimal down payment. A special loan program allows for the purchase of a mobile home.
- Funded from both state and federal programs. Applicants must meet income limits and other veteran eligibility qualifications.

Contact: Wisconsin Department of Veterans Affairs, 30 West Mifflin Street, Madison, WI 53707-7843, (800) 947-8387, or a local County Veterans Service Office.

**4) HOME Loans -- Housing and Economic Development Authority, WI (WHEDA)**

- Utilizes various participating lenders to originate 30 year loans (funded by the sale of bonds) that provide below market mortgage financing for low- and moderate income purchasers who have not had an ownership interest in a principal residence for the prior 3 year period.
- Provides "easy close option" deferred loans for qualifying borrowers needing closing cost assistance.
- If property being purchased is located within a HUD designated area of chronic economic distress (target area) or if the residence will be the subject of major rehabilitation, the three-year requirement will be waived.

Contact: WHEDA, PO Box 1728, Madison, WI 53701-1728.

Questions Regarding	Telephone Number
Underwriting Questions	800-334-6873
Loan Status	608-266-2297
Loan Funding	608-264-6855
Rate Line	800-862-1043

**5) Community Development Block Grant (CDBG) Program -- Division of Housing (DOH) and Housing and Urban Development, U.S. Dept. of (HUD)**

- Provides funds through local units of government for low and moderate income home purchase projects (funds are generally not available for new construction).

Contact. Marie Kielley, (608) 267-2726, DOH, PO Box 8944, Madison, WI 537088944, for the list of Small City CDBG programs or Marti Wilson, (608) 266-5842



**6) Home Mortgage Programs -- C-CAP, Inc.**

- Forgivable grants available to help assist in the up-front costs of purchasing a home.
- Program is for low- and moderate-income homeowners through participating lenders.

Contact: Scott Fergus, C-CAP, Inc., 1717 Paramount Dr., Waukesha, WI 53186, (414) 650-9508 or 4230 East Towne Blvd., Suite 285, Madison, WI 53704, (608) 245-1660, (800) 371-2227.

**7) HomeSteps -- Federal Home Loan Mortgage Corp. (Freddie Mac)**

- Offers a variety of properties for sale - single family homes, townhomes, and condominiums. Many homes are refurbished to like-new condition.
- Provides HomeSteps Special Financing through a group of participating mortgage lenders.
- HomeSteps Special Financing provides for: 5% down payment; lower escrow fees; reduced title fees; no mortgage insurance; no appraisal required; and, competitive interest rates.

Contact: HomeSteps, Attention: Customer Service, 12222 Merit Drive, Suite 700, Dallas, TX 75251, (800) 972-7555 (homebuyers), (800) 854-9555 (real estate professionals). Internet: <http://www.homesteps.com>

**OWNER-OCCUPIED IMPROVEMENT/ACCESSIBILITY PROGRAMS**

**1) Community Development Block Grant (CDBG) Program -- Housing, WI Division of and HUD, U.S. Dept. of**

- Provides funds through local units of government for rehabilitation and accessibility for persons with disabilities, projects for residences owned and occupied by low- and moderate-income households.
- Governmental entities compete for funds each year, some manage revolving loan funds.

Contact: Marie Kielley, (608) 267-2726, DOH, PO Box 8944, Madison, WI 537088944, for a list of Small City CDBG programs; for more detailed information contact Marti Wilson, (608) 266-5842

**2) Weatherization and Energy Conservation -- Class A Utilities and Rural Electric Cooperatives**

- Provides funding for undertaking a variety of residential weatherization activities.

Contact: Your local utility or electric cooperative; Wisconsin Federation of Cooperatives, (608) 258-4400; Wisconsin Public Service Commission, 610 North Whitney Way, Madison, WI 53705, (608) 266-5481.

**3) Home Improvement Loan Program (HILP) and Rehabilitation Loan Program  
WI Dept. of Veterans Affairs**

- Provides loans to qualified Wisconsin veterans for rehabilitation and improvements to owner-occupied housing.
- Applicants must meet income limits and other veteran eligibility qualifications.

Contact: A County Veterans Service Office, or Wisconsin Dept. of Veterans Affairs, 30 West Mifflin Street, Madison, WI 53703, (800) 947-8387.

**4) Home Improvement Loan Program for Sight Impaired -- Council of the Blind**

- Provides funds for single-family, owner-occupied units for rehabilitation activities.
- Limited to legally blind applicants.

Contact: Wisconsin Council of the Blind, 354 West Main Street, Madison, WI 53703, (608) 255-1166.

**5) HOME/independent Living Centers for Persons With Disabilities  
WI Division of Housing (DOH)**

- Provides funds for accessibility, safety, and health improvements for dwellings occupied by people with disabilities.
- Financed through the federal HOME program.
- HOME funds may not be available for this purpose in HUD's Home Entitlement area.

Contact: A local Independent Living Center or Laurie Rowley, (608)264-9762, DOH, PO Box 8944, Madison, WI 53708-8944.

**6) Home Repair -- Rural Development, U.S. Dept. of Agriculture**

- Provides low interest mortgage loans for single family, owner-occupied residential home repair in rural areas.
- Some grants are available for elderly households.
- Provides funding through the 504 and the Housing Preservation Grant programs.

Contact: Rural Development State Housing Office (formerly Farmers Home Administration), 4949 Kirshling Court, Stevens Point, WI 54481, (715) 345-7623, or a local regional office.

**7) Housing Improvement Loan Program (HILP) -- Housing and Economic Development Authority, WI (WHEDA)**

- Provides mortgage loan funds for rehabilitation and improvements for one- to four unit owner-occupied dwellings.
- For low- to moderate-income owners. Loans range from \$1,000 to \$17,500 with a maximum term of 15 years.

Contact: Wisconsin Housing and Economic Development Authority, PO Box 1728, Madison, WI 53701-1728, (800) 334-6873.

**8) Income Tax Credits -- Internal Revenue Service (IRS)**

- Provides Section 190 tax credits for accessibility modifications undertaken by homeowners with disabilities.

Contact: IRS Telephone Tax Assistance, (800) 829-1040  
Publications Ordering, (800) 829-3676  
For Recorded Tax Messages, (800) 829-4477  
Hearing Impaired, (800) 829-4059

**9) Income Tax Credit for Historic Rehabilitation -- State of WI, Historical Society**

The Wisconsin 25% investment tax credit is available to owner-occupants of non income-producing properties listed in the national or state registers.

- Property must be used as a personal residence (or be an outbuilding that contributes to the significance of the property) and not used for the production of income and it must be listed in the State Register or National Register, or be determined to contribute to a state or national register historic district, or be determined eligible for listing in the State Register.
- The minimum amount of money spent on eligible project work is \$10,000.
- Eligible activities under this program are limited to exterior work and rehabilitation of structural, electrical, mechanical, and plumbing systems. The costs of architectural fees and preparation of a state or national register nomination are also eligible expenses. Interior remodeling and decoration does not qualify.
- The maximum tax credit that may be claimed is \$10,000, or \$5,000 for married persons filing separately.

Contact: The Division of Historic Preservation, State Historical Society, 816 State Street, Madison, WI 53706, (608) 264-6500.

**10) Low-Income Weatherization and Home Repair Programs - WI Division of Housing (DOH)**

- Provides funding through local weatherization operators for units occupied by low income persons.
- Finances weatherization and energy conservation and home repair activities primarily through federal funding and local utility programs.

Contact: Your local weatherization operator or the Division of Housing, Weatherization Bureau, (608) 267-3681.

**11) Reverse Annuity Mortgage Programs**

- Offers loans by some private lenders to elderly homeowners for which payment is not required until the home is sold.
- Secured by the equity of the home and is usually insured by the Federal Housing Administration (FHA).
- Elderly homeowners can use loan proceeds to pay for critical home repairs, support services, etc.

Contacts:

Coalition of Wisconsin Aging Groups, 5900 Monona Drive, Madison, WI 53716, (608) 224-0606

Home Equity Information Center, 601 E Street, N.W., Washington, D.C. 20049, (202) 434-2277

National Center for Home Equity Conversion, 7373 147" Street W., Suite 115, Apple Valley, MN 55124, (800) 247-6553

Federal National Mortgage Association (Fannie Mae), 3900 Wisconsin Avenue, Washington, D.C. 20016, (800) 732-6643.

**12) WELL Compensation Fund -- WI Dept. of Natural Resources, (DNR)**

- Provides grant funds for individuals who have a contaminated water supply.
- Covers a portion of the cost necessary to restore potable water.

Contact: Rick Weigle, Department of Natural Resources, 101 South Webster Street, Madison, WI 53702, (608) 267-7153.

**13) Wisconsin Fund - WI Dept. of Commerce**

- Provides partial funding for rehabilitating or replacing failing private sewage systems.

Contact: Department of Commerce, PO Box 7969, Madison, WI 53707-7969, (608) 267-7113, or a local county zoning office.

## **RENTAL**

### **1) Housing Cost Reduction Initiative (HCRI) - WI Division of Housing (DOH)**

- Provides funds to local non-profit or governmental sponsors to pay for short-term rental assistance and security deposits for low-income tenants.

Contact: Joan Stangler, (608) 267-6906, DOH, PO Box 8944, Madison, WI 53708-8944 for a list of currently funded agencies, or Tom Mish (608) 267-6904, for more detailed information.

### **2) Section 8 Certificates/Vouchers - Housing and Urban Development, U.S. Dept. of (HUD)**

- Provides tenant-based rental assistance to low-income persons.
- Funds are administered by local housing authorities and WHEDA.

Contact: Your local housing agency, or HUD, Milwaukee, (414) 297-3214, Ext. 8200, or WHEDA, (800) 334-6873.

### **3) Currently Available Units From the Statewide Inventory of Assisted Housing**

For further information on the availability of affordable rental units, contact:

- Wisconsin Housing & Economic Development Authority  
(800) 334-6873  
Rural Development (formerly Farmers Home Administration)  
(715) 345-7623
- Housing and Urban Development (HUD)  
(414) 297-3214

## **OTHER ASSISTANCE**

### **Condominium Issues**

- For information on condominium issues contact: WI Department of Regulation & Licensing, Division of Enforcement, (608) 266-7482.

## **Elderly and Disabled Long Term Care**

- For information on elderly and disabled long term care issues contact: Board on Aging and Long Term Care (800) 642-6552.
- Independent Living Centers (see page 18) can provide advice on housing accessibility improvements and modifications.

## **Homeless Programs -- WI Division of Housing (DOH)**

- Administers federal and state programs that provide shelter and services for homeless individuals and families.
- Funded under the HUD Homeless Assistance Act, State Shelter Subsidy Grants, and State Transitional Housing Programs.
- Awarded at various times during the year to nonprofits and local governments.
- An inventory of homeless services provided in Wisconsin counties is available.

Contact: Patti Glassburn, (608) 266-8273, DOH, PO Box 8944, Madison, WI 537088944, for a list of current grantees or the directory of housing services for persons who are homeless; or Judy Wilcox, (608) 266-9388, for more detailed information.

## **Landlord/Tenant Relations**

For information on landlord/tenant related issues contact:

- Milwaukee area: CR-SDC South Side Neighborhood Center, 931 West Madison, Milwaukee, WI 53204, (414) 643-8444, or Community Advocates, 4906 West Fond du Lac, Milwaukee, WI 53216, (414) 449-4777.
- Statewide: Tenant Resource Center, Inc., 122 State Street, #310, Madison, WI 53703, (608) 257-0143; for counseling, (608) 257-0006.
- Wisconsin Department of Agriculture, Trade and Consumer Protection (Landlord and Tenant Issues), 2811 Agriculture Drive, Madison, WI 53708-8911, (800) 422-7128.

For information on Fair Housing issues contact:

Fair Housing Council, Milwaukee Office	(414) 278-1240
Fair Housing Council, Madison Office	(608) 221-9427
Northeast Wisconsin Fair Housing Council	(920) 734-9641
HUD Milwaukee Program Operations and Compliance Center	(414) 297-3123
HUD Washington DC Fair Housing Hotline	(800) 669-9777

	TDD	(800) 927-9275
HUD Washington DC Fair Housing Information Clearinghouse		(800) 343-3442
	TDD	(800) 290-1617
WI Dept. of Workforce Development, Division of Equal Rights		(608) 267-4411
For information on Legal Issues contact:		
	Legal Action of Wisconsin	(800) 362-3904
	Milwaukee Bar Association	(414) 274-6760

### **Mobile Homes**

For information on mobile home parks or mobile home dealer and sales personnel issues, contact: Terri Lenz, (608) 264-9596, Mobile Home Program, DOH, PO Box 8944, Madison, WI 53708-8944.

### **Mortgage Banking**

For information on mortgage banking and other related financial services issues, as well as consumer credit transactions, contact: Department of Financial Institutions, 345 W. Washington Avenue, Madison, WI 53703, (608) 261-9555.

### **Mortgage and Home Buying Information**

Several sources of information on mortgages and home buying:

- Bank Rate Monitor: Internet: <http://www.bankrate.com> (for mortgage rates and guide to mortgages)
- Federal National Mortgage Association (Fannie Mae): (800) 732-6643; Internet: <http://www.homepath.com>
- HSH Associates: (800) 873-2837; Internet: <http://www.hsh.com>
- Mortgage Bankers Association of America: Internet: <http://www.mbaa.org> (look for the consumer information section)
- Mortgage Market Information Services: Internet: <http://www.interest.com> (for information on mortgage rates)
- U.S. Department of Housing and Urban Development (HUD): Internet: <http://www.hud.gov>

### **Property Tax Deferral Loan Program -- WHEDA**

- Offers loans to assist owner occupants over age 65 with property taxes so residents with sufficient home equity and limited disposable income can pay all their taxes on time. Reimbursement is not required until the home is sold.

Contact: Wisconsin Housing and Economic Development Authority, PO Box 1728, Madison, WI 53701-1728, (800) 334-6873.

## **Real Estate**

For information on real estate agent, appraiser and inspector issues contact: Department of Regulation and Licensing, (608) 266-7482.

## **Residential Care Apartment Complexes**

- For information on issues relating to residential care apartments contact: Department of Health and Family Services, Bureau of Quality Assurance, (608) 264-9888.

## **Resident Information**

- A number of housing organizations provide assistance regarding problems associated with default, foreclosure, eviction, refinancing or other existing homeowner or rental crisis situations.

Contact: Any counseling agency.

## **Supported Living Programs -- WI Dept. of Health & Family Services,**

- Provides funding to counties to assist eligible low-income long-term care recipients for health, safety and accessibility in owner-occupied or rental housing.
- Program areas include:
  - a) Community Options Program (COP)
  - b) Community Integration Program (CIP)
  - c) Traumatic Brain Injury Program
- Long term care recipients may include elderly persons and adults or minors with physical, developmental or severe or persistent mental illness disabilities.
- Provides funds through Community Support Programs and recommends appropriate housing for people with psychiatric disabilities.

Contact: A local human services agency. For elderly and assisted living households, contact a local County Aging office or Bureau of Long Term Care and Resources, 217 S. Hamilton Street, Suite 300, Madison, WI 53703, (608) 266-2536.

For minors/adults with severe and persistent mental illness, developmental disabilities or physical disabilities, contact Marcie Brost, Supported Housing



Specialist, Division of Supported Living, 1 W. Wilson Street, Room 418, Madison, WI 53703, (608) 267-0214.

For persons with psychiatric disabilities, contact Chris Hendrickson, Bureau u of Community Mental Health, Division of Community Services, Department of Health and Family Services, 1 West Wilson Street, #433, P.O. Box 7851, Madison, WI 53707, (608) 267-9282.

### **Urgent Need Housing Programs**

For addressing emergency housing needs experienced by low income people in various communities contact:

- In Milwaukee contact: A-Call (414) 276-0764.
- In large cities: city planning or community development office (see page 18).
- In non-metropolitan areas: Rural Housing, Inc., 4506 Regent Street, Madison, WI 53705, (608) 238-3448.
- Local county social service agency
- Damages due to a local disaster: Kathy Hanson, Emergency Assistance Program, DOH, PO Box 8944, Madison, WI 53708-8944, (608) 264-8503.

### **Finding a Perfect Rental Unit**

Owning a home may be one of the "great American dreams", but **the reality** is that most families will rent homes for part, if not all of their lives. This information may help families through the rental process.

The work sheets have been designed as a guide through the various stages of selecting and renting a unit. They are meant as a guide, to make a difference in which unit you will select as your new home. There are areas to note your personal circumstances because no two families are alike.

## HOUSING AFFORDABILITY WORK SHEET

The first thing you need to figure out is how much rent you can afford to pay. You can do that by adding up your income and deducting your expenses. What's left over is what you can pay in rent. If there's not enough income left after you pay your expenses you'll have to look at your expenses and see if there's something you can do without. Remember to consider if you will have to pay your own utilities.

### MONTHLY INCOME

\$\_\_\_\_\_ WAGES  
 \$\_\_\_\_\_ W-2  
 \$\_\_\_\_\_ CHILD SUPPORT  
 \$\_\_\_\_\_ SSDI  
 \$\_\_\_\_\_ SSI  
 \$\_\_\_\_\_ DISABILITY  
 \$\_\_\_\_\_ OTHER INCOME  
 \$\_\_\_\_\_ UNEMPLOYMENT INSURANCE  
 \$\_\_\_\_\_ WORKER'S COMPENSATION  
 \$\_\_\_\_\_ OTHER  
 \$\_\_\_\_\_ FOOD STAMPS  
 \$\_\_\_\_\_ **TOTAL INCOME**

MEDICAID  YES     NO

### EXPENSES

\$\_\_\_\_\_ LOANS  
 \$\_\_\_\_\_ CAR PAYMENTS  
 \$\_\_\_\_\_ INSURANCE  
 \$\_\_\_\_\_ PERSONAL SUPPLIES  
 \$\_\_\_\_\_ FINES  
 \$\_\_\_\_\_ CHILD SUPPORT  
 \$\_\_\_\_\_ OTHER (clothes, diapers, etc.)  
 \$\_\_\_\_\_ UTILITY BILLS  
 \$\_\_\_\_\_ OTHER  
 \$\_\_\_\_\_ UTILITY BACK PAYMENTS  
 \$\_\_\_\_\_ PHONES  
 \$\_\_\_\_\_ MEDICAL BILLS  
 \$\_\_\_\_\_ FOOD  
 \$\_\_\_\_\_ OTHER EXPENSES  
 \$\_\_\_\_\_ **TOTAL EXPENSES**

## RENTAL REFERENCE WORKSHEET

Landlords will expect potential renters to provide both rental and credit references. References are non-related people who have firsthand knowledge of your habits as a renter and how well you pay your bills -- especially your rent. You should always get the permission of someone you would like to use as reference before you use them.

**Rental Reference**

- A landlord will want to call your past landlords.
- They will ask him/her whether you paid your rent on time each month.
- They will ask if you took good care of their unit by keeping it clean.
- They will ask if you left any damage or personal belongings or garbage when you left the unit.
- They will ask if you paid the utility bills you were responsible for (heat, electricity, and sewer).
- They will ask why you left.
- They might want to ask your old Landlord if he would rent to you again.

**Credit References**

- A landlord might want to do a credit check to see if you have any liens or judgments filed against you.
- They may check for unpaid bills with the telephone or utility companies.
- They will want to know if you have ever made regular monthly payments on a bill or towards the purchase of a large item such as a car.
- Paying the bill on time is as important as paying the whole amount. Most landlords understand if you are late paying your rent once in a while as long as this doesn't happen too often. It's important to pay what you owe as soon as possible.

**Past Landlord References**

	Name	Address	Phone #
1.			
2.			
3.			

**Credit References**

	Name	Address	Phone #
1.			
2.			
3.			

**UNIT SEARCH WORKSHEET**

Is the unit still available? \_\_\_ Yes \_\_\_ No

Address: \_\_\_\_\_

Directions: \_\_\_\_\_

What type of building? \_\_\_ Single Home \_\_\_ Duplex \_\_\_ Tri-plex \_\_\_ Four-plex  
\_\_\_ Apartment complex \_\_\_ Mobile home \_\_\_ Upper floor \_\_\_ Lower floor

How much is rent? \_\_\_\_\_ Security Deposit \_\_\_\_\_ 1st/Last Months Rent \_\_\_\_\_

How many bedrooms? \_\_\_\_\_ What school? \_\_\_\_\_

What are the terms of the lease (month-to month, 1 year, etc.)? \_\_\_\_\_

Who pays utilities? (Use LL or T) \_\_\_ Heat (type: \_\_\_\_\_) Lights, \_\_\_  
Water/Sewer,

\_\_\_ Garbage, \_\_\_ Stove \_\_\_ garage \_\_\_ off street parking \_\_\_ no parking available

\_\_\_ yard \_\_\_ fenced in \_\_\_ pets

Other notes about the apartment:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Do I need to complete an application? \_\_\_ Yes \_\_\_ No Cost? \_\_\_\_\_

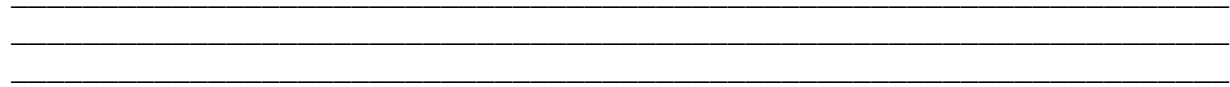
What do I need to supply? \_\_\_ Rental references \_\_\_ Credit references

Other: \_\_\_\_\_

Appointment: Day \_\_\_\_\_ Time \_\_\_\_\_

Name of person showing unit \_\_\_\_\_

Reason for not taking the unit:



## FAIR HOUSING

Federal, state and local governments all have laws that forbid discrimination in selling and renting housing. Discrimination means to treat certain people or classes of people unequally or differently because of prejudice "pre-judging!" them because of certain characteristics they have.

The law says that people who rent houses or sell houses must treat people equally. If they ask some people certain questions, they must ask everyone those same questions.

It is illegal if, for any of these reasons, a person or business discriminates by:

- Refusing to sell, lease, finance or construct housing.
- Refusing to discuss terms of the sale, lease, insurance financing or rental of housing.
- Refusing to allow inspection of housing for sale, lease or rent.
- Setting different or more stringent conditions for sale, lease, rental, insurance, or financing of housing or residential lots.
- Refusing to renew a lease, causing a tenant's eviction, or harassing a tenant.
- Advertising the sale, lease, financing, insurance or housing which excludes people for any of the illegal reasons listed above.

The U.S. Civil Rights Act of 1966 makes racial discrimination illegal when selling or renting any housing in this country. Title VIII of the Civil Rights Act of 1968 is called the Fair Housing Act. It makes it illegal when selling or renting most housing, to discriminate because of race, color, religion, sex, national origin and, as of March 12, 1989, the presence of children, disability, or physical or mental handicap.

In 1988, Congress added new parts, or amendments, to the law. These changes took effect March 12, 1989. They add to the list of protected classes. Children and their parents, guardians, pregnant women, and people trying to adopt or gain custody of a child cannot be discriminated against. The amendments apply to all housing except qualified retirement or senior citizen's homes, and all buildings of 4 units or less, provided the owner lives in the building.

Wisconsin's Open Housing law protects people from different treatment when it is because of prejudice in 12 areas:

- Sex
- National Origin
- Race
- Sex or Marital Status of the person maintaining a household
- Color
- A lawful source of income
- Sexual Orientation as defined in Section I 11. 21
- Age
- Handicap
- Ancestry

- Religion
- Familial Status

## **REPORTING DISCRIMINATION IS IMPORTANT**

Failure to report discrimination is the greatest threat to the effort to insure fair housing. Individuals covered by one or more of the protected categories are sometimes reluctant to exercise their rights under the law. This unwillingness to use the law allows discrimination to continue.

