Wisconsin Works Manual

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Welcome

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

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

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

01 Wisconsin Works (W-2) Introduction

1.1 W-2 Overview and Basic Assumptions

1.1.1 W-2 Overview

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

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

Contact and location information for each W-2 agency is available on the W-2 Agency Locator website.

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1.1.2 W-2 BASIC ASSUMPTIONS

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

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

1. **Work is the best way for parents to support their families.** Getting a job is the first step in the process of achieving economic stability. W-2 assists parents with preparing for, finding and maintaining consistent employment. W-2 also works with parents who are unable to work due to a disability by assisting these parents with navigating the *SSI* and *SSDI* application process.

2. **Family income should improve when parents work.** W-2's goal is to have parents get the best possible job. W-2 also helps parents access work supports (e.g. *EITC*, *FS*, *BC*, *CS* and Wisconsin Shares Child Care) that will support keeping them employed.

3. **Consistent work is essential for parents to achieve economic stability.** W-2 commits to working with parents before and after they find a job. W-2 supports job retention and advancement in a variety of ways because individual progress toward independence and prosperity is a process. W-2 connects interested parents to needed education and training either before or after gaining employment, in order to help them move forward to better employment.

4. **W-2 participants are parents as well as job seekers.** Working parents have multiple family and work obligations. W-2 works with parents to identify strategies to enable them to balance work and family. W-2 also assists parents who are connected to other programs or supports integrate those activities with the family's service plans.

5. **Eligible parents must be willing to participate in exchange for W-2 benefits.** Parents across the state have access to individualized quality services. Parents, for their part, must participate to the best of their abilities.

6. **Families benefit from participating in W-2.** W-2 assists parents with identifying their goals and locating needed resources. During each interaction, W-2 works to ensure parents understand their choices and the resulting consequences. This approach empowers parents to make informed

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

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

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1.2 Roles Performed by W-2 Agency

1.2.1 Receptionist

All *W-2* agencies must have a staff person who performs the role of a Receptionist. That staff person may perform other functions within the agency as well. The role of the Receptionist is to meet with individuals as they enter the W-2 agency. The Receptionist must inform individuals of all programs and services available through the agency. If the individual wishes to apply for or indicates an interest in learning more about the W-2 program, the Receptionist must initiate the application process by generating the Application Registration form. (See 1.4.2.1)

The Receptionist must schedule an appointment with a *RS* the same day or no later than the following working day.

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1.2.2 Resource Specialist

All *W-2* agencies must have a staff person who performs the role of a *RS*. That staff person may perform other functions within the agency as well. The role of the RS is to understand the applicant's needs and assist applicants in determining which programs or services are likely to support their efforts to find and maintain employment.

In fulfilling this role, the RS will perform these primary functions:

1. Understand the applicant's situation and perform the initial review of need for employment-related services. This will include:
   a. Asking the applicant what brought them into the office today.
   b. Asking the applicant what they need to find and/or keep a job.
   c. Gathering information through the *CARES* Work Program Assessment Driver Flow about the applicant's recent job search efforts, employment skills, work history, education and potential barriers to employment.
   d. Determining how the household composition and circumstances affect the applicant's ability to work.
   e. Identifying whether the applicant is in a crisis situation (e.g., homeless, victim of domestic violence, no food in the house, etc) and the potential need for an Emergency Payment. (See 19.1) Giving the applicant a copy of the Domestic Violence Brochure (2614). (See 1.4.6)
   f. Identifying the need for any necessary accommodations to help the applicant complete the application process.
   g. Assessing current child support case status and informing the applicant of the child support pass through policy for people in a paid W-2 placement. (See 15.1.1)
2. Inform each applicant about the services available and assist the applicant in determining what programs and services are likely to support the efforts at employment including:
   a. Explaining the services that are available through the W-2 program including employment position placements, individualized case management services, and supportive services. The RS must tell the applicant about the W-2 eligibility criteria and that eligible parents must be willing to participate in exchange for W-2 benefits.
   b. Explaining the Job Center Partner programs/other workforce development programs such as *DVR*, *UI*, *FSET*, *WIOA*, and other employment programs and resources available through the Job Center of Wisconsin and within the community.

c. Explaining the supportive service programs such as *FS*, Wisconsin Medicaid and BadgerCare Plus, Wisconsin Shares Child Care Subsidy Program, *EA*, the *WIC* benefit, *WHEAP*, and local housing assistance programs.

d. Explaining community resources including those required through the *CSN*.

e. Explaining the services available through the local *CAP* agency.