## **FOR MORE INFORMATION CONTACT ANY OF THE FOLLOWING AGENCIES:**

Equal Rights Division Wisconsin Department of Workforce Development  
201 E. Washington Ave. Room 403  
Madison, WI 54703  
Phone: (608) 266-6860

U.S. Department of Housing and Urban Development  
Fair Housing and Equal Opportunity Division  
3 10 W. Wisconsin Ave., Suite 1380  
Milwaukee, WI 53203-3123  
Phone: (414) 297-3123

Fair Housing  
U.S. Department of Housing and Urban Development  
Washington, D.C. 20410

HUD Discrimination Complaint Hotline  
Washington, D.C. 20410  
Phone TOLL FREE: (800) 424-8590

Consumer Protection Agency  
Eau Claire, WI 54703  
Phone: (715) 839-3848

## **TENANTS' RIGHTS AND RESPONSIBILITIES IN WISCONSIN**

When renting a house or an apartment from someone, you enter into a legal arrangement known as a landlord and tenant relationship. As a tenant you have certain rights and responsibilities. To avoid problems, it is important that you know what those rights and responsibilities are:

### **What You Should Know Before You Rent**

Landlords may not advertise or rent condemned property.

Landlords must disclose any uncorrected housing code violations of which they have received notice. They must also reveal any other defects which may result in a

substantial hazard to health or safety, such as structural defects, a lack of hot and cold running water, or serious plumbing or electrical problems.

If the heating unit is incapable of maintaining a temperature of at least 67° Fahrenheit, this fact must be revealed.

If you are required to pay for utilities, the landlord must disclose this fact in advance. If the dwelling unit is one of several units which are not individually metered, the landlord must disclose how the utility charges will be allocated among the individual dwelling units.

You have the right to inspect the rental unit before you rent it.

Any promises of repairs by a landlord should be provided to you in writing including a completion date, before you agree to rent the property.

Rental agreements are not required to be in writing. However, if there is a written rental agreement, the landlord must give you an opportunity to read it before you decide to rent. If you should then decide to rent the premises, you must be furnished with a copy of the agreement.

If the landlord requires an earnest money deposit with your rental application, the landlord must return the entire deposit if your application is rejected. If for some reason you decide not to rent the premises, the landlord may withhold from your deposit actual costs or damages incurred because of your decision not to rent. Upon request, the landlord is required to give you an itemized accounting of the amount withheld.

If a security deposit is required, you have 7 days from the first rental date to inspect the premises and notify the landlord of any defects so that they will not be unfairly charged to you. You should notify the landlord in writing and keep a copy for your own records. In addition, if you pay a security deposit, the landlord must, at the beginning of the tenancy, give you a list of any property damages charged to the previous tenant.

### **What You Should Know While Renting**

At the start of a tenancy, the landlord must provide you with the name and address of a person who can readily be contacted regarding maintenance problems.

The landlord is responsible for making any repairs which are necessary to comply with local housing codes and to keep the premises safe and sanitary. If the landlord refuses to repair major building defects, you may report the defect to your local housing code authority. The landlord may not retaliate by evicting you because you have reported a housing code violation.



Unless otherwise agreed, tenants are usually responsible for routine minor repairs such as the replacement of washers and light bulbs which can be done at a minimal cost. You are also required to comply with any maintenance and sanitation requirements imposed on tenants by local housing codes.

You are financially responsible for any damages which you or your guests cause.

A landlord has the right to inspect, repair and show the premises at reasonable times. Except for emergency situations, the landlord may only enter after a 12-hour advance notice unless you allow entry on shorter notice.

If you are a tenant renting by the month, the landlord may raise your rent by giving you written notice at least 28 days before the next rent due date. There are no statewide rent controls in Wisconsin, nor is there any state law limiting the amount of a rent increase.

If instead of a month-to-month tenancy you have an agreement to rent the premises for a specific period of time, for example a one-year lease, the rent may not be increased during that time unless specifically stated in the lease.

### **What You Should Know About Terminating a Tenancy**

If you are renting by the month, the landlord may terminate the rental agreement by giving you a written termination notice at least 28 days before the next rent due date. You must use the same procedure in notifying the landlord of your intent to terminate the rental agreement.

Rental agreements which are for a specific period of time, such as one year, usually terminate automatically at the end of the lease term, unless the rental agreement specifies otherwise. If the lease provides that it will be automatically renewed or extended unless you give advance notice of termination the landlord must "remind" you of the provision at least 15-30 days in advance of the notice deadline. Otherwise, the landlord may not attempt to enforce the automatic renewal.

If you fail to pay your rent or if you recklessly damage property or break the rental agreement, the landlord can terminate the tenancy on short notice:

If you are renting on a month-to-month basis, the landlord may give you a written notice to vacate the premises within 5 days if you do not pay your rent or correct the default within that 5-day period. On the other hand, the landlord may give you a written notice to vacate the premises within 14 days without any opportunity for you to continue the tenancy.

If you are renting under a lease agreement for a specific time period, such as a one-year lease, the landlord may give you a written notice to pay the rent or correct the

default within 5 days. If you default a second time during your lease period, the tenancy may be terminated by the landlord on 14 days notice without any opportunity for you to continue the tenancy.

If you refuse to leave the premises after your tenancy has been terminated by the landlord, the landlord may start an eviction action against you in Small Claims Court. Until a court eviction order is carried out by the sheriff, the landlord may not "take the law into his own hands" by confiscating or "locking in" your personal belongings or by using force to remove you from the premises. However, if the court determines that you have wrongfully overstayed and occupied the premises, the landlord could be awarded twice the amount of rent, prorated on a daily basis, for each day you unlawfully occupy the premises.

### *Acknowledgments*

Department of Administration  
Division of Housing  
(608) 266-0288  
Internet: <http://www.doa.state.wi.us/doh/doh.html>

## CHAPTER 4: EDUCATION AND TRAINING

Education and training is a critical component of W-2. Combining education and training with work experience yields long-term results more often than either education or work experience alone. By choosing appropriate education and training placements, the FEP has an opportunity to facilitate participants' movement to higher levels of employment and promote self-sufficiency.

This section details the responsibilities of the W-2 agency and outlines strategies to help participants meet specific education and training needs or goals.

### BASIC RESPONSIBILITIES

The W-2 agency is responsible for identifying and supporting the education and training needs and goals of all W-2 eligible customers. The goal of education and training provided or supported by the W-2 agency should be to enhance participants' skills and meet local labor market demands.

W-2 agencies must make participants aware of what is available, and establish broad-based partnerships with educational groups and institutions, local employers, transportation and child care providers, and other community-based organizations. This comprehensive approach most often results in meaningful and appropriate education and training opportunities.

### EDUCATION AND TRAINING OPTIONS

#### *For Those in Employment Positions (W-2 T and CSJ)*

W-2 Transition (W-2 T) participants may be assigned up to 12 hours per week for education and training activities, and Community Service Job (CSJ) participants up to 10 hours per week. Child care subsidies are available for periods of assigned education or training, just as they are for work experience training.

#### *Aggregation*

In many instances, 10 or 12 hours per week is not enough to meet specific participant needs. In these cases, total education and training hours for each six-month placement may be aggregated up front to accommodate short-term basic education or skill-specific training programs that require more time. Total available hours per placement is calculated as follows:

- **W-2 T**    6 month placement X 12 hours/wk X 4.3 wks/month = **310 hours**
- **CSJ**    6 month placement X 10 hours/wk X 4.3 wks/month = **258 hours**

FEPs can assign total available hours in any way necessary to accommodate education or training within each six-month placement, as long as some work experience activity is included each week. Two examples follow.

**AGGREGATION EXAMPLE #1:**

If Alicia participates in a welding course for 24 hours per week, along with 16 hours of work experience training activities, she could attend training for 11 weeks (258 hours/24 hours per week = 11 weeks).

Example 2 identifies a participant wishing to participate in skill-specific training, but also in need of additional time each week to begin work in a GED program.

**AGGREGATION EXAMPLE #2:**

Dawn wishes to enroll in a 10 week, 15 hour per week basic manufacturing course, but would also like to participate in a GED course (or HSED, English-as-a-Second Language, etc.).

Dawn may attend the basic manufacturing course for 15 hours per week (15 hours per week X 10 weeks = 150 hours), leaving 108 hours (258 hours total - 150 hours for basic manufacturing course) to devote to the GED course over the six-month CSJ. These hours could be divided out however it works best for her, keeping in mind that some work activity that simulates an actual half or whole day must be included in each week.

Activities that may be included in the Employability Plan include Adult Basic Education, short-term skills training, and job seeking/job keeping skills training.

*For Those Not In Employment Positions*

Individuals participating receiving case management services only also have numerous opportunities to become involved in education and training. Wisconsin's Job Centers offer a variety of connections to education and training of all types.

Child care subsidies for time spent in class are available for families at or below 165 percent of the Federal Poverty Level after a nine-month workforce attachment is demonstrated. Current law does not require the workforce attachment, or current hours, to be full-time; however, the individual must continue working while receiving the subsidy.

The Employment Skills Advancement Program (ESAP) scholarship is also available to those in unsubsidized employment, though not to those in Trial Jobs. See Chapter 17 of the W-2 Manual for more information on ESAP, which offers up to a \$500 matching scholarship to those interested in continuing education.

## *Practical Applications*

The following practical applications demonstrate the ways in which education and training needs of individuals may be met.

### **PRACTICAL APPLICATION #1:**

#### Education and Training Scenario for a *Community Service Job*

May Kao Vang, a 44 year old mother of 6 school age children, has limited English proficiency. She has worked on and off in manufacturing, becoming a good worker limited only by poor communication with supervisors. She meets with a FEP who determines that a CSJ placement would best suit May Kao's needs and assists with child care arrangements.

The FEP aggregates education and training hours, assigning May Kao to an intensive 12 week, 20 hour per week English-as-a-Second Language (ESL) course at the community center, emphasizing words commonly used by local manufacturers. May Kao also participates in work experience training at a supply warehouse while Job Center staff work to help May Kao find a good job in manufacturing upon completion of the ESL course.

### **PRACTICAL APPLICATION #2:**

#### Education and Training Scenario for *Unsubsidized Employment*

Pam, a mother of 3, is earning \$7.00 per hour (plus an average of \$150/month in commissions) and full benefits in her full-time position with Amerivoice Telecommunications. She got the job after completing a short-term training course as a CSJ participant. She now wants to complete work on her High School Equivalency Diploma (HSED).

Pam continued in case management after job placement. Her FEP helped her arrange child care for her youngest son while she works. In addition, since Pam has been employed with Amerivoice for nine months, she is now eligible for a child care subsidy during the time she attends classes at the Job Center to attain her HSED.

## **TYPES OF EDUCATION AND TRAINING**

### *Adult Basic Education*

Partnerships with local technical colleges, literacy providers, or private organizations can help the W-2 agency provide Adult Basic Education courses. These courses may be incorporated into education and training hours available under the CSJ/W-2T, or after unsubsidized job requirements are met. Basic Education courses include:

- reading, writing, math, science and social studies from beginning levels through high school;
- preparation for the GED;
- preparation for the HSED (including the External High School Diploma program);
- English-as-a-Second Language; and
- workplace basic education skills.

For participants without a high school diploma, activities should be assigned to move them toward a diploma or the equivalent as quickly as possible. High school completion is a powerful indicator of the ability to achieve sustained employment and self-sufficiency. The ability of FEPs to thoughtfully assign education and training activities as part of the employability plan is crucial.

#### Education for 18 and 19-year-old Parents

The W-2 agency must permit W-2 eligible 18 and 19 year olds--who have not obtained a high school diploma or the equivalent--to attend a traditional or alternative high school, or to enroll in a course of study that meets established standards for an equivalency diploma. Taking part in such programs may satisfy, in whole or in part, the required hours of participation in a CSJ. Child care subsidies will be available for time spent in class.

Minor teen parents who are enrolled in school, and whose families meet income eligibility standards, have a minimal copay for child care (\$3-5 per week). Teen parents participating in the Learnfare program, whose parents are engaged in W-2 employment positions, have no copay requirement.

Local literacy organizations can provide individual or group tutoring for those who wish to enhance reading and writing skills, math skills, and English-as-a-Second Language skills. Many literacy groups and postsecondary institutions (including the Wisconsin Technical College System), offer to evaluate, often at low or no cost, a person's basic education and/or literacy skills.

#### *Short-term Skills Training*

Local technical colleges and other providers can provide short-term training that facilitates an immediate attachment to the workforce, and may result in a desire to

continue with vocational or traditional postsecondary education after securing employment. Available short-term training programs include:

- child care certification;
- hospitality/hotel training;
- landscaping;
- welding;
- Certified Nursing Assistant;
- keyboarding/data entry;
- basic office skills;
- machine operations;
- electronic assembly;
- cashier/checker; and
- building maintenance/custodial service.

In addition to the existing curricula above, technical college staff skilled in working with business and industry can design and deliver customized training for job seekers. In a subsidized training situation, special programs could be designed to upgrade participants' skills for transfer to an unsubsidized position.

#### *Job Search and Job Retention Skills*

A majority of W-2 participants can benefit from training activities designed to help them learn the basic skills of job search. The agency should have at their disposal a wide range of workshops and resources to build workplace competencies. W-2 agencies have, in partnership with others, developed a variety of workshop topics that are scheduled on a regular basis, including:

- career explorations, job seeking and employability skills;
- how to accurately complete a job application;
- resume creation, preparation, development, and revision;
- interviewing techniques, including role playing, video taping and critiquing;
- appropriate personal grooming/attire;
- improving work habits; work maturity skills (e.g., use of public transportation);
- job retention skills, including decision-making and planning for emergencies;
- time management and dependability;
- improving interpersonal communication and teamwork skills;
- labor market forecasting, and exploring the hidden labor market;
- methods for job advancement;
- employer expectations, qualities employers look for, reasons people lose jobs; and
- networking skills.

## *Motivation*

In addition to job search skills, some W-2 participants may benefit from motivational activities. These classes address employment limitations and prepare an individual for work by teaching expectations and behaviors necessary to successfully compete in the labor market. Training should focus on the skills necessary for the individual to build self-esteem and increase self-confidence. Examples include:

- assessment and treatment activities related to addressing barriers to employment;
- instruction on communication styles/personality types;
- communication skills/image;
- identifying and developing plans for short-term and long-term goals;
- career decision making skills, career exploration and vocational area identification;
- evaluating work patterns, skills and abilities;
- mentoring, encouragement and support; and
- motivation classes.

Job search skills and motivation are vital in the move toward self-sufficiency. Independence, though, is rarely achieved with the first paycheck. Being truly self-sufficient requires many skills in addition to those needed to get a job. Job Centers, UW-Extension Family Living Specialists and others regularly offer classes that assist in life skill development in the following critical areas:

- parenting skills;
- proper family nutrition;
- household budgeting;
- household management;
- time management;
- self-sufficiency skills;
- home ownership; and
- Earned Income Tax Credit education.

Education and training opportunities are also available for those in Trial Jobs or unsubsidized employment, and range from life skills instruction to supports for continuing education.

## **STRATEGIES AND COLLABORATION**

Though many education and training possibilities exist under current W-2 policy, actual opportunities are sometimes limited by insufficient local capacity. This is another reason to concentrate on building partnerships that will meet individual needs. In order to do this, W-2 agencies must build partnerships with local technical colleges, UW-



Extension offices, literacy groups and other public, private, or community-based organizations.

Individuals participating in other employment program or social service agency activities, including JTPA and DVR, may be eligible to participate in W-2 employment positions. The FEP may incorporate other agency activities into the W-2 employability plan to the extent that they are consistent with the W-2 employment goal. For example, some substance abuse programs provide life skills training in addition to counseling and treatment. Also, many Head Start programs and programs for parents of disabled children, like Birth-to-Three have an education component.

The Division of Vocational Rehabilitation (DVR) may be used to assess the needs of W-2 participants that have significant barriers to employment. Upon examination of the DVR plan, the W-2 agency can incorporate all or part of the plan into the W-2 Employability Plan. (See Appendix A for more information regarding the DVR plan for employment.)

Local technical colleges have the capacity to perform in-depth aptitude assessments, skill assessments and academic assessments. They have counseling staff available to assist participants in the selection of careers appropriate to the participants' abilities.

## CHAPTER 5: WORK COMPETENCIES

This chapter will present some tools for measuring basic workplace competencies. It will include summaries of tools such as the General Aptitude Test Battery (GAB), with guidelines for situation appropriateness. It will also include the Job Training Partnership Act (JTPA) workplace competency standards.

W-2 agencies can consider the use of computer software packages that help the participant explore various career fields. PLATO is one example of a software program that helps a participant complete a self-assessment of their employability skills. As an additional benefit, its use may increase a person's keyboarding skills. The Basic Education Skills Test (BEST) can help determine job level placement, by evaluating a person's ability to perform entry-level, oral, and written tasks.

The more frequently used tests for adult basic education in Wisconsin include the Tests of Adult Basic Education (TABE), the Slosson Oral Reading Test (SORT), and the Nelson-Denny Reading Test. The results of adult basic education testing should be entered into the participant's educational assessment in CARES and considered when developing an employability plan as well as determining further educational needs.

Standardized tests of work competencies have generally not been validated for participants with limited English skills. Such test may provide useful insights but should not be relied upon for the sole evaluation tool for populations with different language or cultural backgrounds. A careful evaluation of the skills used in prior work, or a hands-on demonstration of skills, may improve the accuracy of the assessment of such participants.

## CHAPTER 6: PERSONAL BARRIERS

The previous chapters focused on identifying external barriers. This chapter provides more detailed information regarding some common personal barriers to employment. After conducting a readiness screening, or noting some “red flags” described in the last chapter, the FEP may still need additional information to ensure a successful placement. In some cases, more investigation may be in order.

Some persons with barriers to employment are reluctant to share that information. Regardless of the reason, identifying significant barriers to employment is vital to ensuring continued success in the program.

The following sections present information about various employment barriers. Each section discusses:

1. The barrier in general,
2. How to identify a person with the barrier and other outside programs that exist to assist that person, and
3. Where to go for more information.

A blank chart at the end of this section can be used to record information about additional barriers that may be specific to your local participant population.

## **ALCOHOL AND OTHER DRUG ABUSE (AODA)**

### *Description*

Substance abuse or alcohol and other drug abuse (AODA) issues involve misuse, or overuse of legal or illegal substances, where such use impacts a person's ability to fulfill their responsibilities to their family or their employer. AODA may be admitted by the participant, reported by close friends or family, or may be suspected by the agency or employer based on participant behaviors.

### *Identification*

#### **Self Identification**

The best and easiest beginning to a solution will be self identification of a problem. To facilitate this, you may use the screening tool at the end of the section. The screening tool asks many questions which are also asked during the interactive interview. The FEP may use the screening tool to assess responses to the replies given during the interactive interview. The short questionnaire may be administered orally, or could simply be presented to the participant for their own private consideration.

#### **Other Indicators**

Many persons will not self report AODA problems. However, they may present other behaviors that are indicative of a substance abuse problem. Specifically, watch for:

- obvious physical signs, like alcohol on the breath, burned fingers, extreme clumsiness, or incoherent speech;
- chronic physical conditions, like loss of weight, or other chronic conditions that require frequent doctor visits or hospitalization;
- lack of participation, without a readily verifiable reason (the person may even be verbally uncooperative in order to disguise the problem);
- loss of contact with the agency (a person may simply drop out);
- sudden or wide mood swings or displays of emotion, energy, or enthusiasm, or
- legal problems or arrests, including domestic violence, disorderly conduct, or assault arrests.

### *Resources and Referrals*

For more information about substance abuse, please contact a local substance abuse treatment center, or:

Department of Health and Family Services  
Bureau of Substance Abuse Services  
(608) 266-2717

Screening information is provided on the following pages.

### *Acknowledgments*

Wisconsin Department of Health and Family Services  
Bureau of Substance Abuse Services

## **W-2 SCREEN FOR SUBSTANCE ABUSE AND DEPENDENCE**

### **Background**

Included in this section are a series of discussion questions that a FEP might use to uncover substance abuse. Following the screen is a list of supplemental questions that may be administered orally, or self administered and discussed with the FEP or a substance abuse professional.

### **Substance Abuse and Dependency Defined**

"Substance abuse" is defined in the medical field as a maladaptive pattern of alcohol or drug use leading to significant problems at work, school, or home; health problems; interpersonal relationship problems; and/or public safety problems. An individual moves into "substance dependence" when there is evidence of tolerance (using more to achieve the desired effect), an inability to control use, and physical withdrawal.

### **Prevalence of Substance Abuse and Dependency**

It is estimated that 27% of participants receiving cash assistance may be abusing or dependent on alcohol or other drugs. Between the ages of 18-24, the estimated level is 37%. While these estimates are cited from a 1994 Columbia University nation-wide study of women AFDC participants, the estimates show the average prevalence of substance abuse among welfare recipients.

## W-2 Preliminary Substance Abuse Screening Questions

Unlike most other health or financial problems, behavioral health and particularly substance use disorders, are not readily admitted. The following questions and question order have been developed to reduce the chances that a participant will become defensive and misrepresent him/herself for reasons related to fear of losing a child, prosecution, being committed to a rehabilitation center, or other personal reasons. The best way to screen for substance abuse is to incorporate the questions into a broader conversational inquiry, for example, a medical problem, a crisis, loss of a job, job placement, work readiness interview, compliance interview, or other type of contact in which information is needed from the participant. The information gathered from this preliminary screen does not result in a numerical score indicating that the participant does or does not have a significant alcohol or drug abuse problem, but the information gathered will raise suspicions that could be clarified by a referral to an alcohol/drug abuse professional.

### **HEALTH:**

Do you have any medical problems?

Are you taking any medications?

Are there any side effects?

Have you been to the doctor in the past year?

What for?

**NOTE:** Compare answers; look for vague understanding of what the problem(s) is, consistency in response; if taking medication, s/he should have said they have a medical problem; if there are any obvious tremors, sleepiness, red eyes, or hyperactivity, s/he may say they are side effects from medications when really they are from alcohol or habit forming drugs; look for vague descriptions or understanding of medical problems; look for very few or no doctor visits with vague or poor excuses for not seeing the doctor more regularly.

When was the last time you were in the hospital?

What happened?

What about other hospitalizations?

What were they for?

Did you go in through the emergency room?

Did you get a doctor referral?

**NOTE:** Look for a pattern of accidents, injuries, or assaults; pattern of emergency room admissions; look for vague answers or vague descriptions of incidents; lack of doctor referral; remarks such as "I just passed out", "felt dizzy", "just didn't feel well."

Have you ever received help from a professional counselor or therapist?

What for?

**NOTE:** Risk of substance abuse is high among persons treated for mental health problems; the participant may also share an experience in rehabilitation, with Alcoholic Anonymous (AA) or a drug counselor.

**FAMILY:**

Do you have any children? How many?

How old are they?

What are their birth dates?

**NOTE:** Watch for hesitancy or not knowing; check out dates with other records.

Are they in your care?

**NOTE:** Look for pattern of out-of-home care; care by ex-spouse.

If school-age children, ask "What school do they go to?"



How are they doing in school?

Do you have any problem getting them to school everyday?

What are their teacher's names?

**NOTE:** Substance abusers will not admit that their children are having any school-related problems; they may not know the names of their schools or teachers.

**SOCIAL:**

Do you have any family members or friends that have a chronic illness?

Do any of them abuse alcohol or drugs?

How does this affect you?

If no to the first two questions, ask "What kinds of things do you do in your spare time?"

**NOTE:** The first three questions will bring out the person's attitudes towards alcohol or drug abuse; do they tolerate it, view it as not that harmful? Look for statements that minimize "that's just the way we are." Are they defensive? Persons who have drinking or drug using family and friends they see socially, may use alcohol or drugs themselves. Look for vague answers which suggest little structure in their free time.

**EMPLOYMENT HISTORY:**

What kind of jobs have you had?

What kind of job would you prefer?

Would you rather work by yourself or with others?

How would you feel about working in a drug and alcohol-free workplace or a company that requires drug testing?

If they would mind, ask "Why"?

**NOTE:** A preference for working alone is often characteristic of alcohol or drug abusers in order to avoid conflicts or hide their use; relaxed attitudes about alcohol or drug use before or during work times may be indicative of personal use.

### **LIVING SITUATION:**

How long have you lived at your present address?

Before that, where did you live?

If the individual has lived at many different places in the past year or so, ask "Why have you moved so many times?"

**NOTE:** Substance abusers move around a lot; may be "staying" with someone for the purpose of obtaining or continuing their use of alcohol or drugs; may have been evicted; probe for a reason that may be related to alcohol or drug use. If the information, taken together, raises your suspicions about a possible alcohol or drug problem, you could take any of the following courses of action:

1. Ask more detailed questions about the individual's alcohol or drug use (see the supplemental substance abuse questions).
2. You could refer the participant to an alcohol or drug professional for further evaluation.

### Supplemental Substance Abuse Screening Questions

1. How would you feel about working in a drug and alcohol-free workplace or a company that requires drug testing?
  - Would mind, why?
  - Would not mind
  
2. The next several questions are about your alcohol and drug use, would you have any objection to answering them?
  - YES
  - NO
  
3. Do you feel your alcohol or drug use would cause work attendance or work performance problems?
  - YES, how?
  - NO
  
4. How often do you have a drink containing alcohol? (Check only one answer)
  - Daily or nearly daily
  - Weekly
  - Monthly
  - Less than monthly
  - Never
  
- 4a. When you do drink, about how many drinks do you usually have ? (Check only one answer)
  - 10 or more
  - 7-9
  - 5-6
  - 3-4
  - 1-2
  - I do not drink

5. How often do you use drugs like marijuana, tranquilizers, cocaine, LSD, heroin, uppers, or downers, for other than medical reasons? (Check only one answer)

- Daily or nearly daily
- Weekly
- Monthly
- Less than monthly
- Never

6. How often do you use amytriptymate? (Check only one answer)

- Daily or nearly daily
- Weekly
- Monthly
- Less than monthly
- Never

7. In the past 12 months, have you drunk alcohol or used drugs more than you meant to? If so, how often (Check only one answer)

- More than 10 times
- 5-10 times
- 3-4 times
- 1-2 times
- No

8. In the past 12 months, have you wanted or needed to cut down on your drinking or drug use?

- YES
- NO

9. In the past 12 months, have friends or relatives worried or complained about your drinking or drug use?

- YES
- NO

10. Do you find you're using more and more alcohol or drugs to get the effect or high you want?

- YES
- NO

11. In the past 12 months, have you gone through withdrawal, or had the shakes, or had seizures, or DTs, or hallucinations after stopping your use of alcohol or drugs?

YES

NO

12. In the past 12 months, has your drinking or drug use caused health, family, emotional, job, school, legal, relationship, or financial problems? (Check all that apply)

Health

Family or other relationships

Emotional

Job

School

Legal, including an arrest or police call

Financial

No

13. Do you feel resentful if you don't get your own way? (Check only one answer)

Usually

Occasionally

Seldom

Never

14. In the past 12 months, have you received treatment or help for an alcohol or drug problem?

YES

NO

**Supplemental Substance Abuse Screening Questions**  
**Interview Guide**

The first two questions are designed to broach the issue of alcohol and drug use:

1. *How would you feel about working in a drug and alcohol-free workplace or a company that requires drug testing?*
2. *The next several questions are about your alcohol and drug use, would you have any objection to answering them?*

The third and fourth questions serve two purposes: They introduce the respondent to questions about their use of substances and it gives an indication of the frequency of alcohol use. Sixty or more drinks per month is representative of only five percent of the population.

3. *Do you feel your alcohol or drug use would cause work attendance or work performance problems?*
4. *How often do you have a drink containing alcohol? (Check only one answer)*  
 *Daily or nearly daily (warrants further discussion)*
- 4a. *When you do drink, about how many drinks do you usually have?*

Like question #4, this fifth question serves two purposes: it introduces the respondent to questions about their use of substances and it gives an indication of the frequency of other drug use.

5. *How often do you use drugs like marijuana, tranquilizers, cocaine, LSD, heroin, uppers, or downers, for other than medical reasons? (Check only one answer)*  
 *Daily or nearly daily (warrants further discussion)*  
 *Weekly (warrants further discussion)*

An affirmative response to the sixth question may be used to identify someone who is faking a problem.

6. *How often do you use amytriptymate?*

The seventh and eighth questions point to one of the clinical symptoms of dependency, which is a loss of control over use. These two questions are also scientifically determined to be very useful in substance abuse screening.

7. *In the past 12 months, have you drunk alcohol or used drugs more than you meant to? If so, how often (Check only one answer)*

- More than 10 times (positive response)
- 5-10 times (positive response)
- 3-4 times (positive response)

8. *In the past 12 months, have you wanted or needed to cut down on your drinking or drug use?*

**The ninth question is indicative of a substance abuse problem in general and is particularly useful in screening for substance abuse in women.**

9. *In the past 12 months, have friends or relatives worried or complained about your drinking or drug use?*

**Question ten is an indication of tolerance.**

10. *Do you find you're using more and more alcohol or drugs to get the effect or high you want?*

**Question eleven is a symptom of physical dependence.**

11. *In the past 12 months, have you gone through withdrawal, or had the shakes, or had seizures, or DTs, or hallucinations after stopping your use of alcohol or drugs?*

**This question is a symptom of abuse or dependency and gives an indication of disruption in activities of daily living.**

12. *In the past 12 months, has your drinking or drug use caused health, family, emotional, job, school, legal, relationship, or financial problems? (Check all that apply; only one is necessary for a positive response)*

**A seldom or never response to the thirteenth question may be used to identify someone who is trying to cover up a problem.**

13. *Do you feel resentful if you don't get your own way? (Check only one answer)*

**This last question is necessary to identify those individuals who have recently received or are currently receiving treatment for a substance abuse problem.**

14. *In the past 12 months, have you received treatment or help for an alcohol or drug problem?*

Yes (warrants further discussion)





## INTERPRETATION

Two or more positive responses to questions 7 through 12 are indicative of a substance abuse problem that will likely interfere with work goals. A positive response to question 7 would be 3 or more times.

Daily or nearly daily use of alcohol (question #4) or weekly or more frequent use of other drugs (question #5) warrants a discussion between the FEP and participant to determine whether or not it will interfere with work goals.

A positive response to question 14 should be followed up to determine when or if employment is possible.

Circle positive response items:

- 7
- 8
- 9
- 10
- 11
- 12

## CHILDREN WITH SPECIAL NEEDS

### *Description*

Children with special needs may have physical disabilities, developmental delays, chronic health conditions, behavioral problems, or sensory disabilities.

Great variation exists in the needs of children with special health problems. Some children may succeed, do well in school and are accepted in many day care settings. But others have more demands than day care centers can provide. Some children may need constant or frequent care throughout the day, others may have irregular needs, such as extended or frequent illnesses, and frequent trips to doctors or emergency rooms. Some children may also have needs that disturb the sleep of the parent or caregiver, making it difficult to work a 40 hour week. Other children have higher demands that require parent's involvement and may not be suited to a day care center environment.

Additionally, some programs, like the Birth-to-Three program, focus on parent education and training to further assist the child's development. This parental involvement is vital to the child's success and progress. In addition to professional services, many children require follow through at home by the parents on therapies, treatments and other goals. This continuity of care and contact with the parent is critical to improving the child's development and may be time consuming for the parent.

### *Identification*

When parents have young children, FEPs should inquire about their school attendance, or need for child care. Generally, parents will report that they have children with special needs. If a parent does have a child with special needs, and the child is participating in any special programs, like the Birth-to-Three program, or special education programs in school, the FEP should obtain a written consent to contact the service coordinator, teachers or other professionals involved in the child's development or education. These professionals are an important resource in understanding how the child's special needs may impact employment for the parents.

While some parents will be able to communicate problems very clearly, some parents have disabilities themselves and may have great difficulty communicating their barriers. It is critical that appropriate child care is available to ensure the health and safety of a child with special needs. When interviewing families with school-age children with special needs, the worker the FEP or SSP should discuss what child care plans have been made for the summer or other school breaks. A parent who has support by the school available during nine months of the year may not have the necessary support system when school is not in session. Under the Americans with Disability Act (ADA), generally, a child care provider may not refuse to accept a child with a disability and

must make reasonable accommodations in order to serve the child. However, it may be difficult to find a providers who are trained to care for children with special needs.

To facilitate this discussion, a screening tool is provided in this section.

For more information, *Caring for a Child With a Disability: Daily Challenges and Barriers to Work* is included in this section.

### *Resources and Referrals*

## **The Birth-to-Three Referral and Assessment Process**

A major source of support for parents of disabled infants and toddlers with developmental delays is the Birth-to-Three program. Birth-to-Three provides family centered services to infants and toddlers with developmental delays or disabilities. This is a federal entitlement program offering a statewide system of services. Referrals can be made to the program through a county referral network. Members of the network include parents, doctors, nurses, hospitals, clinics, schools, social workers, day care centers and organizations or agencies that come into contact with young children.

When a member of the network suspects a developmental need, a referral must be made to the Birth-to-Three program within two days. Once a formal referral is made, a decision will be made to either conduct a formal screening or to begin the early intervention evaluation process. Within 45 days, a Birth-to-Three Service Coordinator obtains the consent from the parent to do an evaluation and an early intervention team evaluates the child to determine eligibility.

A determination of developmental delay is made by a team of professionals through a formal evaluation. This is supported by a developmental history of the child and other pertinent information, observations made of the child in his or her daily settings, including how the child interacts with people and familiar toys and objects in the child's environment; and a determination of a significant developmental delay. Children with diagnosed physical or mental conditions known to result in delay such as Down Syndrome, spina bifida, etc. are also included. Areas of development include cognitive, physical (including vision and hearing), communication, social and emotional, and adaptive development which includes self-help skills.

Following the evaluation and assessment, the Early Intervention Team and the parents meet to develop an Individual Family Service Plan (IFSP). This documents the goals for the family and child and early intervention services that will be provided to the child and family. This IFSP is reviewed at least every six months with a meeting of the IFSP team to be held at least annually. Ninety days before the third birthday, a transition plan must be completed. Depending on the child's development, he or she may

transition into a day care, Head Start program, early childhood program, special education in the public schools, regular preschool, etc. For more information about the Birth-to-Three program, contact the local Birth-to-Three primary point of referral agency.

## Other Resources

### **SUPPLEMENTAL SECURITY INCOME (SSI)**

Children with severe disabilities may qualify for Supplemental Security Income (SSI) payments. If the child is not receiving SSI, a referral is recommended. For more information about SSI benefits, see Appendix A, or contact:

Social Security Administration

(800) 772-1213

Internet: <http://www.ssa.gov>

### **SPECIAL EDUCATION PROGRAMS**

Children with disabilities are provided state and federal special education laws under the Individuals with Disabilities Education Act (IDEA), which protect children's rights to a free appropriate public education which meets the child's individual needs. The special education is provided by the school district or other public agency in Wisconsin. The special education process consists of: identifying and referring a child with a suspected disability, evaluating to determine whether the child has a disability, developing an individualized education program (IEP), and determining a placement with the least restrictive environment.

Parents play a key role in the special education process. Parents must consent to the evaluation and placement into a special program. Parents are also a part of the decision-making team that develops the child's IEP. Parents who are knowledgeable regarding their rights and responsibilities in obtaining an appropriate education for their child, can be a more effective advocate for their child.

For more information, contact:

Department of Public Instruction

Division of Handicapped Children and Pupil Services

P.O. Box 7841

Madison, WI 53707 -7841

(608) 266-1781

TDD: (608) 267-2427

### **HOME HEALTH AGENCIES**

Home health aids and personal care workers can help ensure that medical and personal care needs are met when the primary caregiver is not available.

## CARING FOR A CHILD WITH A DISABILITY DAILY CHALLENGES AND BARRIERS TO WORK\*

### I. Caregiving Stress

**Meeting daily care needs.** Children with disabilities require a higher level of care than children without disabilities. Some children may be dependent on assistance to meet their daily care needs, such as eating, dressing, bathing, and toileting. Other children may require close and constant supervision to monitor their behaviors, such as self-abusive or unsafe behaviors.

**Maintaining child health.** The health and development of children with disabilities necessitates close monitoring by medical professionals. Parents must make frequent doctor visits to assess their child's development, monitor medication, evaluate the need for specialized equipment, etc. Medically fragile children may be more vulnerable to contracting illness or may experience more severe and lasting illness than children without disabilities.

**Completing daily chores.** Many parents do not have access to respite care and are not getting time away from their children or their work responsibilities. This means that parents must include their children in their daily routines. Simple tasks such as grocery shopping become very difficult and stressful.

**Health problems of parents.** Parents may be taking medication to handle physical ailments (e.g., back problems), headaches, and anxiety associated with caring for their families. Stress and anxiety are compounded for parents who worry about how much longer they will be able to care for their child.

### II. Single parenthood

**Many parents of children with disabilities are single parents.** Single parents must rely on their extended family and friends for help and support. Many custodial parents are not receiving any child support.

**Multiple roles.** Single parents must take on a wide range of roles in their caretaking responsibilities; not only are they parents, but they must also fill the role of nurse, therapist, caseworker, and advocate.

### III. Limited Finances

**Extra costs.** Extra costs incurred in the care of a child with a disability which may not be covered by medical insurance include: modifications to the home environment (such as a ramp into the house), modifications to vehicles, special food

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\* Adapted from a paper prepared by the Wisconsin Council on Developmental Disabilities.

or clothing items, respite care, and some medical supplies. Due to waiting lists for programs such as Family Support, many families go without the equipment and supplies they need.

**Stretched budgets.** Some parents whose children receive SSI are using their child's SSI income to cover basic household expenses such as rent and food. As a result, parents may be unable to use their child's SSI income toward the supplies their children need.

## **BARRIERS TO WORK**

### **I. Access to Child Care**

**Appropriateness of child care centers.** Many child care centers are not equipped to handle the needs of children with emotional or behavioral challenges, or who have high medical needs.

**Expense of child care.** Child care centers that have the professional staff and resources needed to meet the needs of children with disabilities can be very expensive.

**Scarcity of child care.** Child care is hard to find for children who have a disability, especially for infants and toddlers. Demand for child care slots far exceeds availability.

**Child Care for older children with disabilities.** Children age 13 and older may continue to need supervision and assistance, and can't be left alone after school, on holidays, or during summer breaks. Child care for children age 13 and older is difficult to find and subsidized child care is generally not available.

### **II. Access to Flexible Work Options**

Parents must tend to their child's health and educational needs, so jobs must be flexible enough to allow parents to take their children to medical and therapeutic appointments.

**Early intervention participation.** Parents need to be available to participate in early intervention programming. A primary component of early intervention programs is parent involvement and collaboration with therapists and other early intervention staff.

**School participation.** Parents must be available to their school-age child during school hours. Many parents report that they are often needed during school hours to fill in for their child's aide, or accompany their child on a school field trip. This request does not meet ADA requirements of the school.

**School holidays and absences.** Parents may have to stay home when school is out, when their child is sick, or when their child cannot attend school for other reasons. Teacher conference days, holidays, and summer breaks are times when parents may need to take care of their children. Lack of child care or school programming during these periods means that parents may have to stay home with their children.

**Medical appointments and illness.** Children who have special health care needs or with severe disabilities have necessary medical and therapy appointments, and get sick more frequently.

**III. Access to Transportation.** Some parents must rely on accessible public transportation.

**Lack of transportation.** Some parents must rely on public transportation or the help of friends and family to get to work, or transport their child to medical or therapy appointments. Early Intervention and Family Support providers have reported that lack of transportation is a barrier to parent employment in rural areas, as parents often have to travel outside of their communities to find jobs.

**IV. Maintaining Health Insurance Coverage.**

Children with disabilities often have significant and ongoing health care needs that require therapies, medications, equipment and other medically needed services. Parents with disabled children are concerned about accessing affordable, comprehensive medical coverage.

*Included is a screening tool to help determine the appropriate participation requirement and/or the need for referral to a program specializing in children with special health care needs and a paper regarding needs of parents caring for a disabled child.*



**SCREENING TOOL TO DETERMINE FAMILY NEEDS OF CHILDREN  
WITH DISABILITIES, DEVELOPMENTAL DELAYS AND/OR  
CHRONIC HEALTH CARE CONDITIONS**

**Instructions and Referral Interpretation**

**Part A: General Background**

To determine if a family has a child with disabilities, developmental delays, and/or chronic health care conditions that require special consideration for job placement, ask the questions in Part A of all parents screened. The questionnaire is structured so that responses may be gathered orally, or in writing.

If the answer is YES to question 1, but NO to 2, you may also need to make a referral to one of the programs listed. Call your local school district or 1-800-642-STEP for referral information about these programs in your community. Continue on with the rest of the screening questions if the parent's response to questions 1 and 2 justify the need for more information. Since question 1 may elicit positive responses that are not significant (e.g., mild learning disabilities or mild forms of juvenile diabetes or asthma), not all positive responses may require completion of the full screen.

**Part B: Special Health Needs**

Part B questions involve the type and frequency of special services and medical interventions. Questions are also included which explore the level of parental involvement in the medical care.

**Part C: Daily Living Needs**

At this point in the screen, if a parent has expressed significant health care and daily living needs, you should obtain additional information from contacts identified in Part A. This may require a signed release from the parent. The person may be able to provide more information about the care needed and the schedule requirements, so that an ideal work schedule and child care arrangements can be arranged.

**Part D: Child Care Needs**

These questions are designed to determine if there are barriers to obtaining child care. Barriers may take the form of special health needs, like required nursing care, or a vulnerable immune system, or they may be supervision needs beyond that normally provided in a child care facility.

## Does Your Child Have Special Health Care Needs?

### Part A: Background

1. Do you have any concerns about your child's health or development?

- NO  
 YES

If yes, what are these concerns?

2. Does your child receive services from any of the programs listed below?

- NO  
 YES

If yes, provide the contact name and phone number for each program. If the information is not available now, place an X on the line so that we can collect it later.

<u>Program</u>	<u>Contact and Phone Number</u>
Birth-to-Three	_____
Family Support	_____
Exceptional Education Needs	(Special Education-Public Schools) _____
Children with Special Health Care Needs	_____
Other	_____

(Place an asterisk (\*) next to the name of the person who knows the most about your child's situation and needs)

Also, if yes, tell us why your child is seen by the program or agency.

If the answer is YES to either question 1 or 2, please continue to **Part B**.

If the answer is YES to question 1, but NO to 2, you should consider calling your local school district or 1-800-642-STEP for referral information about these programs in your community.

**Part B: Health And Developmental Needs**

1. How often does your child receive program services and/or medical treatment?

<u>Program Services</u>	<u>Medical Treatment</u>
<input type="checkbox"/> Daily	<input type="checkbox"/> Daily
<input type="checkbox"/> 3 to 4 times per week	<input type="checkbox"/> 3 to 4 times per week
<input type="checkbox"/> 1 or 2 times per week	<input type="checkbox"/> 1 or 2 times per week
<input type="checkbox"/> 3 or 4 times per month	<input type="checkbox"/> 3 or 4 times per month
<input type="checkbox"/> 1 or 2 times per month	<input type="checkbox"/> 1 or 2 times per month
<input type="checkbox"/> less than 1 time per month	<input type="checkbox"/> less than 1 time per month

2. How often does your child see a physician?

- every week
- every month
- more than once a year
- less than once a year

Name: Dr. \_\_\_\_\_

Type of physician or specialty:

When was your child last seen? Why?

3. Does your child receive therapeutic or educational services (Birth-to-Three program, public school or other) for health care needs such as :

- |   |   |
|---|---|
| <input type="checkbox"/> Physical Therapy         | <input type="checkbox"/> Mental health issues |
| <input type="checkbox"/> Educational services     | <input type="checkbox"/> Occupational Therapy |
| <input type="checkbox"/> Vision                   | <input type="checkbox"/> Speech Therapy       |
| <input type="checkbox"/> Deaf and Hard of Hearing | <input type="checkbox"/> Other _____          |

What is your role in these services and follow up? How often are you involved in this role?

**Part C: Daily Living Needs**

1. Does your child have needs (other than what is expected for his/her age) for daily supervision/assistance, such as:

- |                          |           |                          |                                   |
|--------------------------|-----------|--------------------------|-----------------------------------|
| <input type="checkbox"/> | Dressing  | <input type="checkbox"/> | Communicating                     |
| <input type="checkbox"/> | Eating    | <input type="checkbox"/> | Behavior                          |
| <input type="checkbox"/> | Mobility  | <input type="checkbox"/> | Forming Relationships/Friendships |
| <input type="checkbox"/> | Breathing | <input type="checkbox"/> | Toileting                         |
| <input type="checkbox"/> | Sleeping  | <input type="checkbox"/> | Other _____                       |

Comments:

2. Does your child have need for medical/health treatments, such as:

- |                          |             |
|--------------------------|-------------|
| <input type="checkbox"/> | G-tubes     |
| <input type="checkbox"/> | Suctioning  |
| <input type="checkbox"/> | Tracheotomy |
| <input type="checkbox"/> | Medicines   |
| <input type="checkbox"/> | Other _____ |

Who administers to these needs above, and how often?

What is your role in caring for your child with these treatments and how often is this done?

3. Does your child require assistive devices for communication, such as:

- |                          |  |
|--------------------------|--|
| <input type="checkbox"/> | Computer   |
| <input type="checkbox"/> | Picture Cards                                      |
| <input type="checkbox"/> | Sign Language                                      |
| <input type="checkbox"/> | Hearing aides or other assistive listening devices |
| <input type="checkbox"/> | Other talking devices                              |

What is your role in using these devices and how often is this done?

4. Does your child require supervision/assistance with mobility, such as:

- |                          |                                |
|--------------------------|--------------------------------|
| <input type="checkbox"/> | Crutches                       |
| <input type="checkbox"/> | Braces                         |
| <input type="checkbox"/> | Wheelchair                     |
| <input type="checkbox"/> | Special Transportation Monitor |
| <input type="checkbox"/> | Other _____                    |

What is your role in meeting your child's needs with these assistive devices and how often?

5. Is your child's care consistent from week to week or does it change frequently with circumstances (e.g., appointments, health status)?

Place an X above the number that most accurately describes your routine based on your child's special needs.

---

1	5	10
Regular and Stable		Totally Unpredictable

**Part D: Child Care Needs**

1. Does your child have any health or behavioral problems that you believe would not allow placement in child care?

2. Does your child require any special accommodations from a child care provider?

3. Is the child spending part of all or part of their day in special programming?

NO  
 YES

If yes, tell us the schedule.

4. Have you ever, or is your child now placed in group or family child care?

NO  
 YES

If no, tell us if you have ever had problems finding child care.

5. Do you foresee any problems coordinating child care and the other programs identified in question 3, or services described in Part B?

## COGNITIVE BARRIERS

### *Description*

Persons with cognitive barriers to employment may be difficult to identify. Many persons with limited cognitive capacity will not self identify and may be reluctant to admit to limitations, or unable to understand their barriers without additional professional help. It is important that the FEP understand the issues relevant to adults with cognitive barriers.

It is most beneficial to work with employers who understand the special needs and unique contributions of this program population. In general, when placing a person with cognitive limitations, it is especially important to make an accurate assessment of their abilities and appropriately communicate these skills to the employer. Very often persons with cognitive limitations are dismissed for being too slow, or not following through on instructions, due to irresponsibility or insubordination, when in reality it is due to their cognitive limitations.

### *Identification*

It is important to remember that not all persons with cognitive limitations will be eligible for disability payments through Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI). Though some are eligible for SSI, and referrals are generally appropriate, not all will meet eligibility requirements. Persons with IQ scores less than 60 meet disability requirements on the basis of cognitive limitations alone. Persons with IQ scores between 60 and 70 are sometimes eligible. A brief screening tool is included in this section to help identify if a person might have a cognitive limitation.

Additionally, persons who have social workers associated with any of the following organizations may have some form of cognitive disability and their case worker should be consulted to determine the best activities and employment. Organizations and individuals include:

- a Developmental Disability coordinator who is part of the 51.42 (437) System;
- a vocational program from a disability agency;
- other community service organizations.