The RS must refer the applicant to any programs in which the applicant has indicated an interest.

3. The RS may initiate the *CWW* interactive interview to record nonfinancial and financial information such as income, assets and family composition.

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

   a. Assign up-front job search activities to applicants. (See 2.9.2)

   b. Require the applicant to apply for other appropriate public assistance programs or resources. (See 2.6.1)

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

CWW may refer applicants to the Child Support program via the CWW/*KIDS* automated interface, based on information the RS enters on the CWW **Absent Parent** page.

Basic skill sets required of a RS include:

- Verbal and written communication;
- Active listening;
- Conflict resolution;
- Ability to be non-judgmental;
- Time management;
- Adaptability;
- Sensitivity;
- Problem solving;
- Crises response;
- Interviewing skills;
- Discussion facilitation;
- Customer service; and
- Job matching.

1.2.3 Financial and Employment Planner (FEP)

State statute requires that each *W-2* agency have at least one *FEP*.

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

The FEP must meet with the applicant within five working days after the date the W-2 agency receives a signed Application Registration form. (See 1.4.2.1) The FEP has up to 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:

- Eligibility determination;
- Assessment;
- Employability planning;
- Service referral; and
- Ongoing case management.

Responsibilities that are part of these functions include:

1. Determining eligibility for W-2 and *JAL*s, including verifying information necessary to process the W-2 application, scanning verification timely into *ECF*, ensuring that all data is entered into *CWW* and *CARES* accurately and timely, and ensuring that correct payments are issued in a timely manner.
2. Providing information on basic money management, personal work habits, and life skills needed to succeed in the working world.
3. Completing an informal assessment (see 5.2.1), assessing for both strengths and barriers, including reviewing and updating information gathered by the *RS* using the CARES Work Program Assessment Driver Flow.
4. Using the *BST*, educational needs assessment, and other information provided by the participant to determine whether a formal assessment by a qualified assessing agency is needed. (See 5.5.2) Considering barriers to employment in determining the level of employability, making placement decisions, and referrals to other services. Providing accommodations and modifications as needed. (See 1.3.1)

5. When appropriate, assigning reasonable job search activities prior to and after the determination of W-2 eligibility.

6. Determining placement in a W-2 employment position and the need for an Emergency Payment. (See 19.1)

7. Working with participants to develop a W-2 *EP*. Designing a plan to move the participant to unsubsidized employment as quickly as possible. Documenting requirements for assigned W-2 activities and incorporating Learnfare activity requirements as necessary. (See Chapter 6)

8. Ensuring that applicants and participants have the necessary supportive services, accommodations, auxiliary aids and communication assistance required to participate to the fullest extent possible.

9. Assessing participants' progress in their assigned activities and determining whether participants are developing the hard and soft skills they need to obtain and retain unsubsidized employment. Working with the participants to update the EP as needed based on the assessment progress.

10. Identifying noncompliance, determining good cause, applying payment reductions, and recording participant progress in CARES.

11. Interpreting and explaining policies governing eligibility, including explaining the responsibilities and requirements outlined in the *PA* and securing the applicant's signature on the PA prior to beginning a W-2 employment position. These policies include, but are not limited to: a) explaining that failure to cooperate during the application phase may result in ineligibility; b) providing information on the Fact Finding Process; and c) explaining the W-2 agency's discrimination complaint process. (See 1.4.6)

12. Referring applicants who supply questionable information for front-end verification. (See 13.2.3)

13. Referring participants suspected of fraudulent activity for fraud investigation. (See 13.3.2)

14. When necessary, referring applicants and participants to other community services such as food pantries, domestic abuse services, literacy councils, child welfare agencies, *DVR*, and *AODA* / mental health services.

15. Assuring that final eligibility information for W-2 is transmitted to the child support agency, and assuring that participants cooperate with their child support agency. During eligibility reviews, the FEP must also review with the participant his or her child support assignment.