If a person is not working with an agency, but is having difficulty meeting W-2 requirements, consider the potential for a cognitive barrier if any of the following behaviors are exhibited:

- inconsistent follow-through on assigned activities;
- failure to complete multiple assigned tasks;
- inability to recall instructions; or

- frustration with program requirements.

*Acknowledgments*

Wisconsin Birth-to-Three Program

Wisconsin Council on Developmental Disabilities

Wisconsin Department of Public Instruction

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\* Adapted from a paper prepared by the Wisconsin Council on Developmental Disabilities.

## W-2 Screen for Cognitive Limitations

1. Do you have a legal guardian, protective payee, or some other person who makes decisions for you?  
 NO  
 YES
  
2. Are you, or have you ever been, in any special education classes?  
 NO  
 YES
  
3. Have you ever received SSI (Supplemental Security Income) or SSDI (Social Security Disability Income)?  
 NO  
 YES
  
4. Have you ever worked in a special program for people with disabilities or mental retardation?  
 NO  
 YES
  
5. Do you receive any help from an agency that helps people with disabilities or people who are slow learners?  
 NO  
 YES
  
6. Do you need help to fill out forms? If so, what kind of help do you need?  
 NO  
 YES
  
7. Do you have trouble getting yourself or your family to appointments, school, etc.? Please explain.  
 NO  
 YES
  
8. Does someone else take care of your money or pay your bills for you?  
 NO  
 YES
  
9. What are your children's birthdays?
  
10. How old will your oldest child be in three years?
  
11. What is the month BEFORE your birthday?

### **Interpretation**



If the adult answers yes to any of questions 1-8, without a good reason or explanation that would indicate problems other than cognitive limitations, or is unable to answer questions 9-11, they should be referred to DVR or a similar assessing agency for a professional vocational assessment.

## DOMESTIC VIOLENCE

### *Description*

Domestic violence can occur among couples of every age, sexual orientation, and socio-economic class, and can outlast the marriage or dating relationship. The ability to recognize a domestic violence victim will help someone stay on the path to self-sufficiency and get the help that is needed.

Physical violence is the most obvious and serious manifestation of domestic abuse. However, domestic violence by definition is behavior perpetrated by one intimate partner that creates an environment of terror for the other. It includes, but is not limited to physical, sexual, emotional, psychological and economic abuse directed at the partner, as well as threats and destructiveness directed at the partner's loved ones (including children) or valued possessions. It is important to note that many people can be in relationships where there is no actual physical abuse, but other forms of abuse, and even lack of support, can sabotage the ability to maintain employment. Abusive partners generally view any efforts at improvement, independence, or greater access to social supports as a threat. This may lead to behaviors and actions that undermine any achievement.

### *Identification*

Based on the prevalence of domestic violence among individuals receiving W-2, the W-2 agency should maintain a close working relationship with shelters and other counseling entities that will accept referrals. Information about how to get help should be available and a person who admits to being a victim should be referred immediately. You should consider domestic violence a possibility if the individual exhibits any of the following signs or behaviors:

### **Workplace or Work History Indicators**

- Has frequent injuries, bruises, or reported illness;
- Wears unseasonable clothing (to conceal injuries);
- Is late or absent from work frequently (waiting for injuries to heal);
- Appears overly tired at work;
- Receives many upsetting personal phone calls, faxes or visits at work;
- Has a limited attention span;
- Shows a marked decrease in job performance;
- Seeks extra work to avoid going home;
- Inconsistent work history or none at all;
- Requests days off for court appearances;
- Is excessively absent for medical attention or has high use of medical insurance;

- Avoids forming relationships with coworkers of the opposite sex;

### **Participant Contact Indicators**

- Has frequent injuries, bruises, or reported illness, especially at various stages of healing;
- Is anxious, nervous, unusually quiet or jumpy;
- Exhibits low self-esteem or low level of confidence;
- Is concerned about an ex-partner knowing his/her address;
- Might ask questions about who has access to his/her address or case information;
- Is reluctant to have their partner attend meetings;
- Becomes concerned about waiting partner if appointment is too long;
- Is concerned about leaving the children with their partner;
- Is silent when partner is present and partner does all the talking;
- Has few personal resources;
- Remains in the middle of divorce proceedings that never seem to end (possible with contested custody or property battle);
- Has periodic temporary addresses and phone numbers;
- Oldest child acts like an adult and takes care of parent;
- Current or ex-partner calls to make accusations of participant.

### **What Case Managers Can Do:**

- Understand that only the perpetrator can stop the violence.
- Understand that leaving the abusive relationship can escalate rather than end the violence.
- Know your community resources and share them with the participant. (Contact local domestic abuse agencies for support and information.)
- Place resource information in areas where it can be accessed confidentially.
- Be a voice of non-judgmental support. (If you suspect that a customer is being harmed by a partner or family member, inform the participant that you are concerned and that no one deserves to be abused.)
- Respect confidentiality (Disclosing the information to anyone without explicit permission by the victim could increase the danger.)
- Include domestic violence services, stabilizing housing and resolving legal issues in the participant's employability plan, when appropriate.
- Help identify employers who are best able to provide for the safety needs of the victims and their children (for example, provide secured facilities or flexible hours.)

### *Resources and Referrals*

The W-2 agency should maintain a list of local referrals. However, if more information is needed, the following agencies are good sources of information about domestic violence:

Department of Health and Family Services  
(608) 266-9035

Wisconsin Coalition Against Domestic Violence  
(608) 255-0539

National Workplace Resource Center on Domestic Violence  
(415) 252-8900

### *Acknowledgments*

Wisconsin Coalition Against Domestic Violence

## LANGUAGE AND CULTURE

### *Description*

Language barriers may hinder some participants' ability to understand their rights and responsibilities, participate in program activities, work and maintain employment, and take full advantage of the available services. Some participants may be illiterate or read at a very low level. Some may not be able to speak English at all, especially those who came as refugees. While many refugees are able to carry a simple conversation in English, they do not necessarily comprehend what is said. Having materials translated into their language may not always help, since some participants may not read or write in their native language.

In addition to language, cultural differences can hinder the effectiveness of intervention. In some Southeast Asian cultures, for instance, the role for the men and women in supporting the family is well defined. Thus, it is important when working with the families to be considerate of these roles.

### *Indicators of Language Barrier:*

- Unable to speak or read English (oral and written fluency may vary substantially, since many who learned English in school may be able to read well but speak/understand little, while those with limited native literacy may learn to speak well but never learn to read or write);
- May be unresponsive or give inappropriate responses;
- May agree to everything which is said. Participants may indicate they understand when they don't, in order to avoid embarrassment for both them and the speaker.

There are a wide variety of assessment tools to identify an individual's language fluency. The appropriate tool should be selected in relationship to the participant's overall level of education and specific job needs. Consult with the English as a Second Language (ESL) Department of the local vocational/technical college regarding appropriate instruments.

Language problems can be easily identified. The cultural problems may be more difficult to identify because they are unique to each culture and to the families' degree of acculturation or assimilation.

### *Indicators of Possible Cultural Barriers:*

- Adheres to traditional norms (e.g., wife deferring to the husband, wife seeking approval from husband before talking out, etc.);
- Appears uncomfortable talking to person of opposite sex;

- Avoids eye contact.

## **Providing Culturally Competent Services**

Cultural competency starts with the realization that each of us has perceptions of reality, values and goals which are conditioned by our cultural experiences. It includes a willingness to listen openly to other's verbal and non-verbal communications and recognize that what is perceived as a problem and appropriate solutions may vary for families of a different language and cultural experience. Ideally, you will have the opportunity to read about some of the unique aspects of the history and culture of the customers with whom you work. The library, local Mutual Assistance Association, Spanish Centers, Office of Refugee Services, Urban League, NAACP, Great Lakes Intertribal Council, tribal agencies; the Center for Applied Linguistics, and the Web are all excellent sources of materials on the cultures of recent immigrants. Local agencies may be able to offer a local staff training.

Culturally competent service delivery also includes having a plan for access to services in the native language, which includes both written materials and access to bilingual staff. Each agency should develop a list of staff with language skills and a directory of trained interpreters in those languages not covered by staff. AT&T has a language service which can be contracted with to provide translation services for those languages for which no local interpreters are available.

Bilingual staff and trained interpreters provide more than translation services. They provide cultural bridges for customers and agency staff, helping each understand the program goals, participant goals, cultural factors and family dynamics, in order to develop an effective self-sufficiency plan. When working with an interpreter it is essential that the English speaking worker and the interpreter develop communication and trust. The worker and interpreter should discuss when literal translation is required/provided, as well as when interpretation of non-verbal communication and cultural context will improve understanding. Ensure that the interpreter understands and will respect confidentiality requirements. When using an interpreter, continue to address the customer, in order to maintain rapport. Because the information developed in most interviews and planning sessions is confidential, it is not appropriate to use children as the go-between.

Cultural generalizations are difficult because each culture is unique and each individual within a culture is likely to have some but not all of the characteristics "typical" of that culture. However, the following are some points to consider:

- The United States is one of the most individualistic cultures in the world. You will want to work with and consider all of the adult members of the household. Many households will practice a consensus decision-making which may take longer than the initial interview.

- Gender roles may be clearly defined. In many patriarchal cultures it will be necessary to work with both the husband and wife, and the wife will defer to the wishes of the husband. This does not usually mean that the wife will not work outside the home. It does mean that they will have to both understand the economics of two-parent households, plan for supervision of children, develop work skills and community coping skills (e.g., riding the bus), and identify a job which is “suitable” in the culture and appropriate to the skills of the individual.
- Cultures vary substantially with regard to how much “touching” is allowed, especially across gender. Take your cue from the customer before offering to shake hands, pat on the shoulder, etc.
- Americans are often more concerned about time than many other cultures. You may encounter a lack of punctuality;
- Families are often reluctant to leave their children with day care providers who do not share a cultural and linguistic background. Intact families may juggle shifts to avoid child care, extended family members may provide care, Head Start and day care centers may develop bilingual capacity, or agencies may develop licensed/certified care within the immigrant community.
- Many cultures have dietary laws, dress, or holy days, which may affect appropriate job placements. For instance, Muslims and Jews may refuse employment in restaurants or packing plants where they handle pork; Sabbath, funeral and holiday observances may also affect work schedules.

You will need to become a cultural broker in order to serve both the customer and the employer. Coach the customer regarding American expectations regarding such things as looking directly into one’s eyes, “selling” oneself, asking questions, punctuality, calling in when sick or late, etc. Give the employer assistance and resources for posting safety signs in the native language, providing a mentor, training supervisors and staff in cross-cultural sensitivity, and resolving problems after placement.

### **Refugee Trauma and Immigrant Acculturation**

Many of the immigrants seeking services are refugees who have fled their country of origin as a result of a well-founded fear of persecution. Their experiences will typically have included severe trauma resulting from civil war, rape, torture, flight and malnutrition, incarceration or prolonged detention in a camp. This experience has often left them with physical and mental health problems. These may include chronic pain from injuries or torture, as well as depression and post-traumatic stress syndrome. Since most of the sufferers of this trauma are reluctant to talk about it, mental health problems will often be masked by somaticized illnesses such as stomach and head aches and back pain. (A recent assessment of Hmong women revealed that 40%

suffered from clinical depression.) Once physical sources of chronic pain have been ruled out, a mental health evaluation may be appropriate. Concepts of mental health, mental illness and treatment also vary substantially, so W-2 agencies may need to search out a mental health program capable of providing a culturally competent assessment and treatment in this language. The Office of Refugee Services is currently funding several local communities who are developing such services for Hmong participants.

Immigrant and refugee families typically go through the acculturation process at differing rates of speed. This creates great stresses within the families, as young people are eager to adopt new ways but do not "fit" anywhere and parents are fearful of losing control. Changes in gender roles strain established relationships. These stresses may increase the potential for family violence. Parenting programs should provide tools for setting limits for children. Parents need to be informed about American laws and alternatives to physical punishment. Women should have safe and confidential ways to report abuse. Both because of cultural reasons and because immigration laws subject abusers to deportation, immigrants are even less likely to report abuse than other participants.

### **Providing English as a Second Language**

Most local vocational/technical schools offer English as a Second Language (ESL) instruction as a part of their Adult Basic Education program. Work with the schools to ensure that these programs are available outside of work hours and are vocationally oriented. There are a variety of excellent curricula for teaching Vocational English as a Second Language (VESL), which usually includes vocabulary and concepts related to the world of work, including job hunting, workplace safety, job retention skills, etc.

Many refugees and immigrants have excellent professional, technical or entrepreneurial skills which would earn high levels of pay, but they are unable to currently use them due to language barriers. Intensive ESL (frequently offered for foreign students at Universities), combined with work or work experience in a related field, may be a cost-effective means of helping them achieve self-sufficiency.

Programs can also be customized to particular industries. Several customized skill training programs have been operated which train participants in the vocabulary, math skills, and job skills related to such fields as machine tool operator, welder, printing, wood products, sewing and Certified Nursing Assistant.

In the current labor market, many limited-English participants are able to obtain initial employment. However, continued instruction in English is essential to maintaining that job and obtaining advancement. For this reason, it is important to encourage concurrent work and ESL instruction by developing classes in non-work hours, or by developing ESL at the work site. Many employers who hire large numbers of immigrants are now considering providing language training at the job site. Contracting



for such services may open the door for placements of substantial numbers of limited English participants.

## **Programs and Program Models**

Many community based organizations have substantial experience providing employment and supportive services to limited English participants. Some W-2 agencies have contracted directly with such agencies for services, while others have developed referral arrangements. W-2 agencies are encouraged to develop partnerships with the refugee employment and training provider in your community and to refer participants for bilingual employment services from these agencies.

Some of the strategies which these agencies use include:

- Using professional, bilingual job developers. Whenever possible, bilingual staff should conduct the initial interview, employability assessment and plan development, and job development. Few limited English participants are able to do up front job search, but assisted job search with a bilingual job developer can lead to direct placement;
- Including indigenous leaders in the planning and delivery of services in order to enhance quality and community support;
- Providing assistance to employers in preparing the job site and supervisors and coworkers;
- Providing bilingual follow-along support to customers and employers for extended periods (up to 18 months following placement) in order to resolve problems and retain jobs. Refugee bilingual workers follow-up with employers, in some cases as early as the second day after placement, and after the first week to see if any problems developed which might lead to breakdown of the job placement;
- Providing intensive, customized skill training (usually taught in English with a bilingual instructor);
- Providing ESL at the job site. Some W-2 agencies are providing ESL on the job site for refugee W-2 participants and, in certain cases, requiring that ESL must be a part of the 10 hours per week of allowable training activities under a CSJ.
- Providing extensive social service supports to help families resolve problems when parents' time is devoted to work. Because of a basic unfamiliarity with American systems and services, immigrants and refugees often need additional help with "survival skills" such as help with housing, learning to ride the bus, driver licensure, etc. Support staff work extensively with the family and community resources to identify appropriate child care arrangements;

- Placing limited English participants on a job site where another immigrant already works who is bilingual;
- Training experienced bilingual workers as supervisors. This provides for promotions and allows for placement of substantial numbers of non-English-speaking participants. Marathon County Department of Employment and Training provides a supervisor training program, free to employers who are interested in upgrading refugees to supervisors;
- Providing job-upgrade services;
- Providing Community Services Employment. Refugee employment service providers in most refugee communities have grant funding which allows them to pay an employer a full wage subsidy for up to a year, if the employer will agree to hire the refugee after placement.

In addition, we have identified several best practice programs which may be useful in your community.

## BEST PRACTICES

### Employment and Training

**Agency:** Wausau Area Hmong Mutual Association, Inc.(WAHMA)

**Name of activity:** Bilingual Supervisory Training

**Costs/funding source(s):** The cost is \$1,600.00. The project is paid for by the Marathon County Department of Employment and Training.

**Duration:** The training period is 8 weeks for a total of 32 hours. Classes are held twice a week for 2 hours each.

**Building partnership with other agencies and employers:** WAHMA's skills training coordinator and Marathon County Department of Employment and Training's employment counselor work very closely with the instructor and the students. Both the skills training coordinator and the employment counselor take turns being in the classroom to help interpret (if needed) and to make sure that students understand the materials and the concepts.

Building partnerships with community agencies and employers is an important and critical part of this project. The Wausau Area Hmong Mutual Association (WAHMA), Marathon County Department of Employment and Training (MCDET) and Northcentral Technical College (NTC) are the three main organizations sponsoring this project. WAHMA and MCDET provide the funding and the support services for the class, and work with employers to recruit participants. NTC provides the classroom training to the students. We believe this project is a community collaborative and partnership effort. It includes the WAHMA, a non-profit entity, the county, the technical college and the employer community.

**Placement as a result of training:** All of the participants in the bilingual supervisory training program are currently working full time. However, they need the skills necessary to move to the next step of becoming lead workers or supervisors. We believe that there are several great benefits to having bilingual employees trained in supervisory skills. First, potential bilingual employees can be promoted to supervisory positions. Second, English fluency is removed as an issue for an employer by having a bilingual supervisor who can communicate to the limited English speaking employees. Third, it creates a win-win situation for the employers, employees and the community as a whole.

**Other comments:** This is our first bilingual supervisory training offered through local employers and interested individuals. We hope to continue the training by offering it to other employers who have not participated or those that would like to send more employees to participate.

**Agency:** Outagamie County Department of Health & Human Services

**Name of activity:** Refugee Employment and Training Program

**Funding source:** W-2 is the funding source

**Supportive services provided during training:** The W-2 agency provides funding assistance, as well as assists in making all of the necessary arrangements for child care and transportation needs. Medicaid, Food Stamps, and/or a W-2 payment may also be available if all eligibility requirements are met.

**Building partnerships with other agencies and employers:** Outagamie County Department of Health and Human Services has a contract with Valley Packaging Industries, Inc. (VPI) to provide education and training to Hmong W-2 participants.

The training component is available in three different tracks:

1. Fast Track to Jack's Pizza or Anchor Foods - Training is specific to these two employers; employment is offered to persons who successfully complete the program. Program length is generally 12 weeks in length but can vary from person to person depending upon demonstrated competencies. Persons referred to Jack's Pizza or to Anchor Foods will enter the system as temporary workers and will be added as regular employees with full benefits after completion of a probationary period. Transition services will be provided to persons successfully completing the program by the case manager. Both Jack's Pizza and Anchor Foods will provide mentors to persons referred from this program. The only fee that is required for persons entering this track is \$300 for the educational component of the program.
2. Outside Employment Track - Those referred to this track are referred primarily for education and work experience at Valley Packaging and it is understood that the job placement and job development in the community is the responsibility of the W-2 case manager and/or job placement specialist. Valley Packaging will provide work experience, feedback regarding productivity, progress in educational components, and coordination with outside case management/job development staff. The only fee that is required for a person entering this track is \$300 for the educational component of the program.
3. Work Adjustment Track - This track applies to persons who are not employment ready and who need a period of extended training and/or experience to develop their skills to the level that they can be employed either in the community or within VPI. Valley Packaging develops a work adjustment plan for persons who require the more intensive work adjustment services which are available in this track. The cost for this program is \$150 per week. The W-2 agency determines the length of the program based upon progress. Persons who have a documented disability are referred to DVR for coordination of services.

Attached to all three of these tracks in an educational component on-site at VPI. The instruction is provided by an instructor from Fox Valley Technical College. Classroom instruction is currently offered a minimum of two hours a day, two days a week.

Some topics include:

- Understanding the American work place
- Application process
- Literacy: Introduction-conversation
- Goal setting and motivational
- Job search and job search strategies
- Work place safety
- Paychecks and benefits
- Work place record keeping
- Work place math-job related
- Community resources and tours
- Bus training

**Agency:** Esperanza Unida, Milwaukee

**Name of Activity:** Training Business

**Funding Sources:** W-2; JTPA; employer fees

Building Partnerships: The local PIC and W-2 agencies place trainees at this community based organization in a training slot or in a Community Services Job. Training is available in a variety of business areas, including printing, auto mechanics and child care. Trainees receive training and supervision in production skills and related math and English skills. Training is provided in English but instructors are usually bilingual. Production output may be sold to local employers. Local employers enter into placement agreements to hire graduates.

Similar programs involving either specialized skill training or training businesses have been operated by Lao Family Community; Sheboygan Hmong Mutual Assistance Association; Wausau Area Hmong Mutual Association; the Eau Claire Mutual Assistance Association, and others. Training areas have included welding, machine tool operator, certified nursing assistant, construction, day care, wood products, etc.

### **Miscellaneous Best Practices:**

Housing Assistance is one of the fundamental services which is needed to assure a family has the stability necessary to retain a job. The Manitowoc Housing Project, operated by the Hmong Mutual Assistance Association, uses homeownership assistance as part of the motivational package as it helps refugees obtain the good job needed to sustain homeownership. The Project has assisted 80 families to get their own home through rehabilitation assistance (used as skill training) and loan assistance. *[Successful placement of refugees in jobs often requires the case manager to be sensitive to the next level of need, in this case, housing needs.]*

The local CAP agency has helped to develop the “Manitowoc County Resources for Refugees” to help refugees understand their community resources more effectively.

Milwaukee Jewish Federation and Jewish Family Services provide a “Career Services” workshop which consists of 4-5 sessions on career understanding to help orient and educate refugees to jobs in the U.S.

For a complete listing of these MAA/organizations, contact the State Refugee Office at (608) 266-8354.

# MENTAL HEALTH

## *Description*

Mental health problems involve symptoms and behaviors caused by untreated or uncontrolled mental health conditions where such behaviors impact a person's ability to fulfill their responsibilities to their family, or their employer. Additionally, mental health problems may also impact children of W-2 participants. Some children may have symptoms and behaviors caused by untreated or uncontrolled mental health conditions, or ongoing support to control a condition, where such behaviors require parental intervention and assistance. Participants may be aware of mental health barriers, claim to have some problems, or demonstrate signs or symptoms of mental health problems in their previous work history or life experience. If a participant demonstrates through any actions or behaviors that a mental health condition may interfere with their ability to work, referral to a mental health professional should be completed. Individuals with severe mental health issues should be referred to the Social Security Administration for determination for SSDI or SSI eligibility. (See Ch. 18.9.0 for more information on W-2 State-Only Payments.)

## *Identification*

### **Self Identification**

As discussed above, some participants may self identify.

### **Other Indicators**

When a FEP suspects a mental health problem, the screening tool provided at the end of the section may be used. The short questionnaire could be administered orally, or could simply be presented to the participant for their own private consideration. The FEP should consider administering the screen if some combination of the following symptoms or behaviors leads to a problem, or potential problem with performance in W-2:

- lack of energy, reports of fatigue, or general poor health;
- previous record of behavioral problems on the job, or in daily interpersonal relationships;
- depression, aggressive or violent tendencies, or misplaced anger;
- lack of participation, without a readily verifiable reason;
- loss of contact with the agency;
- inability to follow through on job contacts or other appointments;
- sudden or wide mood swings or displays of emotion, energy, or enthusiasm, or
- social isolation.

An additional screen is provided to help identify women with postpartum depression and parents with children who have mental health issues.

### *Program Requirements*

Persons with severe mental health problems that interfere with activities of daily living should be referred for a professional assessment. If the condition warrants and signs of abuse or neglect are present, the FEP and the mental health case manager should make a referral to child welfare.

One of the major challenges for placing persons with mental health issues is the often erratic nature of their employment. For many people, there are no problems with employment until there is a serious episode which might render them unable to work for an extended period of time (for example, periods of three months are not uncommon), after which they can return to regular employment until they experience another episode. Making placements and helping employers to understand these needs will improve the ability of these persons to succeed in W-2 and in regular unsubsidized employment.