16. Explaining Learnfare, assessing Learnfare status for dependent children in a W-2 Group, and providing or arranging for Learnfare case management. Ensuring enrollment and attendance for dependent child(ren) subject to Learnfare is promoted, verified, monitored, and appropriately entered in CARES. (See Chapter 16)

17. Providing follow-up case management services for at least 12 months to participants who progress from a W-2 employment position to an unsubsidized position to encourage and support job retention and advancement. At local agency discretion, the participant may continue to receive the follow-up case management services of the FEP beyond the mandatory 12-month follow-up period as necessary. (See 7.2.3)
18. Maintaining an effective working relationship with the Job Center partners and other agencies that provide workforce development programs.

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

- Verbal and written communication;
- Active listening;
- Conflict resolution;
- Ability to be non-judgmental;
- Time management;
- Adaptability;
- Sensitivity;
- Problem solving;
- Crises response;
- Interviewing skills;
- Discussion facilitation;
- Customer service;
- Job matching;
- Safe confrontation;
- Assertive communication;
- Networking;
- Problem identification;
- Solution recognition;
- Service coordination;
- Appropriate feedback;
- Coaching and mentoring;
- Budget preparation;
- Cultural competency;
- Interpreting formal assessment results;
- Ability to put into place needed modifications and accommodations;
- Goal setting;
- Career development; and
- Job retention strategies.

Public assistance workers, including financial and employment planners, are required by Wis. Stat. ss. 48.981(2)(a) and 48.981(2)(a)13 to report suspected child abuse and neglect. Suspected child abuse and neglect includes suspicion of child abuse of an unborn child and includes the belief that abuse or neglect will occur. To report

suspected child abuse or neglect, the public assistance worker must contact either by phone or personally the local child welfare agency, the local sheriff, or local police department and provide the facts and circumstances contributing to the suspicion. Additional information regarding how to make a report of suspected child abuse or neglect can be found in Wis. Stat. s. 48.981(3).

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1.2.4 Coordinating with Partner Agencies

1.2.4.1 Public Workforce System
1.2.4.2 Wisconsin Job Centers
1.2.4.3 Public and Community Based Supportive Services
1.2.4.4 Child Welfare

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

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

1.2.4.1 Public Workforce System

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

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

1. Job Service programs;
2. *FSET* programs;
3. Refugee Employment and Training providers, and other services provided by *VOLAG* and *MAA*;
4. Workforce Development Boards and services provided through *WIOA* programs, including Youth, Adult and Dislocated Worker programs;
5. Adult literacy providers;
6. Adult job training administered by the Wisconsin Technical Colleges;

7. RISE Partnership for Wisconsin;
8. *DVR*;
9. Veteran's Employment Relations Teams;
10. *CAP* Agencies; and
11. Other local regional business associations, community based organizations, and economic development programs.

1.2.4.2 Wisconsin Job Centers

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

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

1.2.4.3 Public and Community Based Supportive Services

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

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

1. County and tribal programs, including *FS*, BadgerCare Plus, Medicaid, *CS*, and child care administration. (See 1.4.1)
2. Community-based supportive services including:
    - *CAP* agencies;
    - Transportation services;

- Housing services;
- Domestic violence services;
- Mental health services;
- *AODA* services;
- Emergency services; and
- Other services including volunteer organizations.

1.2.4.4 Child Welfare

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

1.3 Reasonable Accommodations

1.3.1 Introduction

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

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

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1.3.2 Reasonable Accommodations for Applicants

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

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1.3.3 Reasonable Accommodations for Participants

W-2 agencies must:

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

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

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

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

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

Disability/Impairment	**Accommodation Description/Examples**
For individuals with hearing impairment.	TTY phone lines or keyboards, sign language trainers or interpreters, vibrating pagers, captioned training tapes, assistive listening devices, telephones with video or text messaging options.

	Service animals individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, alerting individuals with impaired hearing to intruders or sounds, or providing minimal protection or rescue work.
For individuals with visual impairment or photosensitivity.	Readers, task lighting, glare guards/light filters, accessible computer equipment/software, magnifiers, large print, Braille, talking calculators, backup warning sensors.
	Service animals individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, or providing minimal protection or rescue work.
For individuals with learning disabilities	Color-coded, written, or recorded guides, manuals, checklists, and instructions, modified computer screens/software, text-to-speech software, voice-activated recorders, Reading Pens, sound absorption panels and environmental sound machines to minimize distractions, headset/headphones to listen to music (when possible) to help concentrate, electronic organizers and calendars to stay organized, alarm watch or beeper to stay on task.
	Modified assignment or reassignment for when an individual is unable to perform all of the tasks of a particular assignment, reassign to tasks the individual can perform, limit or reduce number of tasks, break down tasks or adjust time assigned to allow sufficient time to complete assigned activities. When these difficulties result from a cognitive or learning disability, provide a job coach, tutoring, or on-site assistance.

For individuals with cognitive impairments	See JAN's Effective Accommodation Practices Series: Cognitive Impairment.
For individuals with brain injuries	See JAN's Effective Accommodation Practices Series: Brain Injuries.
For individuals with mental health impairments (i.e. depression, personality disorders, anxiety disorders, etc.)	See JAN's Effective Accommodation Practices Series: Mental Health Impairments.
For individuals with multiple chemical sensitivity.	Modified work/learning environments, alternative communication methods, air filters or purifiers, respirator masks.
For individuals with mobility/manual impairment.	Modified office equipment/work stations, wheelchair/scooter, stand/lean stool, anti-fatigue matting, writing aids, voice recognition software, alternative keypad/keyboard access, telephone headsets, money counters and bill and coin changers, compact material handling (lifting) devices.
	Service animals individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

For individuals with a chronic medical condition	Modified assignment or reassignment to allow the tasks to change based on the individual's condition when an activity involves a variety of tasks that the individual occasionally cannot perform due to a chronic condition. This may involve a simple shift of duties on a day-to-day basis or alternating locations. Some medical conditions may have triggers that can be reduced by using the equipment and accommodations listed in this table.
For any individual with a disability/impairment	Modified/flexible schedule Assignment of hours must be based on information provided through formal assessment. Individuals with certain impairments may have restrictions on the number of hours they are assigned to participate. When formal assessment indicates that an individual's impairments may become acute at times, resulting in the need for the individual to be absent from assigned activities, good cause must be accepted without requiring further written documentation from the individual (see 11.2.2). For individuals with chronic conditions that are affected by environmental factors (e.g., respiratory problems, Multiple Sclerosis, severe allergies, Lupus, Reynaud's Syndrome and other conditions), individual must be given good cause for non-participation when certain conditions exist, such as air temperatures below a certain degree or air quality alert. For example, an individual relies on public transportation to get to assignments and prolonged exposure to cold will exacerbate a condition. The individual must be given good cause for non-participation at times when air temperature would affect individual's condition.

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1.4 W-2 Application Process

1.4.1 Where to Apply for W-2

1.4.1.1 Applying for W-2 and Income Maintenance Programs
1.4.1.2 Using an Authorized Representative

Any individual may apply for *W-2* services. Applicants must apply at the W-2 agency that serves the geographical area in which they reside. The following exceptions apply:

- An applicant who resides in an area served by a W-2 agency that serves more than one geographical area may apply at any of that agency's W-2 offices, even if the office is located outside of the applicant's geographical area.
- An applicant who is a victim of domestic abuse may apply at any W-2 agency.
- An applicant who resides in a treatment facility and who does not have a primary residence to which they intend to return must apply at the W-2 agency that serves the geographical area where the treatment center is located. If the applicant maintains a primary residence and plans to return to that primary residence, the applicant must apply at the agency that serves the geographical area in which the primary residence is located.
- An applicant who is homeless may apply in any geographical area. Agencies should, however, encourage homeless applicants to apply in the geographical area in which they anticipate finding permanent housing

1.4.1.1 Applying for W-2 and Income Maintenance Programs

W-2 agencies must coordinate with the agencies providing the Income Maintenance (IM) programs [FoodShare (FS) and Medicaid/BadgerCare Plus] to:

1. Ensure that services delivered under W-2, FS, and Medicaid/ BadgerCare Plus programs are coordinated in a way that effectively serve the recipients of those services (Wis. Stat. s. 49.143(2)(d)); and
2. Ensure that procedures are in place to protect the application filing date for FS.