### *Resources and Referrals*

For more information on mental health problems, contact a local mental health professional, or:

Department of Health and Family Services  
Bureau of Community Mental Health Services  
(608) 267-7792

### *Acknowledgments*

Wisconsin Department of Health and Family Services  
Bureau of Community Mental Health Services

Wisconsin Council on Developmental Disabilities



## W-2 Adult Mental Health Screen\*

1. Have you been hospitalized for psychiatric reasons in the last 2 years?  
 NO  
 YES
  
2. Do you have trouble holding a job or performing daily activities because of :  
depression  NO  YES  
nervousness  NO  YES  
confusion  NO  YES  
anger  NO  YES  
other mental health problems  NO  YES
  
3. Are you taking medications for mental health problems?  
 NO  
 YES
  
4. If you are not taking medication, has a physician said you should be on medication for a mental health problem?  
 NO  
 YES
  
5. Do you feel helpless much of the time?  
 NO  
 YES
  
6. Do you often think of killing yourself or being dead?  
 NO  
 YES
  
7. Have you seen a doctor more than 10 times in the last year for a health problem?  
 NO  
 YES

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\* Screen developed by Wisconsin Department of Health and Family Services, Bureau of Mental Health Services.

## **Interpretation**

An affirmative response to any of the above questions is an indication of a potential mental health problem. The adult should be referred to a mental health professional for further assessment.

## POSTPARTUM DEPRESSION

### *Description*

Postpartum depression is a temporary illness that can be devastating to a woman, her infant and her family if not treated. It affects about 10% of all women who have given birth and can appear any time in the first 12 months after delivery. Postpartum depression occurs across all ethnic, economic and educational groups, and can happen to women who usually have seen themselves as “strong and in control of their lives.” Postpartum depression is an obstacle to the mother for developing a secure emotional bond with her infant and for her confidence in her mothering skills. Most pregnant women are not educated about the possibility of postpartum psychiatric illness and health care providers may not recognize these disorders. Postpartum depression is not the same as “the baby blues”, a mild and brief experience of tearfulness and fatigue frequently experienced in the first 2 weeks after delivery.

Although any woman can experience postpartum depression, a woman is at greater risk if she has: 1) a previous episode of depression at any time, including after an earlier pregnancy or during this recent pregnancy; 2) a previous pregnancy loss such as a miscarriage or stillbirth; or 3) a family history of depression, anxiety or mental illness.

### *Identification*

#### **Self Identification**

Some women may identify themselves as feeling depressed and having some of the common symptoms of depression.

#### **Other Indicators**

If the FEP suspects that a woman may be experiencing postpartum depression , the screening tool provided at the end of this section should be used. This screening tool could be administered verbally, or could be given to the woman for her own private consideration. The FEP should consider using the screening tool if some combination of the following symptoms or behaviors leads to a problem, or potential problem with performance in W-2:

- Lack of energy, report of fatigue;
- Inability to follow through on job contacts or appointments, especially if she says it is because she “can’t find the energy” or “can’t seem to keep her mind on what needs to be done.”
- The woman makes statements about feeling helpless or hopeless, or that something just doesn’t feel right, or that she is thinking of hurting herself or her baby.

### *Program Requirements*

A woman with postpartum depression symptoms that interfere with her ability to care for herself, her infant or her family should be referred for professional assessment. Postpartum depression can be successfully treated with therapy, medication and support.

Although it is rare, a woman can experience an even more serious illness known as postpartum psychosis. Symptoms can include bizarre feelings or behavior, hallucinations and thoughts about killing herself or her baby. This should be considered an emergency, and the woman must be helped to get treatment immediately.

### *Resources and Referrals*

For more information on postpartum depression, contact a local mental health care professional, the local public health department , or:

Wisconsin Maternal and Child Health (MCH) Hotline  
(800) 722-2295

A screening tool is provided at the end of this section.

### *Acknowledgments*

Wisconsin Department of Health and Family Services  
Bureau of Family and Community Mental Health  
Wisconsin Maternal and Child Health Education and Training Institute

Wisconsin Association for Perinatal Care

## W-2 POSTPARTUM DEPRESSION SCREEN

1. Do you feel very tired but unable to sleep even when you have the chance?  
 NO  
 YES
  
2. Do you feel helpless or hopeless much of the time?  
 NO  
 YES
  
3. Have you had repeated thoughts about harming yourself or your baby?  
 NO  
 YES
  
4. Have you felt like you did not have the energy to take care of your baby?  
 NO  
 YES
  
5. Have you been unable to do things because you "couldn't keep your mind on them?"  
 NO  
 YES
  
6. Have you felt sad, even though you think you should be happy with a new baby?  
 NO  
 YES
  
7. Does it seem like you don't enjoy things you usually like?  
 NO  
 YES
  
8. Have you had a big change in your appetite?  
 NO  
 YES
  
9. Did you feel that you could not get rid of your sadness even with the help of your friends or family?  
 NO  
 YES

## **Interpretation**

An affirmative response to any of the above questions is an indication of a potential problem with postpartum depression. The woman should be referred to a mental health professional for further assessment.

## **CHILDREN WITH MENTAL HEALTH CONCERNS**

When parents in W-2 have children with mental health concerns, it is appropriate for the parent's W-2 placement to consider their child's needs for therapy, doctor visits, or any other special needs related to treating any conditions (physical, emotional, or cognitive). Helping a parent communicate these needs to an employer and encouraging employers to be flexible will help many parents succeed in W-2.

## W-2 Child Mental Health Screen\*

1. Has your child been diagnosed as having a serious mental illness?  
 NO  
 YES, Please explain
  
2. Can your child attend day care or school, or stay with a caretaker without being sent home?  
 NO  
 YES, Please explain
  
3. Does your child need more adult supervision than other children the same age?  
 NO  
 YES, Please explain
  
4. Has your child made an attempt to injure him or herself?  
 NO  
 YES, Please explain
  
5. Has your child made any statements about harming him or herself?  
 NO  
 YES, Please explain
  
6. Has your child injured others or threatened to injure anyone more than other normal children's fights?  
 NO  
 YES

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\* Screen developed by Wisconsin Department of Health and Family Services, Bureau of Mental Health Services.



## **Interpretation**

An affirmative response, without a reasonable explanation, to any of the above questions is an indication of a potential mental health problem. The child should be referred to a mental health professional for further assessment.

## **PHYSICAL BARRIERS**

### *Description*

Persons with physical barriers may have 1) physical disabilities, 2) medical conditions that result in physical limitations, or 3) sensory disabilities. In general, persons with severe disabilities that claim to be, or seem to be, unable to work in any capacity should be referred to the Social Security Administration to explore eligibility for Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI). It is important that assigned activities are appropriate and based on the limits of individual's capabilities. (See Ch. 18.9.0 for more information of W-2 State-Only Payments.)

### *Identification*

In general, most persons will identify their physical limitations. In almost all cases, their self-report needs to be corroborated by an assessment performed by the Division of Vocational Rehabilitation, a medical professional, including a physician, psychologist, psychiatrist, alcohol or other drug abuse counselor, or similar assessing agency that specializes in disabilities. It is important that the FEP understand precisely the limitations of the individuals. Following are some indicators of possible physical disabilities:

## **Hearing Impairment**

### **Workplace or Work History Indicators**

- Daydreams frequently
- Loner personality makes forming permanent relationships difficult;
- Has difficulty in getting a job;
- Fears new and different situations (especially strange groups of people);
- Refuses to get help -- denies hearing loss;
- Has few interests outside of family and job.
- Quits job or dislikes job once enjoyed.

### **Participant Contact Indicators**

- Has few close friends;
- Depends on partner;
- talks too loudly;
- Has difficulty concentrating when background noise is present;
- Is unable to hear conversation, but does not know it, consequently:

- \* Responds incorrectly to comments or questions;
- \* Appears to be in a fog;
- \* Appears to be senile or forgetful;
- \* Continues to deny hearing loss;
- \* Wants to be left alone;
- \* Acts disinterested in social events;
- \* Relies heavily on spouse or close friends;
- \* Appears to ignore others.

## **Vision Impairment**

### **Workplace or Work History Indicators**

- Avoids jobs that are dependent on heavy reading or intricate detail work;
- Quits job or dislikes job once enjoyed;
- Squints to see objects or writing.

### **Participant Contact Indicators**

- Holds printed material to arm's length;
- Has lost driver's license;
- Relies heavily on spouse or close friends.

## **Back and Muscle Disorders**

### **Workplace or Work History Indicators:**

- If previous work was manual labor, may feel unqualified for other work;
- Suddenly loses job once enjoyed;
- Exhibits feelings of anger or helplessness focused on former employer.

### **Participant Contact Indicators:**

- Stiff body carriage;
- Looks uncomfortable sitting. May rock in chair or sit very upright;
- Avoids bending over;
- Uses arm strength to lower body into chair;
- Takes muscle relaxers.

*Resources and Referrals*

## **The Client Assistance Program**

The Client Assistance Program (CAP) is federally funded to assist individuals with disabilities who have questions about or problems in working with federally funded rehabilitation programs. In Wisconsin, this includes the Division of Vocational Rehabilitation (DVR) and Independent Living Centers. CAP can provide information by phone, mail, or by giving presentations to groups who wish to understand how to work with the rehabilitation system. CAP assists individuals by attempting to resolve their complaints at the local level. When necessary and appropriate, CAP will assist in an appeal over a denial of services. For more information call (800) 362-1290.

### **Other Sources**

For more information about physical limitations, contact:

Department of Workforce Development  
Division of Vocational Rehabilitation  
(608) 266-1281  
Internet: <http://www.dwd.state.wi.us.dvr>

Social Security Administration  
(800) 772-1213  
Internet: <http://www.ssa.gov>

Department of Health and Family Services  
Office for the Blind  
(608) 243-5656  
Office for the Deaf and Hard of Hearing  
(608) 243-5626

For information on job accommodations, contact:

Job Accommodation Network  
(800) JAN-7234

For information on the American with Disabilities Act, call:

(800) ADA-WORK

*Acknowledgments*

Wisconsin Council on Developmental Disabilities

Wisconsin Department of Workforce Development  
Division of Vocational Rehabilitation

Wisconsin Department of Health and Family Services  
Client Assistance Program

## PREGNANCY PREVENTION & ADULT FAMILY PLANNING

### *Description*

It is important not only to teach abstinence and contraception but also to help young people rise above the problems that surround them to see the future so they can make intelligent decisions. This type of approach is considered a comprehensive life-options approach. The strategy begins by teaching abstinence--a message teenagers need to hear more often--and includes contraceptive information for teenagers who are already sexually active. However, other factors, such as alcoholism in the home, failure at school, and child abuse, cannot be ignored as they tend to prevent teenagers from seeing their own potential.

Factors that have been linked to teen pregnancy for an early predisposition to teen sexual activity include, but are not limited to:

**Physical or sexual abuse:** A history of physical and sexual abuse tends to lower the age of the first intercourse and doubles the chances that an adolescent will be sexually active.

**Single parent family:** Unmarried daughters of single parents are three times more likely to give birth than counterparts living in two-parent houses. Divorce, the absence of a father, and the presence of a stepfather or maternal boyfriend are likely to affect early sexual activity in girls.

**Permissive parent values regarding teen sexual behavior:** Male and female adolescents whose parents are least strict and who believe their mother had sex before marriage are likely to have higher levels of sexual activity.

**Use of alcohol and other drugs:** Drug use increases the risk that a teen will have sex before the age of 16. Teen boys who use alcohol and cigarettes are 39% and girls are 80% more likely to engage in early sex.

**A history of involvement in illegal behaviors:** Sexually active 15 to 17 year-olds are more likely to be involved in behaviors like theft, vandalism, violence and drug use, are more likely to be expelled or suspended from school, and are more likely to have a group of friends with more sexually permissive beliefs and behaviors.

**Early puberty:** Adolescents who physically mature earlier than their peers report two to three times the level of sexual activity.

**A mother or female sibling that is or was a teen parent:** For a girl, having a sister or mother that is or was a teen parent, increases the likelihood that she will become a teen parent herself.

**Poor or no parental monitoring:** Adolescents who are not closely monitored are at greater risk for early sexual activity.

**Feeling differently than others or not belonging:** Adolescence can be a period of insecurity and low self-esteem. If a teen feels different, based on culture, appearance or other real or perceived reasons, s/he may become involved in risky behaviors to fit in.

In order to reduce unwed pregnancies, and especially births to minor parents, FEPs will need to look outside the agency and its own resources and take an active role in leveraging resources and responsibility in the community. Given the risks and costs, every member of the community has a stake in seeing that every parent is ready and able to provide for their children. The potential of your organizations could be greatly enhanced with the involvement of "adult" community organizations. These organizations include the business and employer community, health care community, faith based community and schools. These communities need to work together to ensure that all teenagers do well, stay in school, are safe, feel they have a value in their community, and have plans for the future. To address the problems of teen pregnancy the following principles would be followed:

- Begin prevention efforts early;
- Address the risk factors;
- Promote responsibility;
- Encourage and support community -wide approaches to prevention;
- Increase access to opportunities and services; and
- Engage the media.

#### *Resource and Referrals*

Adolescent Pregnancy Prevention and Services Board  
(608) 267-2080

Planned Parenthood of Wisconsin

## APPENDICES

Appendix A	Department of Workforce Development Division of Vocational Rehabilitation
Appendix B	Social Security Administration Programs
Appendix C	Applicable Federal and State Laws and Regulations
Appendix D	Facts About the Americans With Disabilities Act
Appendix E	Americans With Disabilities Employment Information



**APPENDIX A: DEPARTMENT OF WORKFORCE DEVELOPMENT  
DIVISION OF VOCATIONAL REHABILITATION**

**Purpose**

The purpose of the Title I of the Rehabilitation Act of 1973, as amended, is to provide "comprehensive, coordinated, effective, efficient, and accountable programs of vocational rehabilitation (VR) designed to assess, plan, develop, and provide vocational rehabilitation services for individuals with disabilities, consistent with their strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice, so that such individuals may prepare for and engage in gainful employment." [P.L. 105-220 s. 100 (a)(2)]

DVR staff must comply with the provisions of all agreements and contracts between DVR and other agencies, organizations, community rehabilitation programs, and other providers. Required documentation includes the following:

- Information supporting the decision regarding eligibility;
- Order of selection and significance of disability;
- Justification for provision of services, including job placement, in a non-integrated setting;
- Information supporting the development of the long term vocational goal, services and measures;
- Plan for employment and amendments;
- Periodic reviews and evaluations of the plan for employment;
- Information supporting the provision of supported employment services;
- Any request for an appeal and decision or action resulting from that request;
- Information supporting the decision to close a consumer's case record, including verification of competitive employment if obtained;
- Information to support the decisions and actions of the DVR in providing, denying, or altering services as necessary to comply with case management needs.

**Community Resources**

DVR shall make maximum use of public or other vocational or technical training programs and other community resources, including community rehabilitation programs, in the provision of VR services.

All personal information shall be kept confidential. Information shall be released only with the informed, written consent of the consumer or, if appropriate, the consumer's representative. Exceptions include the following:

- Needed for the administration of the VR program;

- As needed to protect the consumer from physical harm to self or others;
- In response to law enforcement, fraud or abuse investigations;
- In response to a judicial order;
- When required by federal statute or regulation;
- For an approved audit, research or evaluation purposes;
- In suspected cases of abuse, neglect, exploitation or endangerment, unless expressly prohibited by Federal or State laws or regulations.

Information obtained from another agency shall be released only by, or under the conditions established by, the other agency. Consumers and providers of information shall be advised of the confidentiality and release restrictions. Medical, psychological and other information determined to be potentially harmful to the consumer shall not be directly released to the consumer, but shall be released to another party chosen by the consumer. Information may be released to parents of consumers who are minors, or legal guardians, under the same conditions as it may be released directly to consumers.

## **Mediation/Hearing Process**

Mediation is conducted by a qualified and impartial mediator who is trained in effective mediation techniques. This process is confidential, voluntary and must be agreed to by both parties and is not to be used to deny or delay the right of a consumer to a hearing. Discussions that occur during the mediation process will not be used as evidence in any subsequent due process hearing or civil proceeding.

An impartial hearing is performed by a hearing officer selected from a pool of qualified individuals identified by DVR and the State Rehabilitation Planning and Advisory Council. The consumer or representative must have an opportunity to present additional evidence, information, and witnesses to the hearing officer. Counsel or other appropriate advocates may also be obtained and shall have the opportunity to examine all witnesses and other relevant sources of information and evidence.

Services that have been initiated shall not be suspended, reduced, or terminated pending the final hearing decision unless it is requested or there is evidence that the services have been obtained through misrepresentation, fraud, collusion or criminal conduct on the part of the consumer.

The hearing must be held within 45 days of a consumer's initial request for review, unless informal resolution is achieved prior to the 45th day or the parties agree to a specific extension of time. The hearing officer shall make a decision based on the State and Federal policies and requirements. The hearing officer shall provide a full written report of the findings and grounds for the decision within 30 days of the completion of the hearing.

## **DVR Responsibilities**

DVR staff have the following responsibilities:

- To work in partnership with consumers to individually pursue, obtain and maintain employment suited to their abilities and interests and leading to independence, increased self-sufficiency and full inclusion in society;
- To provide individualized services to the consumer in an organized, planned manner and to exercise sound professional judgment in carrying out that responsibility;
- When unable to work through a conflict with a consumer, to involve management and to inform the consumer of his/her rights and the availability of assistance from the Client Assistance Program (CAP).

Consumers must be provided with opportunities and informed of their right to participate actively and make meaningful and informed choices throughout the VR process including: evaluation and assessment services and providers, vocational goals and responsibilities, services needed to complete their plans for employment, and the service providers and methods used to procure such services.

## **Referrals to Other Programs**

Accurate VR information and guidance will be provided, using appropriate modes of communication, to assist such consumers in preparing for, securing, retaining, or regaining employment, and will be appropriately referred to other programs. The referrals shall be to the Federal or State programs, including programs carried out by other components of the statewide workforce investment system in the State, best suited to address the specific employment needs of a consumer.

Consumers referred to other program shall be provided:

- Notice of the referral by DVR to the agency carrying out the program;
- Information identifying a specific point of contact within the agency carrying out the program; and
- Information and advice regarding the most suitable services to assist the consumer to prepare for, secure, retain, or regain employment.

## **Assessment for Determination of Eligibility**

To be eligible for VR services, a consumer must have a physical or mental impairment that results in a substantial impediment to employment and require VR services to prepare for secure, retain or regain employment.

A consumer who is determined eligible for disability benefits under Title II or Title XVI of the Social Security Act is presumed to be eligible for VR services provided that the consumer intends to achieve an employment outcome.

The assessment for determination of eligibility shall be based on a review of existing data, including VR counselor observations, to the maximum extent possible. Information may be obtained as necessary from other programs and providers such as educational institutions, Social Security Administration, physicians, hospitals, and other information provided by the consumer or his/her family.

The determination of eligibility should be made as soon as possible, but the time shall not exceed 60 days after the consumer has submitted an application for VR services. However, the consumer and counselor can agree on a specific extension of time due to exceptional and unforeseen circumstances beyond the control of the consumer or DVR. A VR counselor determines the eligibility. A written statement of eligibility is included in the case record. Consumers who are determined not to be eligible for VR services shall be informed of the decision in writing and be provided with the reasons for the determination of ineligibility, notification of their appeal rights, and information about the Client Assistance Program (CAP). An ineligibility statement is completed and signed by a VR counselor.

## **Order of Selection**

At any time DVR resources do not permit all eligible consumers to be served, an order of selection for services shall be implemented giving first priority to consumers with the most significant disabilities. Second priority shall be given to consumers with significant disabilities and third priority to those with non-significant disabilities. All eligible consumers within an open priority of service category must be served. A consumer has a most significant disability if s/he has three or more significant functional limitations and requires multiple services over an extended period of time.

A consumer has a significant disability if s/he has a severe mental or physical impairment that seriously limits one or more functional capacities in terms of an employment outcome and whose vocational rehabilitation requires multiple services over an extended period of time.

After a consumer is found eligible for VR services, an order of selection determination is completed. An assessment of additional data, to the extent needed to make this determination, may be conducted. The VR counselor, jointly with each consumer, shall evaluate his/her functional limitations and anticipated scope of services in the order of selection determination. This policy does not effect a consumer whose plan for employment was developed prior to the implementation date of order of selection, or those who are in need of post-employment services.

Each consumer must be notified of the order of selection determination. Consumers in a closed category are offered referral services and the option to be placed on a waiting list until the category has been opened for VR services. Each consumer in a closed category will be contacted annually to determine if additional information is available.

## **Plan for Employment**

A VR counselor shall complete the assessment for determining eligibility and VR needs, as appropriate, and shall provide the consumer or, as appropriate, the consumer's representative, in writing and in an appropriate mode of communication, with information on the consumer's options for developing a plan for employment. These options must include:

- Information on the availability of assistance, to the extent determined appropriate by the consumer, from a VR counselor in developing all or part of the plan for employment;
- The availability of technical assistance in developing all or part of the plan for employment;
- A description of the full range of components that shall be included in an plan for employment;
- An explanation of DVR guidelines and criteria associated with financial commitments concerning a plan for employment;
- Additional information the consumer requests or DVR determines to be necessary;
- Information on the availability of assistance in completing DVR forms required in developing an plan for employment;
- A description of the rights and remedies available to such a consumer including, if appropriate, recourse to due process and mediation; and
- A description of the availability of and how to contact the Client Assistance Program (CAP).

The plan for employment shall be developed and implemented in a manner that provides the consumer the opportunity to exercise informed choice in selecting an employment outcome, the specific VR services to be provided under the plan, the entity that will provide the VR services, and the methods used to procure the services.

The plan for employment shall be:

- Agreed to, and signed by, the consumer or, as appropriate, the consumer's representative;
- Approved and signed by a DVR counselor;
- Copied and provided to the consumer or representative, in writing and, if appropriate, in the native language or mode of communication.

- Reviewed, at least annually, by a VR counselor and the consumer or, as appropriate, the consumer's representative;
- Amended, by the consumer or representative, in collaboration with DVR staff, as necessary. An amendment is only necessary if there are substantive changes in 1) the employment outcome, 2) the VR services to be provided, or 3) the providers of the services. Amendments are not to take effect until agreed to and signed by the consumer or, as appropriate, the consumer's representative, and by a VR counselor.

## Plan for Employment Components

The plan for employment shall contain, at a minimum, the following mandatory components:

- Description of the specific employment outcome chosen by the consumer;
- Timelines for the achievement of the employment outcome;
- Description of the specific services to be provided in an integrated setting including assistive technology;
- Timelines for the initiation of the services;
- A description of the entity(ies) chosen by the consumer or, as appropriate, the consumer's representative, to provide the services;
- The methods chosen by the consumer to procure the services;
- A description of criteria to evaluate progress toward achievement of the employment outcome;
- The terms and conditions of the plan for employment, including information describing:
  - ◊ DVR responsibilities;
  - ◊ Consumer responsibilities in relation to the employment outcome;
  - ◊ The participation of the consumer in paying for the costs of services;
  - ◊ The responsibility of the consumer in applying for and securing comparable benefits; The responsibilities of other entities as the result of arrangements made pursuant to comparable services or benefits.

For a consumer with the most significant disabilities with an employment outcome in a supported employment setting, the following information needs to be identified:

- The extended services needed by consumer;
- The source of extended services or, if the source of the extended services cannot be identified at the time of the development of the plan for employment,
- A description of the basis for concluding that there is a reasonable expectation that such source will become available; and
- If necessary, a statement of projected need for post-employment services.

VR services are any services described in a plan for employment necessary to assist a consumer in preparing for, securing, retaining, or regaining an employment outcome that is consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the consumer, including:

- Assessment for determining eligibility and VR needs.
- Counseling and guidance, including information and support services to assist a consumer in exercising informed choice.
- Referral and other services to secure needed services from other agencies.
- Job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services.
- Vocational and other training services, including the provision of personal and vocational adjustment services, books, tools, and other training materials, except that no training services provided at an institution of higher education shall be paid for with funds under this title unless maximum efforts have been made by DVR and the consumer to secure grant assistance, in whole or in part, from other sources to pay for such training. To the extent that financial support is not readily available from a source such as health insurance or through comparable services and benefits, other than DVR, diagnosis and treatment of physical and mental impairments.
- Maintenance for additional costs incurred while participating in an assessment for determining eligibility and VR needs or while receiving services under a plan for employment;
- Transportation, including adequate training in the use of public transportation vehicles and systems, that is provided in connection with the provision of any other service described in this section and needed by the consumer to achieve an employment outcome;
- On-the-job or other related personal assistance services provided while an consumer is receiving other services described in this section;
- Interpreter services provided by qualified personnel for consumers who are deaf or hard of hearing, and reader services for consumers who are determined to be blind, after an examination by qualified personnel who meet State licensure laws;
- Rehabilitation teaching services, and orientation and mobility services, for consumers who are blind;
- Occupational licenses, tools, equipment, and initial stocks and supplies;
- Technical assistance and other consultation services to conduct market analyses, develop business plans, and otherwise provide resources, to the extent such resources are authorized to be provided through the statewide workforce investment system, to consumers who are pursuing self-employment or telecommuting or establishing a small business operation as an employment outcome;
- Rehabilitation technology, including telecommunications, sensory, and other technological aids and devices;
- Transition services for students with disabilities, that facilitate the achievement of the employment outcome identified in the plan for employment;

- Supported employment services including ongoing support services and other appropriate services needed to support and maintain a consumer with a most significant disability in supported employment that are provided singly or in combination, and are organized and made available to assist the consumer to achieve competitive employment. Supported employment services are provided based on a determination of the needs of the consumer and specified in a plan for employment. Supported employment services are provided for up to 18 months unless, under special circumstances the consumer and the VR counselor agree to extend the time in order to achieve the rehabilitation objectives identified in the plan for employment;
- Services to the family of a consumer necessary to assist the consumer to achieve an employment outcome; and
- Specific post-employment services necessary to assist a consumer to retain, regain, or advance in employment.

## **Financial Contribution**

Consumers shall be encouraged to participate in the cost of the services listed in their plan for employment to the extent they are able to do so. The monthly contribution of the consumer is determined by the DWD ability to pay schedule. A consumer is liable only for the costs of his/her service or services provided to a spouse or to a minor child.

Family income is determined by household income, assets, and disability related expenses according to the ability to pay schedule. A consumer's financial contribution will be reviewed at least annually or whenever changes in services occur. The value of in kind contribution shall be credited to the consumer toward his/her financial liability. A consumer's financial liability/contribution can not exceed the costs of goods and services purchased. The consumer will have financial liability/contribution for the duration of the plan.

## **Employment Outcomes**

A consumer has achieved an employment outcome only if the following requirements are met and documented:

- Services provided under a plan for employment have contributed to the achievement of the employment outcome.
- The employment outcome is consistent with the consumer's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.
- The employment outcome is in the most integrated setting possible, consistent with the consumer's informed choice.



- The consumer is compensated at or above the minimum wage and receives at least the customary wage and benefit level paid to non-disabled consumers performing similar work for the same employer.
- Employment has been maintained for at least 90 days.
- The consumer and VR counselor consider the employment to be satisfactory and agree the consumer is performing well on the job.

At the time of closure there must be a reassessment of the need for post-employment services. When the consumer is working in supported employment, the case will only be closed when the employment represents competitive employment or employment in integrated work settings in which the consumer is working toward competitive employment. The employment must be in an integrated work setting where most employees do not have disabilities and the consumer regularly interacts with these employees while performing job duties, or, when the consumer regularly interacts with individuals who do not have disabilities, including the general public, while performing job duties as part of a work group of employees with disabilities. There shall be confirmation of extended support services after case closure by the another party identified in the plan for employment. Closure occurs no sooner than 90 days after transition to extended support services. Consumers must be compensated under Sec 14 (c) of the Fair Labor Standards Act.

Consumers whose cases are closed for any reason except death or no known address, shall be notified, in writing, of the case closure, the basis for the closure, the right to appeal the closure decision, and the process for appealing, including the availability of the Client Assistance Program to assist with an appeal. Consumers shall be provided an opportunity for full consultation of case closure prior to the closure. Consumers whose cases have been closed after rehabilitation shall be provided additional services if necessary to maintain, regain, or advance in employment consistent with consumer's strengths, resources, priorities, concerns, abilities, capabilities, and interests.

Equal Opportunity Officer  
Division of Vocational Rehabilitation  
P.O. Box 7852  
Madison, WI 53707-7852  
(608) 243-5620 (Voice)  
(608) 243-5601 (TTY)

To access services, or to obtain further information on DVR services, including a listing of local DVR offices which serve the local county of residence, visit the DVR website at: <http://www.dwd.state.wi.us/dvr>

## **APPENDIX B: SOCIAL SECURITY ADMINISTRATION PROGRAMS**

The federal Social Security Administration administers several programs that provide cash benefits to individuals who are blind or disabled. Further information regarding these programs follows:

### *Social Security Disability Income (SSDI)*

The Social Security Disability Insurance Program (commonly called SSDI) provides cash benefits to disabled workers and their dependents. The SSDI payments are paid from the Social Security trust fund into which workers pay Social Security taxes while they are working.

To be found eligible for SSDI payments, the worker must have sufficient quarters of coverage under Social Security through his or her prior work, and must meet the disability requirements under the law. The medical condition must be severe enough that the worker cannot return to work for a year or more, or one that is expected to end in death. There is no "partial disability;" to be found eligible, the worker's medical condition must be the reason he or she cannot work.

Generally, a worker over age 31 must have completed approximately five years of work in the ten years prior to becoming disabled; younger workers require less. There is no minimum age for eligibility; the maximum age is 65. Because payments are based on prior work, there is no means test for eligibility for SSDI payments.

### *Supplemental Security Income (SSI)*

The Supplemental Security Income Program (commonly called SSI) provides cash benefits to disabled individuals who do not have enough prior work to be eligible for SSDI benefits, or whose SSDI benefits are lower because of limited work in the past. As with SSDI benefits, the medical condition must be severe enough that the individual cannot return to work for a year or more, or one that is expected to end in death.

SSI benefits are paid from general tax revenue, and there are income and resource limits. There is no minimum age; generally, with the exception of certain legally admitted aliens affected by recent legislation, the maximum age is 65.

Children may be eligible for SSI. The definition of disability for children requires a child to have a physical or mental condition or conditions that can be medically proven and which result in marked and severe functional limitations. It requires that the condition must last or be expected to last for a period of a year or more, or be expected to result in death.

### *Social Security Retirement and Survivors Insurance*

In addition to paying SSDI and SSI benefits, Social Security also can pay benefits to disabled family members under its Social Security Retirement and Survivors Insurance (RSI) program. Payments, which come from the Social Security trust fund, can be paid to two groups of people.

First, dependent, disabled widows or widowers of deceased workers who paid into the Social Security program may receive benefits. Disabled widow(ers) benefits are payable for persons who are between ages 50 and 60, and whose disability began within seven years after the death of the wage earner. Benefits to widow(ers) are payable at age 60 regardless of the existence of a disability.

Dependent adult children of retired, disabled and deceased workers may be eligible for benefits if their disability begins before age 22. For either disabled widow(ers) or children's benefits, the worker on whose earnings benefits are being paid, must have had enough work to be fully insured for benefits. The medical disability requirements are the same as those for the SSDI and SSI programs.

#### *Further Information*

Additional information about Social Security and Supplemental Security Income benefits, including a listing of local offices, may be obtained by contacting:  
Social Security Administration  
(800) 772-1213  
Internet: <http://www.ssa.gov>.

## APPENDIX C: APPLICABLE FEDERAL AND STATE LAWS AND REGULATIONS

### I. EQUAL EMPLOYMENT OPPORTUNITY LAWS

#### A. RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Civil Rights Act of 1964. Title VII as amended prohibits discrimination in hiring, promotion, discharge, pay, fringe benefits, and other aspects of employment, on the basis of race, color, religion, sex, or national origin. Applicants to, and employees of most private employers, state and local governments and public or private educational institutions are protected. Employment agencies, labor unions and apprenticeship programs are also covered.

Executive Order 11246. as amended prohibits employment discrimination on the basis of race, color, religion, sex, or national origin and requires affirmative action to ensure equality in all aspects of employment. Generally speaking, the non-discrimination requirement applies to all government contracts for more than \$10,000. A first tier subcontractor is one holding a subcontract with a private contractor. In addition, all government contractors with 50 or more employees and a contract of \$50,000 or more are required to develop a written affirmative action compliance program for each of the establishments.

#### B. AGE

Age Discrimination in Employment Act of 1967. as amended prohibits age discrimination and protects applicants and employees age 40 and older from discrimination in hiring, promotion, discharge, pay, fringe benefits and other aspects of employment. The law covers most private employers, state and local governments, educational institutions, employment agencies and labor organizations.

#### C. GENDER (WAGES)

Equal Pay Act of 1963 prohibits discrimination on the basis of gender in payment of wages to women and men performing substantially equal work in the same establishment. The law covers most private employers, state and local governments and educational institutions. Labor organizations may not cause employers to violate the law. Many employers not covered by Title VII, because of size, are covered by the Equal Pay Act.

D. DISABILITY

Americans with Disabilities Act of 1990. Title I prohibits discrimination in all terms, conditions and benefits of employment, including the application process, on the basis of being a qualified person with a disability or associated with a person with a disability. Reasonable accommodations for qualified applicants or existing employees with disabilities must be considered for all terms of employment. The employment provisions apply to all private employers of 25 or more as of July 26, 1992 and January, 1992 for state and local governments.

Rehabilitation Act of 1973, as amended. Section 503 prohibits discrimination on the basis of disability and requires affirmative action to employ and to advance in employment qualified individuals with disabilities, who, with or without reasonable accommodations, can perform the essential functions of a job. Non-discrimination applies to all federal contractors with contracts of \$25,000 or more. If the contract is \$50,000 or more and the company has 50 or more employees, the contractor must prepare an affirmative action program and make it available to all employees.

E. AGE, RACE, CREED, COLOR, DISABILITY, MARITAL STATUS, SEX, SEXUAL ORIENTATION, NATIONAL ORIGIN, ANCESTRY, ARREST OR CONVICTION RECORD, MILITARY PARTICIPATION, USE OF LAWFUL PRODUCTS, POLITICAL AFFILIATION.

Wisconsin Fair Employment Law

1. Prohibited basis of discrimination:

Subject to State Statutes 111.33 to 111.36, no employer, labor organization, employment agency, licensing agency or other person may engage in any act of employment discrimination as specified in s. 111.321 against any individual on the basis of age, race, creed, color, disability or association with a person with a disability, marital status, sex, sexual orientation, national origin, ancestry, arrest record or conviction record, use of lawful products, military participation, or political affiliation.

2. Discriminatory actions prohibited:

It is an act of employment discrimination to do any of the following:

- a) To refuse to hire, employ, admit, or deny licensing to any individual; to bar or terminate from employment or labor

organization, deny membership to any individual, or to discriminate against any individual in promotion, compensation or in terms, conditions or privileges of employment or labor organization membership because of any basis enumerated in s. 111.321;

- b) To print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment, which implies or expresses any limitation, specification or discrimination with respect to an individual or any intent to make such limitation, specification or discrimination because of any basis enumerated in s. 111.321; and
- c) To discharge or otherwise discriminate against any individual because he or she has opposed any discriminatory practice under this chapter or because he or she has made a complaint, testified or assisted in any proceeding under this subchapter.

3. Unlawful discrimination:

It is unlawful for an employer, labor organization, licensing agency or person to discriminate against any employee or any applicant for employment or licensing.

II. SERVICE DELIVERY

A. RACE, COLOR, NATIONAL ORIGIN

CIVIL RIGHTS ACT OF 1964. TITLE VI prohibits discrimination on the basis of race, color or national origin in programs or activities receiving federal financial assistance.

Employment discrimination is also covered under Title VI if the primary objective of the financial assistance is the provision of employment, or where employment discrimination causes or may cause discrimination in providing services under these programs.

B. DISABILITY

Americans with Disabilities Act of 1990. Titles II, III and IV prohibits discrimination in state and local government services, public accommodations, transportation and telecommunications on the basis of being a qualified person with a disability or associated with a person with a disability. New facilities must be physically accessible if built after

January, 1993 and readily achievable alterations must be made to existing buildings built before January, 1993. Service delivery agencies must ensure physical and program accessibility. The state and local government program services provisions effective date was January, 1992.

Rehabilitation Act of 1973, as amended, Section 504 prohibits discrimination on the basis of a disability in any program or activity which receives federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities, who with or without reasonable accommodations, can perform the essential functions of a job.

C. GENDER

Education Amendments of 1972 Title IX prohibits discrimination on the basis of gender in any education program or activity which receives federal financial assistance.

D. AGE

Age Discrimination Act of 1975 prohibits discrimination on the basis of age in any program or activity which receives federal financial assistance.

E. ALL PROTECTED BASES

Public Accommodations and Amusement Law (1965) prohibits discrimination in public places based on race, color, creed, national origin, ancestry, sex, physical condition, developmental disability or sexual orientation.

## **APPENDIX D:       FACTS ABOUT THE AMERICANS WITH DISABILITIES ACT**

Title I of the Americans with Disabilities Act of 1990, which took effect July 26, 1992, prohibits private employers, state and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement compensation, job training, and other terms, conditions and privileges of employment. An individual with a disability is a person who:

- Has a physical or mental impairment that substantially limits one or more major life activities;
- Has a record of such an impairment; or
- Is regarded as having such an impairment.

A qualified employee or applicant with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the job in question. Reasonable accommodation may include, but is not limited to:

- Making existing facilities used by employees readily accessible to and usable by persons with disabilities;
- Job restructuring, modifying work schedules, reassignment to a vacant position;
- Acquiring or modifying equipment or devices, adjusting/modifying examinations, training materials, or policies, and providing qualified readers or interpreters.

An employer is required to make an accommodation to the known disability of a qualified applicant or employee if it would not impose an "undue hardship" on the operation of the employer's business. Undue hardship is defined as an action requiring significant difficulty or expense when considered in light of factors such as an employer's size, financial resources and the nature and structure of its operation.

An employer is not required to lower quality or production standards to make an accommodation, nor is an employer obligated to provide personal use items such as glasses or hearing aids.

### *PRE-EMPLOYMENT INQUIRIES AND MEDICAL EXAMINATIONS*

Employers may not ask job applicants about the existence, nature or severity of a disability. Applicants may be asked about their ability to perform specific job functions. A job offer may be conditioned on the results of a medical examination, but only if the examination is required for all entering employees in similar jobs. Medical examinations of employees must be job related and consistent with the employer's business needs.



## *DRUG AND ALCOHOL ABUSE*

Employees and applicants currently engaging in the illegal use of drugs are not covered by the ADA, when an employer acts on the basis of such use. Tests for illegal drugs are not subject to the ADA's restrictions on medical examinations. Employers may hold illegal drug users and alcoholics to the same performance standards as other employees.

## *EEOC ENFORCEMENT OF THE ADA*

The U.S. Equal Employment Opportunity Commission issued regulations to enforce the provisions of Title I of the ADA. The provisions took effect on July 26, 1992, and cover employers with 25 or more employees. On July 26, 1994, employers with 15 or more employees were covered.

## *FILING A CHARGE*

Charges of employment discrimination on the basis of disability, based on actions occurring on or after July 26, 1992, may be filed at any field office of the U.S. Equal Employment Opportunity Commission. Field offices are located in 50 cities throughout the United States and are listed in most telephone directories under U.S. Government. Information on all EEOC-enforced laws may be obtained by calling toll free on 800-USA-EEOC. EEOC's toll free TDD number is 800-800-3302. For TDD calls from the Washington, D.C. metropolitan area, dial (202) 663-4494.

This fact sheet is available in the following formats: Print, Braille, large print, audiotape and electronic file on computer disk. For further information call the Office of Equal Employment Opportunity at (202) 663-4395 (voice), (202) 663-4399 (TDD) or FTS (voice), 989-4399 (TDD).

## **APPENDIX E: AMERICANS WITH DISABILITIES EMPLOYMENT INFORMATION**

### *AN EMPLOYERS RESPONSIBILITIES UNDER THE AMERICANS WITH DISABILITIES ACT*

#### **Introduction**

The Americans with Disabilities Act of 1990 (ADA) makes it unlawful to discriminate in employment against a qualified individual with a disability. The ADA also outlaws discrimination against individuals with disabilities in state and local government services, public accommodations, transportation and telecommunications. This booklet explains the part of the ADA that prohibits job discrimination. This part of the law is enforced by the U.S. Equal Employment Opportunity Commission and state and local civil rights enforcement agencies that work with the Commission.

#### **Are You Covered?**

Job discrimination against people with disabilities is illegal if practiced by:

- private employers,
- state and local governments,
- employment agencies,
- labor organizations, and
- labor-management committees.

The part of the ADA enforced by the EEOC outlaws job discrimination by:

- all employers, including state and local government employers, with 25 or more employees after July 26, 1992, and
- all employers, including state and local government employers, with 15 or more employees after July 26, 1994.

Another part of the ADA, Title II, enforced by the U.S. Department of Justice (DOJ), prohibits discrimination in state and local government programs and activities, including discrimination by all state and local governments, regardless of the number of employees, after January 26, 1992.

Because the ADA establishes overlapping responsibilities in both EEOC and DOJ for employment by state and local governments, the Federal enforcement effort will be coordinated by EEOC and DOJ to avoid duplication in investigative and enforcement activities. In addition, since some private and governmental employers are already covered by nondiscrimination and affirmative action requirements under the

Rehabilitation Act of 1973, EEOC, DOJ, and the Department of Labor will similarly coordinate the enforcement effort under the ADA and the Rehabilitation Act.

### **What Employment Practices are Covered?**

The ADA makes it unlawful to discriminate in all employment practices such as:

- recruitment
- hiring
- promotion
- training
- lay-off
- all other employment related activities.
- pay
- firing
- job assignments
- leave
- benefits

The ADA prohibits an employer from retaliating against an applicant or employee for asserting his rights under the ADA. The Act also makes it unlawful to discriminate against an applicant or employee, whether disabled or not, because of the individual's family, business, social or other relationship or association with an individual with a disability.

### **Who Is Protected?**

Title I of the ADA protects qualified individuals with disabilities from employment discrimination. Under the ADA, a person has a disability if he or she has a *physical or mental impairment that substantially limits a major life activity*. The ADA also protects individuals who have a *record of* a substantially limiting impairment, and people who are *regarded as* having a substantially limiting impairment.

To be protected under the ADA, an individual must have a record of, or be regarded as having a *substantial*, as opposed to a minor, impairment. A substantial impairment is one that significantly limits or restricts a *major life activity* such as hearing, seeing, speaking, breathing, performing manual tasks, walking, caring for oneself, learning or working.

An individual with a disability must also be qualified to perform the *essential functions* of the job with or without *reasonable accommodation*, in order to be protected by the ADA. This means that the applicant or employee must:

- satisfy job requirements for educational background, employment experience, skills, licenses, and any other qualification standards that are job related; and
- be able to perform those tasks that are essential to the job, with or without reasonable accommodation.

The ADA does not interfere with the employer's right to hire the best qualified applicant. Nor does the ADA impose any affirmative action obligations. The ADA simply prohibits from discriminating against a qualified applicant or employee because of his/her disability.

### **How Are Essential Functions Determined?**

Essential functions are the basic job duties that an employee must be able to perform, with or without reasonable accommodation. You should carefully examine each job to determine which functions or tasks are essential to performance. (This is particularly important before taking an employment action such as recruiting, advertising, hiring, promoting or firing).

Factors to consider in determining if a function is essential include:

- whether the reason the position exists is to perform that function,
- the number of other employees available to perform the function or among whom the performance of the function can be distributed, and
- the degree of expertise or skill required to perform the function.

Your judgment as to which functions are essential, and a written job description prepared before advertising or interviewing for a job will be considered by EEOC as evidence of essential functions. Other kinds of evidence that EEOC will consider include:

- the actual work experience of present or past employees in the job,
- the time spent performing a function,
- the consequences of not requiring that an employee perform a function, and
- the terms of a collective bargaining agreement.

### **What Are My Obligations to Provide Reasonable Accommodations?**

Reasonable accommodation is any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. For example, reasonable accommodation may include:

- acquiring or modifying equipment or devices,
- job restructuring,

- part-time or modified work schedules,
- reassignment to a vacant position,
- adjusting or modifying examinations, training materials or policies,
- providing readers and interpreters, and
- making the work place readily accessible to and usable by people with disabilities.

Reasonable accommodation also must be made to enable an individual with a disability to participate in the application process, and to enjoy benefits and privileges of employment equal to those available to other employees.

It is a violation of the ADA to fail to provide reasonable accommodation to the **known** physical or mental limitations of a qualified individual with a disability, unless to do so would impose an undue hardship on the operation of a business. Undue hardship means that the accommodation would require significant difficulty or expense.

### **What is the Best Way to Identify a Reasonable Accommodation?**

Frequently, when a qualified individual with a disability requests a reasonable accommodation, the appropriate accommodation is obvious. The individual may suggest a reasonable accommodation based upon his/her own life or work experience. However, when the appropriate accommodation is not readily apparent, the employer must make a reasonable effort to identify one. The best way to do this is to consult informally with the applicant or employee about potential accommodations that would enable the individual to participate in the application process or perform the essential functions of the job. If this consultation does not identify an appropriate accommodation, the employer may contact the EEOC, state or local vocational rehabilitation agencies, or state or local organizations representing or providing services to individuals with disabilities. Another resource is the Job Accommodation Network (JAN). JAN is a free consultant service that helps employers make individualized accommodations. The telephone number is (800) 526-7234.

## **When Does a Reasonable Accommodation Become An Undue Hardship?**

It is not necessary to provide a reasonable accommodation if doing so would cause an *undue hardship*. Undue hardship means that an accommodation would be unduly costly, extensive, substantial or disruptive, or would fundamentally alter the nature or operation of the business. Among the factors to be considered in determining whether an accommodation is an undue hardship are the cost of the accommodation, the employer's size, financial resources and the nature and structure of its operation.

If a particular accommodation would be an undue hardship, you must try to identify another accommodation that will not pose such a hardship. If cost causes the undue hardship, you must also consider whether funding for an accommodation is available from an outside source, such as a vocational rehabilitation agency, and if the cost of providing the accommodation can be offset by state or federal tax credits or deductions. The employer must also give the applicant or employee with a disability the opportunity to provide the accommodation or pay for the portion of the accommodation that constitutes an undue hardship.

## **Can the Employer Require Medical Examinations or Ask Questions About an Individual's Disability?**

It is unlawful to:

- ask an applicant whether he/she is disabled or about the nature or severity of a disability, or
- to require the applicant to take a medical examination before making a job offer.

An employer may ask an applicant questions about ability to perform job-related functions, as long as the questions are not phrased in terms of a disability. An employer may also ask an applicant to describe or to demonstrate how, with or without reasonable accommodation, the applicant will perform job-related functions.

After a job offer is made and prior to the commencement of employment duties, an employer may require that an applicant take a medical examination if everyone who will be working in the job category must also take the examination. An employer may condition the job offer on the results of the medical examination. However, if an individual is not hired because a medical examination reveals the existence of a disability, an employer must be able to show that the reasons for exclusion are job related and necessary to conduct business. The employer also must be able to show that there was no reasonable accommodation that would have made it possible for the individual to perform the essential job functions.

Once an employer has hired an applicant, the employer cannot require a medical examination or ask an employee questions about disability unless the employer can show that these requirements are job related and necessary for the conduct of the

business. The employer may conduct voluntary medical examinations that are part of an employee health program.

The results of all medical examinations or information from inquiries about a disability must be kept confidential, and maintained in separate medical files. The employer may provide medical information required by state workers' compensation laws to the agencies that administer such laws.

### **Do Individuals Who Use Drugs Illegally Have Rights Under the ADA?**

Anyone who is currently using drugs illegally is not protected by the ADA and may be denied employment or fired on the basis of such use. The ADA does not prevent employers from testing applicants or employees for current illegal drug use, or from making employment decisions based on verifiable results. A test for the illegal use of drugs is not considered a medical examination under the ADA; therefore, it is not a prohibited pre-employment medical examination and an employer will not have to show that the administration of the test is job related and consistent with business necessity. The ADA does not encourage, authorize or prohibit drug tests.