IM Consortia and Tribal IM agencies are encouraged to co-locate staff at the W-2 agency to meet caseload needs and provide access to eligibility determination services for FS and Medicaid/BadgerCare Plus. If IM Consortia and Tribal IM agencies are not co-located, W-2 agencies must provide individuals who request FS with:

- A computer and the ACCESS web site (access.wi.gov) if the individual wants to apply online;
- The correct agency phone number if the individual wants to apply by phone. IM agency phone number can be found at http://www.dhs.wisconsin.gov/forwardhealth/imagency/index.htm; or
- The paper FoodShare Wisconsin Registration form (F-16019A) if the individual does not want to apply online or by phone. If the individual opts for the paper FS application, the W-2 agency must fax the completed form to the Milwaukee Document Processing Unit if the individual lives in Milwaukee County or to the Central Document Processing Unit if the individual lives outside of Milwaukee County. Use http://www.dhs.wisconsin.gov/forwardhealth/imagency/index.htm to get the appropriate document processing unit fax number.

1.4.1.2 Using an Authorized Representative

There are times when an applicant may not be able to complete the application forms personally. *W-2* agencies must accept all forms including the Application Registration form from an applicant's legally responsible relative or guardian. For example:

- A spouse can submit the Application Registration form for his or /her wife or /husband.
- A parent can submit the Application Registration form for his or /her dependent child.
- A legal guardian can submit an Application Registration form for his or /her ward.
- When the applicant is incompetent or incapacitated, someone acting responsibly for an applicant can submit the Application Registration form on that individual's behalf. This person would be considered the applicant's authorized representative.

When an applicant chooses to use an authorized representative, both the applicant and the authorized representative must sign the Authorization of Participant Representative form (2375). The agency must not refuse an authorized representative unless the authorization itself appears to be fraudulent. The authorized representative is responsible for submitting the signed Application Registration form and any required documents.

1.4.2 Applying For W-2

1.4.2.1 How to Initiate a W-2 Request

The *W-2* application process begins on the date the applicant gives the agency the signed Application Registration form* generated from the *CWW* **Print Application Registration** page. Once the Receptionist begins the application process, then the agency must schedule an appointment for the applicant with the *RS* the same day or the following working day. See section 1.2.2 for more detail on the role of the RS.

The applicant may choose to take the Application Registration form home to review, but it is important for the Receptionist to explain that the application process cannot begin and the application date cannot be set until the agency receives the signed form.

Agencies must only use the paper Wisconsin Works (W-2) and Related Programs Registration form (14880) when:

1. CWW is unavailable and the applicant cannot wait for availability to resume; or
2. There is not sufficient time to generate the CWW Application Registration form before the W-2 agency closes to the public.

The W-2 agency must scan into the *ECF* the signed copy of the CWW-generated Application Registration form, or the paper registration form used if CWW was unavailable.

***Note**: The Application Registration form is also referred to as the Request for Assistance (RFA).

1.4.2.1 How to Initiate a W-2 Request

The *W-2* agency initiates a W-2 request to generate the *CWW* Application Registration form by entering the W-2 request via the CWW **Record New Group Level Program Request** on the **Case Summary** page.

For detailed instructions on how to process W-2 requests, please see the Request for Assistance (RFA)/Case Processes for W-2 desk aid.

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1.4.3 Completing the W-2 Application

No later than five working days after the applicant submits the signed Application Registration form, the *FEP* must hold the intake interview with the applicant.

All applicants requesting *W-2* services, including *JAL*s*, must sign the Application Summary at the end of the interview. All adults in the *W-2 Group* must sign the Application Summary.

An application for W-2 is complete when both of the following have occurred:

- The FEP conducted the intake interview during which the FEP entered all eligibility information into *CWW*; and
- The FEP collected the applicant's signature on the CWW Application Summary that prints from the CWW **Generate Summary** page.

An applicant must sign the Application Summary in the presence of a W-2 agency representative, even if an authorized representative is signing. If the applicant signs with a mark, two witnesses' signatures are required. The second adult in a W-2 Group does not need to sign in the presence of a W-2 agency representative.

In order to secure an applicant's signature on either the Application Registration form or the Application Summary, the FEP may conduct a home visit as a reasonable accommodation. (See 1.3.2) When a home visit is required, the FEP must document the date of the home visit on *CARES* screen CMCC.

If CWW is unavailable for the intake interview, the applicant must complete and sign the Wisconsin Works (W-2) and Related Application form (2471). Signing this form is the equivalent of signing the Signature page of the Application Summary.

By signing the Application Summary, the applicant:

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

If hardware issues make it impossible for the FEP to print the Application Summary, the FEP may choose the **Mail Summary** option on the CWW, **Generate Summary** page. Under this rare circumstance the FEP must have the applicant sign the Back-up Applicant/Participant Signature form (11154) while in the office for the intake interview.