### **How will the ADA Be Enforced and What Are the Available Remedies?**

The provisions of the ADA which prohibit job discrimination will be enforced by the U.S. Equal Employment Opportunity Commission. Individuals who believe they have been discriminated against on the basis of their disability can file a charge with the Commission at any of its offices located throughout the United States. A charge of discrimination must be filed within 180 days of the discrimination, unless there is a state or local law that also provides relief for discrimination on the basis of disability. In those cases, the complainant has 300 days to file a charge.

The Commission will investigate and initially attempt to resolve the charge through conciliation, following the same procedures used to handle charges of discrimination filed under Title VII of the Civil Rights Act of 1964. The ADA also incorporates the remedies contained in Title VII. These remedies include hiring, promotion, reinstatement, back pay, and attorneys fees. Reasonable accommodation is also available as a remedy under the ADA.

### **How Will EEOC Help Employers Who Want to Comply with the ADA?**

The Commission believes that employers want to comply with the ADA, and that if they are given sufficient information on how to comply, they will do so voluntarily.

Accordingly the Commission will conduct an active technical assistance program to promote voluntary compliance with the ADA. This program will be designed to help

employers understand their responsibilities and assist people with disabilities to understand their rights and the law.

In January 1992, EEOC published a Technical Assistance Manual, providing practical application of legal requirements to specific employment activities, with a directory of resources to aid compliance. EEOC published other educational materials, provided training on the law for employers and for people with disabilities, and participated in meetings and training programs of other organizations. EEOC staff also responded to individual requests for information and assistance. The Commission's technical assistance program is separate and distinct from its enforcement responsibilities. Employers who seek information or assistance from the Commission are not subject to any enforcement action because of such inquiries.

The Commission also recognizes that differences and disputes about the ADA requirements may arise between employers and people with disabilities as a result of misunderstandings. Such disputes frequently can be resolved more effectively through informal negotiation or mediation procedures, rather than through the formal enforcement process of the ADA. Accordingly, EEOC will encourage efforts to settle such differences through alternative dispute resolution, providing that such efforts do not deprive any individual of legal rights provided by the statute.

### **Additional Questions (Q) and Answers (A) on the Americans with Disabilities Act**

Q. What is the relationship between the ADA and the Rehabilitation Act of 1973?

A. The Rehabilitation Act of 1973 prohibits discrimination on the basis of handicap by the federal government, federal contractors and by recipients of federal financial assistance. If someone was covered by the Rehabilitation Act prior to the passage of the ADA, the ADA will not affect that coverage. Many of the provisions contained in the ADA are based on Section 504 of the Rehabilitation Act and its implementing regulations. If a person is receiving federal financial assistance and is in compliance with Section 504, they are probably in compliance with the ADA requirements affecting employment except in those areas where the ADA contains additional requirements. Nondiscrimination requirements, as a federal contractor under Section 503 of the Rehabilitation Act, will be essentially the same as those under the ADA; however, an employer will continue to have additional affirmative action requirements under Section 503 that do not exist under the ADA.

Q. If the employer has several qualified applicants for a job, does the ADA require that the employer hire the applicant with a disability?

A. No. The employer may hire the most qualified applicant. The ADA only makes it unlawful for an employer to discriminate against a qualified individual with a disability on the basis of disability.



Q. An employees is a diabetic, but takes insulin daily to control his diabetes. As a result, the diabetes has no significant impact on his or her employment. Is he or she protected by the ADA?

A. Yes. The determination as to whether a person has a disability under the ADA is made without regard to mitigating measures, such as medications, auxiliary aids and reasonable accommodations. If an individual has an impairment that substantially limits a major life activity, he/she is protected under the ADA, regardless of the fact that the disease or condition or its effects may be corrected or controlled.

Q. An employees has a broken arm that will heal but is temporarily unable to perform the essential functions of his job as a mechanic. Is this employee protected by the ADA?

A. No. Although this employee does have an impairment, it does not substantially limit a major life activity if it is of limited duration and will have no long term effect.

Q. Is the employer obligated to provide a reasonable accommodation for an individual if the employer is unaware of his/her physical or mental impairment?

A. No. An employer's obligation to provide reasonable accommodation applies only to known physical or mental limitations. However, this does not mean that an applicant or employee must always inform an employer of a disability. If a disability is obvious, e.g., the applicant uses a wheelchair, the employer "knows" of the disability even if the applicant never mentions it.

Q. How does an employer determine whether a reasonable accommodation is appropriate and the type of accommodation that should be made available?

A. The requirement generally will be triggered by a request from an individual with a disability, who frequently can suggest an appropriate accommodation. Accommodations must be made on a case-by-case basis, because the nature and extent of a disabling condition and the requirements of the job will vary. The principal test in selecting a particular type of accommodation is that of *effectiveness*, *i. e.*, whether the accommodation will enable the person with a disability to perform the essential functions of the job. It need not be the best accommodation or the accommodation the individual with a disability would prefer, although primary consideration should be given to the preference of the individual involved. However, the employer has the final discretion to choose between effective accommodations, and may select one that is least expensive or easier to provide.

Q. When must an employer consider reassigning an employee with a disability to another job as a reasonable accommodation?

A. When an employee with a disability is unable to perform his/her present job even with the provision of a reasonable accommodation, the employer must consider reassigning the employee to an existing position that he/she can perform with or without a reasonable accommodation. The requirement to consider reassignment applies only to employees and not to applicants. The employer is not required to create a position or to bump another employee in order to create a vacancy. Nor is the employer required to promote an employee with a disability to a higher level position.

Q. What if an applicant or employee refuses to accept an accommodation that the employer offers?

A. The ADA provides that an employer cannot require a qualified individual with a disability to accept an accommodation that is neither requested nor needed by the individual. However, if a necessary reasonable accommodation is refused, the individual may be considered not qualified.

Q. If a business has a health spa in the building, must it be accessible to employees with disabilities?

A. Yes. Under the ADA, workers with disabilities must have equal access to all benefits and privileges of employment that are available to similarly situated employees without disabilities. The duty to provide reasonable accommodation applies to all non-work facilities provided or maintained by you for your employees. This includes cafeterias, lounges, auditoriums, company-provided transportation and counseling services. If making an existing facility accessible would be an undue hardship, the employer must provide a comparable facility that will enable a person with a disability to enjoy benefits and privileges of employment similar to those enjoyed by other employees, unless this would be an undue hardship.

Q. If an employer contract for a consulting firm to develop a training course for my employees, and the firm arranges for the course to be held at a hotel that is inaccessible to one of my employees, is the employer liable under the ADA?

A. Yes. An employer may not do through a contractual or other relationship what it is prohibited from doing directly. The employer would be required to provide a location that is readily accessible to, and usable by your employee with a disability unless to do so would create an undue hardship.

Q. What are the employer's responsibility for making its facilities accessible?

A. An employer is responsible under Title I of the ADA for making facilities accessible to qualified applicants and employees with disabilities as a reasonable accommodation, unless this would cause undue hardship. Accessibility must be

provided to enable a qualified applicant to participate in the application process, to enable a qualified individual to perform essential job functions and to enable an employee with a disability to enjoy benefits and privileges available to other employees. However, if the business is a place of public accommodation (such as a restaurant, retail store or bank) they have different obligations to provide accessibility to the general public, under Title III of the ADA. Title III also will require places of public accommodation and commercial facilities (such as office buildings, factories and warehouses) to provide accessibility in new construction or when making alterations to existing structures. Further information on these requirements may be obtained from the U.S. Department of Justice, which enforces Title III.

- Q. Under the ADA, can an employer refuse to hire an individual or fire a current employee who uses drugs illegally?
- A. Yes. Individuals who currently use drugs illegally are specifically excluded from the ADA's protection; However, the ADA does not exclude:
- persons who have successfully completed or are currently in a rehabilitation program and are no longer illegally using drugs; and
  - persons erroneously regarded as engaging in the illegal use of drugs.
- Q. Does the ADA cover people with AIDS?
- A. Yes. The legislative history indicates that Congress intended the ADA to protect persons with AIDS and HIV disease from discrimination.
- Q. Can an employer consider health and safety in deciding whether to hire an applicant or retain an employee with a disability?
- A. The ADA permits an employer to require that an individual not pose a direct threat to the health and safety of the individual or others in the work-place. A direct threat means a significant risk of substantial harm. The employer cannot refuse to hire or fire an individual because of a slightly increased risk of harm to himself or others. Nor can the employer do so based on a speculative or remote risk. The determination that an individual poses a direct threat must be based on objective, factual evidence regarding the individual's present ability to perform essential job functions. If an applicant or employee with a disability poses a direct threat to the health or safety of himself or others, the employer must consider whether the risk can be eliminated or reduced to an acceptable level with a reasonable accommodation.
- Q. Is the employer required to provide additional insurance for employees with disabilities?

A. No. The ADA only requires that the employer provide an employee with a disability equal access to whatever health insurance coverage that is provided to other employees. For example, if the employer's health insurance coverage for certain treatments is limited to a specified number per year, and an employee, because of a disability, needs more than the specified number, the ADA does not require that the employer provide additional coverage to meet that employee's health insurance needs. The ADA also does not require changes in insurance plans that exclude or limit coverage for pre-existing conditions.

Q. Does the ADA require that an employer post a notice explaining its requirements?

A. The ADA requires that employers post a notice in an accessible format to applicants, employees and members of labor organizations, describing the provisions of the Act. EEOC will provide employers with a poster summarizing these and other Federal legal requirements for nondiscrimination. EEOC will also provide guidance on making this information available in accessible formats for people with disabilities.

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**DEFINITIONS OF COMPONENTS & STATUSES**

**NOTE:** These definitions are in alphabetical order according to the two-digit Status/Component Code as found in Reference Table TCOS.

**AA – AODA Assessment**

Valid for the following programs: W-2, LF, CF, FSET

Report this activity when participants are involved in an Alcohol and Other Drug Abuse (AODA) assessment by a qualified AODA provider.

*For W-2: Hours reported count toward the work training activity requirements for CSJ or W-2T participants.*

**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 W-2: Hours reported count toward the work training activity requirements for CSJ or W-2T participants.*

**AL – Physician’s Assessment**

Valid for W-2, LF, CF FSET

Report this activity when participants are involved in a physician’s assessment to determine the participant’s physical limitations due to medical conditions.

*For W-2: Hours reported count toward the work training activity requirements for CSJ or W-2T participants.*

**AM – Mental Health Assessment**

Valid for the following program: W-2, LF, CF, FSET

Report this activity when participants are currently involved in a mental health assessment by a qualified mental health provider.

*For W-2: Hours reported count toward the work training activity requirements for CSJ or W-2T participants.*

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#### **AV – Domestic Violence Assessment and Supportive Services**

Valid for the following program: W-2, CF, FSET

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 W-2: Hours reported count toward the work training activity requirements for CSJ or W-2T participants.*

#### **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).

Study time that is required for adult basic education should be assigned under this activity if the study time is supervised and tracked for attendance purposes.

*For W-2: Hours reported count toward the education and training activity requirements for CSJ or W-2T participants.*

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**CA – AODA Counseling**

Valid for the following programs: W-2, LF, CF, FSET

Report this activity when the participant attends AODA Counseling prescribed by an AODA-related Health Care professional.

*For W-2: Hours reported count toward the work training activity requirements for CSJ or W-2T participants.*

**CD – Caring for Disabled Child**

Valid for the following program: 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.

*Hours reported count toward the work training activity requirements for CSJ or W-2T participants.*

**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,
- Educational needs assessments,
- Career exploration/job shadowing,
- Reviewing labor market information and training opportunities, and
- Career guidance and counseling.

*For W-2: Hours reported count toward the work training activity requirements for CSJ or W-2T participants.*

**CF – Caring for Other Family Member**

Valid for the following program: 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.**

*Hours reported count toward the work training activity requirements for CSJ or W-2T participants.*

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#### 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, FSET

Report this activity when the participant engages in Mental Health counseling that has been prescribed by a mental health professional.

*For W-2: Hours reported count toward the work training activity requirements for CSJ or W-2T participants.*

#### 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, FSET

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 the CR activity should reflect the time spent developing the career plan and doing career exploration.

The length of time in this activity should reflect the time spent developing the career plan and doing career exploration.

*For W-2: Hours reported count toward the work training activity requirements for CSJ or W-2T participants.*



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**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 W-2: Hours reported count toward the work training activity requirements for CSJ or W-2T participants.*

**EC – Child Care for Employment Skills Training (2 Year)**

Valid for the following program: W-2

Report this activity when the 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.

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#### EI – Employer Intervention Services

Valid for the following programs: W-2, LF, CF, FSET

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 employer retention activities required by the participant, use the Job Retention Services (JR) activity code.*

#### 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.

Study time that is required for the ESL course should also be assigned under this activity if the study time is supervised and tracked for attendance purposes.

*For W-2: Hours reported count toward the education and training activity requirements for CSJ or W-2T participants.*

#### 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.

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#### 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;
- 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.

Activity may be completed independently or in a group setting. Scheduled time may include time allotted for transportation to and from potential employer's place of business.

- For W-2: Hours reported count toward the work training activity requirements for CSJ or W-2T participants. -

#### EX – Exemption Request

Valid for the following program: FSET

Report this activity when the case manager learns of an exemption reason that applies to the individual.

Upon reporting in CARES, an alert is automatically sent to the eligibility worker requesting a re-determination of the mandatory (M) registration code.

An individual will remain in this tracking activity until disenrollment or until notice is received from the eligibility worker upholding the mandatory (M) or voluntary (V) status determination.

#### FS – FSET Sanction Pending

Valid for the following program: FSET

This is automatically generated on WPCH and Sanction Request (SA) status is automatically ended when the eligibility worker enters a sanction on AIWS.

At the point that the pending sanction is effective, eligibility for food stamp benefits end, and the individual will appear on WPDL.

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#### **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.

- For W-2: Hours reported count toward the education and training activity requirements for CSJ or W-2T participants. When 18 or 19-year old CSJ participants are attending high school or enrolled in HSED or GED courses, those hours count toward the work training activity requirements.

#### **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.

- For W-2: Hours reported count toward the education and training activity requirements for CSJ or W-2T participants. When 18 or 19-year old CSJ participants are attending high school or enrolled in HSED or GED courses, those hours count toward the work training activity requirements.

#### **HR – Housing-Related Activities**

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

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 W-2: Hours reported count toward the work training activity requirements for CSJ or W-2T participants.

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#### JR – Job Retention Services

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

Report this activity when services are provided directly to the participant to assist him/her in maintaining unsubsidized employment. The types of services that can be provided include:

- Reviewing workplace demands and employer expectations
- Strategies to help the individual stay employed
- Job specific problem solving
- Crisis resolution

*For W-2: Hours reported count toward the work training activity requirements for CSJ or W-2T participants.*

#### JS – Job Skills Training

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

Report this activity for participants who are engaged in training for vocational skills required by an employer. The training will 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.

The entire training must consist of a minimum of 40 hours of class room instruction to count as job skills training. Study time that is required for training should also be assigned under this activity. Study time must be supervised and tracked for attendance purposes.

Examples of job skills training include:

- Welding
- Hospitality
- Data Entry
- Medical Assistants
- Legal Assistants

*For W-2: Hours reported count toward the education and training activity requirements for CSJ or W-2T participants.*

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#### LA – Court-Related/Legal Appointments

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

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 W-2: Hours reported count toward the work training activity requirements for CSJ or W-2T participants.*

#### LF – Life Skills

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

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

*For W-2: Hours reported count toward the work training activity requirements for CSJ or W-2T participants.*

#### 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.

Study time that is required for the LS course should also be assigned under this activity if the study time is supervised and tracked for attendance purposes.

*For W-2: Hours reported count toward the education and training activity requirements for CSJ or W-2T participants.*

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#### **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 W-2: Hours reported count toward the work training activity requirements for CSJ or W-2T participants.

#### **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/activities specifically designed to prepare them for work. Activities are geared at learning general workplace expectation, 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 one hour or more in length. Examples of job readiness/motivation sessions include:

- Workshops on effective job seeking and interviewing skills;
- Instruction in workplace expectations (including instruction on appropriate attire);
- Workshops on self-esteem, goal setting, etc.; and
- Courses on basic computer skills and use of internet.

Activity may be completed independently or in a group setting.

- For W-2: Hours reported count toward the work training activity requirements for CSJ or W-2T participants.

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#### **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.

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*For W-2: Hours do not count toward W-2 program requirements.*

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#### **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.

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*For W-2: Hours reported count toward the work training activity requirements for CSJ or W-2T participants.*

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**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 subsidized by a program other than W-2. 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 W-2: Hours reported count toward the work training activity requirements for CSJ or W-2T participants.*

**OM – Ongoing Medical**

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

Report this activity when a participant is involved in ongoing medical appointments that are not formal assessments. This could also include participants involved in long term physical therapy programs.

*For W-2: Hours reported count toward the work training activity requirements for CSJ or W-2T participants.*

**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.

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#### PA – Parenting Skills

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

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 W-2: Hours reported count toward the work training activity requirements for CSJ or W-2T participants.*

#### PC – Personal Care/Self Care

Valid for the following programs: W-2, FSET

Report this activity for 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 personal care activity will last more than six months must be certified by a qualified medical or mental health professional.

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*For W-2: Hours reported count toward the work training activity requirements for CSJ or W-2T participants.*

#### PD – Personal Development

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

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.

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*For W-2: Hours reported count toward the work training activity requirements for CSJ or W-2T participants.*

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**PR – Physical Rehabilitation**

Valid for the following program: 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.

*Hours reported count toward the work training activity requirements for CSJ or W-2T participants.*

**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
- through a Department of Public Instruction (DPI) registered home educational program including home based and home school instruction.

*For W-2: For most W-2 participants, hours reported count toward the education and training hour requirements for CSJ or W-2 T participants. When 18 or 19-year old CSJ participants are attending high school or enrolled in HSED or GED courses, those hours count toward the work training activity requirements.*

**SA – Sanction Request**

Valid for the following program: FSET

Report this activity when the case manager requests an eligibility worker to impose an FSET sanction.

When reported, it generates an alert to the eligibility worker.

The individual will remain in this status until disenrollment (due to sanction or other reasons), resolution, or termination of the sanction action.

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#### **SD – SS(D)I Advocacy/Application**

Valid for the following program: 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.

*Hours reported count toward the work training activity requirement for a participant in a CSJ or W-2 T placement.*

#### **TC – Technical College Activities**

Valid for the following programs: W-2

Report this activity for CSJ and W-2 T participants who are:

- 1) Enrolled full-time (up to 15 hours per week) in a technical college program, and
- 2) Employed or assigned 25 hours of work training activities per week.

Note: Study time does not count towards TC hours.

*For W-2: Hours reported for the actual technical college courses count toward the education and training activity requirements for CSJ or W-2T participants.*

#### **TJ – Trial Job/Private Employer**

Valid for the following program: W-2

Report this activity for a W-2 participant placed in a Trial Job within the private sector.

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.

#### **TP – Trial Job/Public Employer**

Valid for the following program: W-2

Report this activity for a W-2 participant placed in a Trial Job within the public sector.

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.

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**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 program: 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;
- Career exploration / job shadowing
- Reviewing labor market information and training opportunities
- 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.*

**UE – Up-front Employment Search**

Valid for the following program: W-2, CF

Report this activity for participants 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;
- 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 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.*

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#### UR – Up-front Job Readiness / Motivation

Valid for the following program: W-2, CF

Report this activity for applicants and participants who are engaged in up-front classes/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 one hour or more in length. Examples of job readiness/motivation sessions include:

- Workshops on effective job seeking and interviewing skills;
- Instruction in workplace expectations (including instruction on appropriate attire);
- Workshops on self-esteem, goal setting, etc; and
- Course on basic computer skills and use of internet.

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.*

#### 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).

Study time that is required for Vocational Adult Basic Education should also be assigned under this activity. Study time must be supervised and tracked for attendance purposes.

*For W-2: For W-2: Hours reported count toward the education and training activity requirements for CSJ or W-2T participants.*

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**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.

Study time that is required for Vocational English-as-a-Second-Language should also be assigned under this activity. Study time must be supervised and tracked for attendance purposes.

*For W-2: Hours reported count toward the education and training activity requirements for CSJ or W-2T participants.*

**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.

Study time that is required for the Vocational Literacy Skills course should also be assigned under this activity if the study time is supervised and tracked for attendance purposes.

*For W-2: Hours reported count toward the education and training activity requirements for CSJ or W-2T participants.*

**WE – Work Experience**

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

This is a supervised unpaid work activity with either:

- a public business or organization,
- private not-for-profit business or organization, or
- a private-for-profit business or organization.

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 W-2: Hours reported count toward the work training requirements for a W-2 participant in a CSJ or W-2 T placement.*

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#### **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.

#### **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**.

#### **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 VIII**

## **IMMIGRATION STATUS DOCUMENTATION**

## Appendix VIII IMMIGRATION STATUS DOCUMENTATION

The following documents should be used to verify immigration status for qualified aliens. More detailed information on the documentation can be found in the Systematic Alien Verification for Entitlement (SAVE) User Manual (M-300, Rev. 9/00).

<b>Immigration Status</b> ( ) indicates ANAR Alien Status Code	<b>I-94 Codes</b>	<b>I-551 Codes</b>	<b>Comments</b>
Lawful Permanent Resident (LPR) (01)	Unexpired temporary I-551 stamp	Any code not identified below	Unexpired temporary I-551 stamp in foreign passport
Asylee Lawfully present under Section 208 (05)	208 and "granted"	AS1, AS2, AS3, AS6, AS7, AS8	INS Form I-668B annotated 274a.12(a)(5) or INS Form I-766 annotated A5 or grant letter from asylum officer or immigration judge
Refugee Lawfully present under Section 207 <b>or</b> Victim of Trafficking (04)	207 or refugee	RE1, RE2, RE3, RE6, RE7, RE8, IC6, IC7, R86, CU6, CU7, Y64, M83, M93	INS Form I-668B annotated 274a.12(a)(3) or INS Form I-766 annotated A3 or INS Form I-571 (Refugee Travel Document) <b>or</b> Certification letter from the Office of Refugee Resettlement, Dept. of Health and Human Services, indicating the applicant is eligible under the Trafficking Victims Protection Act (includes children of such victims).
Parolee Lawfully present under Section 212(d)(5) (06)	212(d)(5) or paroled from country other than Cuba or Haiti	NA	
Deportation Withheld (15)	106 or 243(h) or 241(b)(3)	NA	INS Form I-668B annotated 274a.12(a)(10); INS Form I-766, annotated A10; order from an immigration judge showing deportation withheld under 243(h) or removal withheld under 241(b)(3)
Cuban/Haitian Entrant (11)	212(d)(5) or paroled or C/H Entrant <b>and</b> from Cuba or Haiti or I-551 stamp and CU6 or CH6	CU6 or CU7, CH6	Unexpired and expired I-551 stamp in foreign passport
Foreign born, Native American (18)	S13	S13	I-551 stamp in foreign passport with S13 tribal membership card from federally recognized tribe.