The FEP must attach this signed form to the signed Application Summary Signature page when the participant returns the mailed Signature page.

The agency must scan the signed copy of the Application Summary's Signature page into *ECF*. If the agency used the Wisconsin Works (W-2) and Related Application form (2471) because CWW was unavailable, then the agency must scan the entire form into ECF.

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

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1.4.4 Determining Eligibility and Making a W-2 Placement

No later than seven working days after the first meeting with the applicant, the *FEP* must determine *W-2* eligibility using all financial and nonfinancial eligibility criteria. (See Chapter 2 and Chapter 3) In extenuating circumstances, when the applicant needs additional time to gather verification, the agency can extend the eligibility process for up to 30 days from the date the agency receives the signed Application Registration form. (See 4.1.3)

Included in the nonfinancial eligibility criteria are two activities that the *RS* or the FEP may assign:

- Upfront job search activities, (See 2.9.2) and
- Requirement to apply for other appropriate public assistance programs. (See 2.6.1)

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

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

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

The FEP must make a placement determination no later than 12 working days after the date the agency receives the signed Application Registration form. The W-2 agency must not extend the timeframe past the 12 working days (five days to meet with the FEP and seven days for the FEP to make an eligibility determination and placement) to accommodate a lengthier job search. W-2 agencies must not use the up-front job search requirement to delay eligibility determination or placement. (See 2.9.2.2)

1.4.5 Application Processing Timeframe

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

1. The same day or the following working day after an individual applies for W-2 by submitting the signed Application Registration form, (see 1.4.2), a W-2 agency representative must schedule and hold an appointment between the applicant and a *RS*. If this initial meeting is with a *FEP*, then no later than seven working days after this meeting, the FEP must determine W-2 eligibility and make the most appropriate W-2 placement for the applicant.
2. No later than five working days after an individual applies for W-2 by submitting the signed Application Registration form, the W-2 agency must schedule and hold an interview between the FEP and the applicant.
3. No later than seven working days after the first meeting with the FEP, the FEP must determine W-2 eligibility and make the most appropriate W-2 placement for the applicant.

If the agency extends the application timeframe, agency staff must document the reason in case comments. The agency may extend the application timeframe for up to 30 calendar days from the application date for the following:

- The applicant asks to reschedule the RS or FEP appointment; or
- The applicant asks for more time to submit verification.

Example 1: Mariah arrives at the W-2 office on Thursday, March 10, 2016, at 4:00 p.m. She wants to apply for W-2 services, but says that she cannot stay as she has to pick up her children from child care. By the time she can return, the office will be closed.

Mariah has several options.

1. She can return to the W-2 agency at a later date to apply.
2. She can wait a few minutes for the agency staff to generate the Application Registration form for her to sign and submit. If Mariah chooses to do this, the W-2 agency must schedule a meeting with the RS the following day, March 11, and a meeting with the FEP no later than March 17 (five working days after the date the W-2 agency received the signed Application Registration form).
3. She can take the paper Wisconsin Works (W-2) and Related Programs Registration form (14880) with her and return it at her convenience. However, the W-2 agency must explain to her that the application process cannot begin until the agency receives the signed form.

If Mariah chooses to return the paper form on Friday, March 11, the RS must meet with her that day or no later than Monday, March 14 (the following working day after her application date of Friday, March 11). The agency must schedule her appointment with the FEP no later than Friday, March 18 (five working days after the date the W-2 agency received the signed Application Registration form).

Mariah calls the agency Friday, March 18, the day of her FEP appointment, because her daughter is sick and she needs to reschedule. The agency gives Mariah a new FEP appointment date and documents the reason for the application timeframe extension in case comments.

Example 2: Tequita comes to the W-2 office and applies for W-2 Thursday, March 10, 2016. The next day (Friday, March 11), she meets with a FEP who completes the *CWW* intake interview and pends Tequita for asset verification. On Friday, March 18, the agency receives a copy of Taquita's most recent bank statement. The FEP must determine W-2 eligibility and make the most appropriate W-2 placement as soon as possible but no later than Tuesday, March 22 (seven working days after the meeting with the FEP).

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

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

W-2 Benefits and Services Offered at Wisconsin Works Agencies (11890-P)
This brochure provides a one-page description of the benefits and services available at the W-2 agency. All W-2 agencies are required to provide this brochure to every individual who requests assistance of any kind from the W-2 agency. W-2 agencies must have a supply of the brochure available in all of the public locations within their offices. In addition, at a minimum, it is suggested that the W-2 agencies ensure a supply of the publication is available for Greeters, Receptionists, and Resource Specialists to give to people with whom they speak.

What to Bring With You (2372-P)
The What to Bring With You publication describes the types of documentation an applicant may need to provide in order to verify specific information needed to determine W-2 eligibility. This publication must be given to the applicant at the time s/he inquires about the W-2 program. This publication is also used for various Medicaid/BadgerCare Plus programs as well as the *FS*, Child Care, and *CTS* programs.

W-2 Rights and Responsibilities (398-P)
The W-2 Rights and Responsibilities brochure outlines a participant's rights and responsibilities when participating in W-2 and *RCA* programs. This form must be provided to participants and reviewed during the application process. Applicants must initial the signature page of the CWW Application Summary acknowledging that they received the brochure.

Wisconsin Works (W-2) Participation Agreement (10755)
The W-2 Participation Agreement (PA) outlines the basic participation requirements for a W-2 participant. During the application process, the *FEP* must provide this form to the applicant and thoroughly review it. After the agreement has been discussed, the worker, applicant, and all adults in the W-2 Group must sign it. The agency must give the participant a signed copy of the *PA* and scan the original into *ECF*.

The PA is important throughout the individual's time in W-2 because it outlines the requirements of W-2 participation. W-2 agencies may review the PA at *EP* updates, W-2 reviews, and as necessary. W-2 agencies may refer back to the PA if the participant

claims not to have known or understood a specific W-2 provision that was explained in the PA.

Good Cause Notice (DWSP-2018)
The W-2 agency must provide the Good Cause Notice form to all W-2 applicants and participants. The notice shall be provided to applicants when they apply for W-2 and to participants when a child is added to the *W-2 Group*, when a parent leaves the W-2 Group, at reapplication for continued benefits, and if a participant discloses to his or her FEP that the participant is experiencing circumstances that may meet the *CS* good cause criteria. A signed copy of this notice must be scanned into ECF. For other relevant CS-related forms and publications, see Chapter 15.

Notice of Assignment: Child Support, Family Support, Maintenance, And Medical Support form (2477)
W-2 agencies are required to give all W-2 applicants the Notice of Assignment: Child Support, Family Support, Maintenance, And Medical Support form. Those applicants being referred to the local *CSA*, or applicants already receiving services from the local CSA, must sign the Notice of Assignment form acknowledging the assignment of child support or at least an understanding of how child support payments are assigned if they begin receiving child support payments while receiving W-2 services. (See 15.1.3) A signed copy of this notice must be scanned into ECF.

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

Domestic Violence Brochure (2614)
W-2 agencies are required to provide a copy of the Domestic Violence Brochure at the appointment with the RS. For safety reasons, it is important that W-2 agency staff point out the brochure so that the applicant can decide if it is safe to keep. Including the brochure in a stack of other papers may put the applicant/participant at risk if she/he is unaware of its presence.

TANF Electronic Benefit Transfer Transaction Restrictions Flyer (2947)
W-2 agencies must provide the *TANF EBT* Restrictions Flyer to all W-2 applicants during the application process and at eligibility reviews. The flyer identifies specific merchant locations where TANF funded assistance cannot be accessed and specifies types of electronic benefit transfer transactions that are prohibited. This discussion provides an opportunity to educate participants about responsible spending to provide for basic needs.

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1.5.1 W-2 Eligibility Reviews

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

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02 Nonfinancial Eligibility

2.1 Introduction

Applicants must meet nonfinancial and financial eligibility criteria in order to be considered eligible for *W-2* services or a *JAL*. See 3.1 for information on financial eligibility.

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2.2 General Nonfinancial Eligibility Criteria

2.2.1 List of Criteria

In order to be nonfinancially eligible for *W-2* services and *JAL*s for any month, an applicant or participant must meet the following criteria. For eligibility information regarding minor parents, noncustodial parents, pregnant women, and pregnant women with at-risk pregnancies, see 7.5.2, 7.5.1, 7.5.3, and 7.4.6 respectively. For information on verifying the following criteria, see Chapter 4.