Appendix VIII IMMIGRATION STATUS DOCUMENTATION

<b>Immigration Status</b> () indicates ANAR Alien Status Code	<b>I-94 Codes</b>	<b>I-551 Codes</b>	<b>Comments</b>
Battered Alien (16)	AR1, AR6, C20 through C29, CF1, CF2, CR1, CR6, CR7, CX1, CX2, CX3, CX6, CX7, CX8, F20 through F29, FX1, FX2, FX3, FX6, FX7, FX8, IF1, IF2, IR1, IR2, IR3, IR4, IR6, IR7, IR8, IR9, IW1, IW2, IW6, IW7, MR6, MR7, P21, P22, P23, P26, P27, P28; IB3, IB6, IB7, IB8, B11, B12, B16, B17, B20 through B29, B31, B32, B33, B36, B37, B37, B38, BX1, BX2, BX3, BX6, BX7, BX8 some Z13	AR1, AR6, C20 through C29, CF1, CF2, CR1, CR6, CR7, CX1, CX2, CX3, CX6, CX7, CX8, F20 through F29, FX1, FX2, FX3, FX6, FX7, FX8, IF1, IF2, IR1, IR2, IR3, IR4, IR6, IR7, IR8, IR9, IW1, IW2, IW6, IW7, MR6, MR7, P21, P22, P23, P26, P27, P28; IB3, IB6, IB7, IB8, B11, B12, B16, B17, B20 through B29, B31, B32, B33, B36, B37, B38, BX1, BX2, BX3, BX6, BX7, BX8 some Z13	I-551 stamp in foreign passport with one of the preceding codes; or Applicant has filed an I-130 or I-360 petition as a battered alien.  INS Form – 797 is documentation of approval of an I-130 application.
Conditional Entrant Lawfully present under Section 203(a)(7) (03)	203(a)(7)	CH6	INS Form I-668B annotated 274a.12(a)(3) or INS Form I-766 annotated A3
Amerasian (17)	AM1, AM2, or AM3	AM 6, AM7, or AM8	I-551 stamp in foreign passport with one of the preceding codes

(Note: I-668 is "Employment Authorization Document.")

E&T Provider List	
Barron County	<p>Workforce Resource Inc  Contract Mngr: Richard Best  401 Technology Dr E., Ste 100  Menomonie, WI 54751-0000  715/232-7380 Fax 715/232-2240  <a href="mailto:bestd@workforceresource.org">bestd@workforceresource.org</a></p>
Brown County	<p>Catholic Charities, Diocese of Green Bay, Inc.  Contract Mngr: Barbara Biebel  1825 Riverside Drive  Green Bay, WI 54305  920/437-7531 Fax 920/437-0694  <a href="mailto:bbiebel@gbdioc.org">bbiebel@gbdioc.org</a></p>
	<p>Integrated Community Services  Contract Mngr: Jon Syndergaard  201 W Walnut Street  Green Bay, WI 54303  920/448-6460 Fax 920/448-6465</p>
Dunn County	<p>Hmong American Community Assoc.  Contract Mngr: Youa Pao Vang  1421 N Broadway Suite 116  Menomonee WI 54751  (715)232-9350; Fax:(715)232-9356  E-mail: <a href="mailto:haca@wwt.net">haca@wwt.net</a></p>
Dane County	<p>United Refugee Services of WI  Contract Mngr: Thaj Ying Lee  312 North 3rd Street  Madison, WI 53704  608/256-6400 Fax 608/256-6501</p>
	<p>Jewish Social Services  Contract Mngr: Steven Morrison  6434 Enterprise Lane  Madison WI 53719  608/278-1808 Fax 608/278-7814  <a href="mailto:morrison@mjcc.net">morrison@mjcc.net</a></p>
Eau Claire County	<p>Eau Claire Area HMAA  423 Wisconsin St.  Eau Claire, WI 54703  Contract Mngr: Joe Bee Xiong (acting)  (715)832-8420; Fax: (715)832-0612</p>

	E-mail: joebeexiong@hotmail.com
Fond Du Lac/Winnebago	<p>ADVOCAP  Contract Mngr: Michael Bonertz  P.O. Box 1108  Fond Du Lac, WI 54936  920/922-7760 Fax 920/426-3071  Oshkosh 920/426-0150 Fax 426-3071</p>
La Crosse County	<p>La Crosse AHMAA  2615 George St.  La Crosse, WI 54603  Contract Mngr: Denis Tucker  (608)781-5744; Fax:(608)781-5011  E-mail: dltucker@centurytel.net</p>
Manitowoc County	<p>Lake Shore IMAA  1517 Washington Street  Manitowoc, WI 54220  Contract Mngr: Viluck Kue  (920)684-1228; Fax:(920)684-0461  E-mail:viluck@yahoo.com</p>
Marathon County	<p>Wausau Area HMA  Contract Mngr: Peter Yang  1109 N. 6th St.  Wausau, WI 54403  715/842-8390 Fax 842-9202  <a href="mailto:pyang@WAHMA.com">pyang@WAHMA.com</a></p>
Milwaukee	<p>Lao Family Community  Contract Mngr: Shoua N. Xiong  2331 W. Vieau Place  Milwaukee, WI 53204  414/385-3380 Fax 414/645-1859</p>
	<p>Jewish Family Services  Contract Mngr: Barbara Weber  1300 N. Jackson Street  Milwaukee, WI 53202  414/225-1350 Fax 414/289-0185  <a href="mailto:bweber@jfsmilw.org">bweber@jfsmilw.org</a></p>
Sheboygan	<p>HMAA of Sheboygan/C/o Hmong Community Center  Contract Mngr: ChaSong Yang  2304 Superior Avenue  Sheboygan, WI 53081  920/458-0808 Fax 920/458-0081</p>





DEPARTMENT OF HEALTH & HUMAN SERVICES

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ADMINISTRATION FOR CHILDREN AND FAMILIES  
370 L'Enfant Promenade, S.W.  
Washington, D.C. 20447

**HHS Tracking Number**  
5555555555

Ms. Susie Doe  
c/o Jim Thomas, Refugee Social Worker  
Smith County Community Service Office  
123 Main St.  
Bellevue, WA 55555-5555

Dear Ms. Doe:

This letter confirms that, pursuant to section 107(b) of the Trafficking Victims Protection Act of 2000, you are eligible for benefits and services under any Federal or State program or activity funded or administered by any Federal agency to the same extent as an individual who is admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act, provided you meet other eligibility criteria.

Your initial eligibility date is \_\_\_\_\_. This eligibility is valid for eight months from the date of this letter.  
The expiration date is \_\_\_\_\_.

You should present this letter when you apply for benefits or services. Benefit-issuing agencies should call the trafficking verification line at (202) 401-5510 to verify the validity of this document and to inform HHS of the benefits for which you have applied.

Sincerely,

Carmel Clay-Thompson  
Acting Director  
Office of Refugee Resettlement



DEPARTMENT OF HEALTH & HUMAN SERVICES

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ADMINISTRATION FOR CHILDREN AND FAMILIES  
370 L'Enfant Promenade, S.W.  
Washington, D.C. 20447

HHS Tracking Number  
5555555555

Ms. Susie Doe  
c/o Jim Thomas, Refugee Social Worker  
Smith County Community Service Office  
123 Main St.  
Bellevue, WA 55555-5555

**CERTIFICATION LETTER**

Dear Ms. Doe:

This letter confirms that you have been certified by the Department of Health and Human Services (HHS) pursuant to section 107(b) of the Trafficking Victims Protection Act of 2000. Your certification date is \_\_\_\_\_. This certification is valid for eight months from the date of this letter. The expiration date is \_\_\_\_\_.

With this certification, you are eligible for benefits and services under any Federal or State program or activity funded or administered by any Federal agency to the same extent as an individual who is admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act, provided you meet other eligibility criteria. This certification does not confer immigration status.

You should present this letter when you apply for benefits or services. Benefit-issuing agencies should call the trafficking verification line at (202) 401-5510 to verify the validity of this document and to inform HHS of the benefits for which you have applied.

Sincerely,

Carmel Clay-Thompson  
Acting Director  
Office of Refugee Resettlement



## Documentation Verification

In order to access RAP benefits, individuals must provide acceptable documentation of one of the statuses listed above. The following lists include documents that provide proof of these statuses. These documents may or may not provide proof of identity, nationality or "entry" date.

### Acceptable documents for individuals paroled as refugees or asylees under §212(d)(5) of the INA\*:

Documents/Codes	Comments
I-94 Arrival/departure card noting that the individual has been paroled as a <b>refugee or asylee</b> under §212(d)(5)	To be eligible under this provision, the I-94 must note that the individual is a <b>refugee or asylee</b> .
I-766 Employment Authorization Document with the code A04	
I-688B Employment Authorization Document with the provision of law 274a.12(a)(4)	This is an older version of the employment authorization document but it is still in use.

**\*Note:** This status rarely has been granted since 1980. **It is unlikely that eligibility workers will encounter this type of documentation.** Eligibility workers may encounter other individuals, not refugees or asylees, who have been paroled under §212(d)(5). The documentation of other parolees under §212(d)(5) may include language, such as "humanitarian" or "public interest parole." An example of a population with this documentation would be parolees who receive benefits under the "Lautenberg Amendment," a special provision that allows nationals from the former Soviet Union, Vietnam, Laos or Cambodia to adjust their status after having resided in the United States for one year. These types of parolees under §212(d)(5) are NOT eligible for RAP benefits. Only individuals who are listed as **refugees or asylees** are eligible under this provision. However, if the individual is a national of Cuba or Haiti, he or she may be eligible under the provisions concerning Cuban and Haitian entrants.

### Acceptable documents for refugees admitted under §207 of the INA:

Documents/Codes	Comments
I-94 Arrival/departure card noting that the individual has been admitted under §207 of the INA	Notations may include references to employment authorization, indefinite status, and the requirement to obtain permission before leaving the United States.
RE-1 admission code on the I-94	Principal Refugee
RE-2 admission code on the I-94	Spouse of principal refugee
RE-3 admission code on the I-94	Child of principal refugee

RE-4 admission code on the I-94	Collateral relatives of principal refugee
RE-5 admission code on the I-94	Certain Haitian refugees
I-766 Employment Authorization Document with the code A03	
I-688B Employment Authorization Document with the provision of law 274a.12(a)(3)	This is an older version of the employment authorization document but it is still in use.
INS Form I-571	United States Refugee Travel Document*
Visa 93 (or V-93) on the I-94 Arrival/departure card	May be accompanied by the words "section 207"; Individual is the spouse or minor child of a previously admitted refugee.

**\*Note:** The INS Form I-571, which is a United States Refugee Travel Document, does not distinguish between refugees and asylees. An individual with a United States Refugee Travel Document may be a refugee or an asylee.

**Acceptable documents for asylees whose status was granted under §208 of the INA:**

Documents/Codes	Comments
I-94 Arrival/departure card referencing §208 of the INA	Notations may include references to employment authorization, indefinite status, and the requirement to obtain permission before leaving the United States.
AS-1 admission code on the I-94	Approved asylee principal
AS-2 admission code on the I-94	Approved spouse of an asylee principal
AS-3 admission code on the I-94	Approved child of an asylee principal
INS Form I-571	United States Refugee Travel Document*
I-766 Employment Authorization Document with the code A05	
I-688B Employment Authorization Document with the provision of law 274a.12(a)(5)	This is an older version of the employment authorization document but it is still in use.
Order of an Immigration Judge Granting Asylum under §208 of the INA	An Order of an Immigration Judge will serve as proof of asylee status if the INS has waived the right to appeal the case. See Note 2 below for information about cases where the INS reserves the right to appeal. **

Asylum Approval Letter from an INS Asylum Office	Letter will note that the individual has been granted asylum pursuant to §208 of the INA and may include information concerning refugee and asylee relative petition, work authorization and the refugee travel document.
Written decision from the Board of Immigration Appeals (BIA)	
I-730 Approval Letter	The I-730 Approval Letter may be used as proof of asylee status for derivatives.
Visa 92 (or V-92) on the I-94 Arrival/departure card	May be accompanied by the words "section 208"; Individual is the spouse or minor child of a previously granted asylee.

**\*Note 1:** The INS Form I-571, which is a United States Refugee Travel Document, does not distinguish between refugees and asylees. An individual with a United States Refugee Travel Document may be a refugee or an asylee.

**\*\*Note 2:** If the INS has reserved its right to appeal, an Immigration Judge Order will not serve, on its own, as proof of asylee status. If an asylee brings an Immigration Judge Order that shows the INS has reserved its right to appeal, eligibility workers must wait 30 days from the date on the Immigration Judge Order. On or after the 31<sup>st</sup> day, the eligibility worker will need to call the Executive Office for Immigration Review (EOIR) case status line at (800) 898-7180 to find out whether the INS has appealed the case. (The EOIR reports that it may take up to 5 days after the appeal deadline for the information to be relayed to the case status line.) If the INS has appealed the case, the individual is not yet an asylee and is not eligible for benefits. If the INS has not appealed the case and 30 days have passed since the date on the Immigration Judge Order, the individual is an asylee and is eligible for ORR assistance and services.

**Acceptable documents for Cuban and Haitian entrants, in accordance with the requirements in 45 CFR §401.2:**

**Any individual granted parole status as a Cuban/Haitian Entrant (Status Pending or Expired) or granted any other special status\* subsequently established under the immigration laws for nationals of Cuba or Haiti, regardless of the status of the individual at the time assistance or services are provided**

Documents/Codes	Comments
An I-94 Arrival/departure card with a stamp showing parole at any time as a "Cuban/Haitian Entrant (Status Pending)"	I-94 may refer to §212(d)(5).
CH6 adjustment code on the I-551	Even after a Cuban/Haitian Entrant

	(Status Pending) becomes a permanent resident, he/she technically retains the status Cuban/Haitian Entrant (Status Pending).
An I-94 Arrival/departure card with a stamp showing parole into the U.S. on or after April 21, 1980	I-94 may refer to §212(d)(5).
A Cuban or Haitian passport with a §212(d)(5) stamp dated after October 10, 1980.	

**\*Note:** ORR is not interpreting the phrase, "any other special status subsequently established under the immigration laws for nationals of Cuba or Haiti" to refer to lawful permanent residence obtained under the Nicaraguan Adjustment and Central American Relief Act (NACARA) or the Haitian Refugee Immigration Fairness Act (HRIFA). Although NACARA and HRIFA offer a special opportunity for nationals of Cuba and Haiti, the **status** conferred by these laws, **lawful permanent residence**, is not a "special status." Thus, if the person did not qualify as a Cuban and Haitian entrant, adjustment of status, regardless of the legal basis for the adjustment, does not make the person a Cuban and Haitian entrant.

**A national of Cuba or Haiti who was paroled into the United States and has not acquired any other status under the INA and with respect to whom a final, nonappealable, and legally enforceable order of removal, deportation or exclusion\* has not been entered**

Documents/Codes	Comments
An I-94 Arrival/departure card showing parole into the United States	I-94 may refer to §212(d)(5), humanitarian or public interest parole. **
I-766 Employment Authorization Document with the code A04	
I-766 Employment Authorization Document with the code C11	
I-688B Employment Authorization Document with the provision of law 274a.12(a)(4)***	This is an older version of the employment authorization document but it is still in use.
I-688B Employment Authorization Document with the provision of law 274a.12(c)(11)***	This is an older version of the employment authorization document but it is still in use.

**\*Note 1:** The question of whether there is a final, nonappealable, legally enforceable order of removal, deportation or exclusion is essentially a legal determination that cannot simply be made by reviewing any of the listed documents. Moreover, it is not a decision that can be easily made by eligibility workers in the regular course of eligibility determinations. ORR suggests that eligibility workers require a written declaration, under penalty of perjury, that the individual has a status that makes him/her eligible for ORR programs and attempt to use other methods to uncover this information, such as calling the EOIR case status line at (800) 898-7180, submitting Form G-845 to the local INS office, asking the applicant for more information or, if participating, accessing the INS SAVE system. Note that these methods may not be definitive.

**\*\*Note 2:** As treatment of Cuban and Haitian entrants has developed, INS officials, on occasion, may have used notations on the I-94s of Cuban and Haitian entrants that are not listed above. Eligibility workers may see various notations that convey parole. For example, eligibility workers, in the past, may have seen the notation, "EWI," which technically stands for "Entered Without Inspection" but was being used for individuals who were paroled.

**\*\*\*Note 3:** If an individual provides an I-688B Employment Authorization Document, which does not provide information about nationality, eligibility workers must request other documentation to confirm that the individual is a Cuban or Haitian national.

**A national of Cuba or Haiti who is the subject of removal, deportation or exclusion proceedings\* under the INA and with respect to whom a final, nonappealable, and legally enforceable order of removal, deportation or exclusion\*\* has not been entered**

<b>Documents/Codes</b>	<b>Comments</b>
INS Form I-221	Order to Show Cause and Notice of Hearing
INS Form I-862	Notice to Appear
INS Form I-220A	Order of Release on Recognizance
INS Form I-122	Notice to Applicant Detained for a Hearing Before an Immigration Judge
INS Form I-221S	Order to Show Cause, Notice of Hearing and Warrant for Arrest
Copy of INS Form I-589 date stamped by the Executive Office for Immigration Review (EOIR)	Application for Asylum and Withholding of Removal; Individual is subject of removal, deportation or exclusion proceedings.
Copy of INS Form I-485 date stamped by EOIR	Application to Register Permanent Residence or to Adjust Status; Individual is subject of removal, exclusion or deportation proceedings.

EOIR-26	Notice of Appeal, date stamped by the Office of the Immigration Judge
I-766 Employment Authorization Document with the code C10	Application for suspension of deportation/cancellation of removal submitted
I-688B Employment Authorization Document with the provision of law 274a.12(c)(10)***	Application for suspension of deportation/cancellation of removal submitted
Other applications for relief that have been date stamped by EOIR	
Other documentation pertaining to an applicant's removal, exclusion or deportation proceedings	Example: a notice of a hearing date before an Immigration Judge

**\*Note 1:** Although the above documents show that proceedings have been initiated in a case, they cannot confirm that proceedings are continuing. In order to confirm that proceedings are continuing, eligibility workers will need to use other methods, such as calling the EOIR case status line at (800) 898-7180, submitting Form G-845 to the local INS office or, if participating, accessing the INS SAVE system.

**\*\*Note 2:** The question of whether there is a final, nonappealable, legally enforceable order of removal, deportation or exclusion is essentially a legal determination that cannot simply be made by reviewing any of the listed documents. Moreover, it is not a decision that can be easily made by eligibility workers in the regular course of eligibility determinations. ORR suggests that eligibility workers require a written declaration, under penalty of perjury, that the individual has a status that makes him/her eligible for ORR programs and attempt to use other methods to uncover this information, such as calling the EOIR case status line at (800) 898-7180, submitting Form G-845 to the local INS office, asking the applicant for more information or, if participating, accessing the INS SAVE system. Note that these methods may not be definitive

**\*\*\*Note 3:** If an individual provides an I-688B Employment Authorization Document, which does not provide information about nationality, eligibility workers must request other documentation to confirm that the individual is a Cuban or Haitian national.

**A national of Cuba or Haiti who has an application for asylum pending with the Immigration and Naturalization Service and with respect to whom a final, nonappealable, and legally enforceable order of removal, deportation or exclusion\* has not been entered**

Documents/Codes	Comments
INS receipt for filing Form I-589	Application for Asylum and Withholding of Removal

I-766 Employment Authorization document with the code C08	
I-688B Employment Authorization Document with the provision of law 274a.12(c)(8)**	This is an older version of the employment authorization document but it is still in use.

**\*Note 1:** The question of whether there is a final, nonappealable, legally enforceable order of removal, deportation or exclusion is essentially a legal determination that cannot simply be made by reviewing any of the listed documents. Moreover, it is not a decision that can be easily made by eligibility workers in the regular course of eligibility determinations. ORR suggests that eligibility workers require a written declaration, under penalty of perjury, that the individual has a status that makes him/her eligible for ORR programs and attempt to use other methods to uncover this information, such as calling the EOIR case status line at (800) 898-7180, submitting Form G-845 to the local INS office, asking the applicant for more information or, if participating, accessing the INS SAVE system. Note that these methods may not be definitive.

**\*\*Note 2:** If an individual provides an I-688B Employment Authorization Document, which does not provide information about nationality, eligibility workers must request other documentation to confirm that the individual is a Cuban or Haitian national.

**Acceptable documents for certain Amerasians (see definition above):**

Documents/Codes	Comments
AM-1 admission code on the I-94	Amerasian born in Vietnam after Jan. 1, 1962 and before Jan. 1, 1976 who was fathered by a U.S. citizen
AM-2 admission code on the I-94	Spouse or child of Amerasian
AM-3 admission code on the I-94	Mother, guardian or next-of-kin of Amerasian
AM-6 adjustment code on Form I-551 Permanent Resident Card (or Resident Alien Card)	Amerasian (see above)
AM-7 adjustment code on Form I-551 Permanent Resident Card (or Resident Alien Card)	Spouse or child of Amerasian
AM-8 adjustment code on Form I-551 Permanent Resident Card (or Resident Alien Card)	Mother, guardian or next-of-kin of Amerasian
Vietnamese Exit Visa with codes AM-1, AM-2 or AM-3	"Laissez Passer"; may have temporary I-551 stamp
Vietnamese passport with codes AM-1, AM-2 or AM-3	May have temporary I-551 stamp

United States passport with codes AM-1, AM-2 or AM-3	
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**Acceptable documents for lawful permanent residents who previously held one of the above-identified statuses:**

<b>Form I-551 Permanent Resident Card (or Resident Alien Card) with the following codes:</b>	<b>Comments</b>
RE6	Adjusted Principal Refugee
RE7	Spouse of RE6
RE8	Child of RE6
RE9	Collateral Relatives of RE6
AS6	Adjusted Principal Asylee
AS7	Spouse of AS6
AS8	Child of AS6
CH6	Adjusted Cuban/Haitian Entrant (Status Pending)
HA6	Adjusted Cuban and Haitian Entrant (Haitian national who had applied for asylum)
HB6	Adjusted Cuban and Haitian Entrant (Haitian national who had been paroled)
GA6	Adjusted Iraqi asylee
GA7	Spouse of GA6
GA8	Child of GA6

<b>Foreign Passport with unexpired, temporary I-551 stamp and the following codes:</b>	<b>Comments</b>
RE6	Adjusted Principal Refugee
RE7	Spouse of RE6
RE8	Child of RE6
RE9	Collateral Relatives of RE6
AS6	Adjusted Principal Asylee
AS7	Spouse of AS6
AS8	Child of AS6



<b>Employment Authorization Documents</b>	<b>Comments</b>
Form I-766 Employment Authorization Document with the code A10 (This code only confirms eligibility for Cuban or Haitian nationals.)	Withholding of Deportation or Removal
Form I-688B Employment Authorization Document with the provision of law 274a.12(a)(10) (This code only confirms eligibility for Cuban or Haitian nationals.)	Withholding of Deportation or Removal

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<p>GREEN BAY</p>	<p>CATHOLIC MIGRATION, REFUGEE &amp; HISPANIC SRVICES                  Attn: Barbara Biebel                  1825 RIVERSIDE DRIVE                  P.O. BOX 23825                  GREEN BAY WI 54305                  Phone: 920/437-0694                  Email: <a href="mailto:bbiebel@gbdioc.org">bbiebel@gbdioc.org</a></p>
<p>Milwaukee</p>	<p>INTERNATIONAL INSTITUTE OF WISCONSIN                  Attn: Alexander P. Durtka, Jr                  1110 N OLD WORLD 3<sup>RD</sup> STREET SUITE 420                  MILWAUKEE WI 53203                  Phone: 414/225-6220                  Fax 414/225-6235                  Email: <a href="mailto:aldurtka@execpc.com">aldurtka@execpc.com</a></p> <p>JEWISH FAMILY SERVICES                  Attn: Barbara Weber                  1300 N JACKSON STREET                  MILWAUKEE WI 53202                  Phone: 414/220-1350                  Fax: 414/289-0185                  Email: <a href="mailto:bweber@jfsmilw.org">bweber@jfsmilw.org</a></p> <p>LUTHERAN SOCIAL SERVICE OF WISCONSIN                  Attn: Susan Gundlach                  647 WEST VIRGINIA STREET SUITE 300                  MILWAUKEE WI 53204                  Phone: 414/325-3096                  Fax: 414/325-3208                  Email: <a href="mailto:sgundlac@lsswis.org">sgundlac@lsswis.org</a></p> <p>CATHOLIC CHARITIES                  Attn: Rosine Lieu-Schmitt                  2057 S 14<sup>th</sup> STEET                  MILWAUKEE WI 53204                  Phone: 414/643-8570                  Fax:414/643-6726                  Email: <a href="mailto:rschmitt@ccmke.org">rschmitt@ccmke.org</a></p>