1. Be a Custodial Parent. (See 2.3.1)
2. Be 18 years of age or older.
3. Be a U.S. citizen or qualified non-citizen. (See 2.4.1)
4. Be a resident of Wisconsin and unless the applicant is a migrant worker, demonstrate an intent to continue living in the state.
5. Cooperate, unless good cause or other exceptions exist, with efforts to establish paternity of the Dependent Child or children and secure and enforce child support orders. This cooperation requirement extends to any W-2 Group member who is a custodial parent of a child whose paternity has not been established or who has a noncustodial parent. The requirements for custodial parents and non-custodial parents to cooperate with child support are outlined in 15.3.1.
6. Assign the rights to any support or maintenance (child or family support) to the state. (See 15.1.1)
7. Provide all requested documentation within seven working days after receiving the request for information from the W-2 agency. (See 4.1.3)
8. Have made a good faith effort, as determined by the W-2 agency on a case-by-case basis, to obtain employment and have not refused any bona fide offer of employment, including a job quit, within 180 calendar days immediately preceding application. This policy only applies to applicants and the W-2 agency has the discretion to define when a bona fide offer of employment has been made and what demonstrates a good faith effort. In addition, this applies specifically to individuals applying for one of the two W-2 Paid Employment Positions and does not apply to *ARP* and *CMC*.
9. Have cooperated with the W-2 agency's assistance with finding employment if the current application is within 180 calendar days of a previous application for W-2 services by the individual. This policy applies only to applicants and it only applies to noncooperation with the efforts of the W-2 agency to assist the individual in obtaining employment and does not pertain to every aspect of the application such as providing income verification. In addition, this applies specifically to individuals applying for one of the two W-2 Paid Employment Positions and does not apply to CMC and ARP.

10. Not receive *SSI* or state supplemental payments. If an individual has been determined eligible for SSI, he/she remains eligible for W-2 until he/she actually receives a SSI payment.

11. Not receive *SSDI*. If an individual has been determined eligible for SSDI, he/she remains eligible for W-2 until he/she actually receives a SSDI payment.

    An adult disabled before age 22 may be eligible for child's disability benefits if a parent is deceased or starts receiving retirement or disability benefits. The adult disabled before age 22 receives the benefit based on a parent's Social Security earnings record. The adult must be unmarried, age 18 or older, and have a disability that started before age 22. FEPs must code this disability income as 'SSDC' in CARES Worker Web. For more information, see http://www.ssa.gov/dibplan/dqualify10.htm#age22.

12. Not participate in a strike on the last day of the month. If eligibility is determined prior to the last day of the month and the applicant is on strike, they are ineligible. If a participant in a W-2 employment position goes on strike, that participant becomes ineligible for W-2.

13. Cooperate in applying for other public assistance programs or resources that the *FEP* believes may be available to the individual. (See 2.6.1)

14. Apply for or provide a *SSN* for all W-2 Group members, unless exempt. (See 2.7.1)

15. Report changes in circumstances that may affect eligibility within 10 calendar days after the change, except for temporary absence of a child which must be reported within five working days. (See 2.8.1)

16. Cooperate in providing information needed to verify school enrollment status or good cause for the Learnfare program for children age 6-17 in a W-2 Group whose parent is placed in a *TMP*, *CSJ*, or *W-2 T* placement. (See Chapter 16) Cooperate in providing school enrollment status and expected graduation date for a Dependent 18 Year Old when the parent's W-2 eligibility is being determined based on that child as a Dependent 18 Year Old.

17. Cooperate in the requirement to search for unsubsidized employment throughout his or her participation in a W-2 employment position. This requirement does not apply to *CMC*s, *ARP*s, or AmeriCorps VISTA Volunteers. (See 2.9.1)

18. Cooperate with providing eligibility information for other W-2 Group member(s).

19. Cooperate with providing information for quality assurance reviews.

20. Not be a fugitive felon (See 42 U.S.C. 608(a)(9)(A)(i)).

21. Not be violating a condition of probation or parole imposed under federal or state law.

22. State in writing whether he or she has been convicted in any state or federal court of a felony that has an element of possession, use or distribution of a controlled substance. (See 11.7.1)

23. Have no other W-2 Group member participating in a W-2 employment position. This requirement does not apply to an individual applying for a *JAL* only.

24. Beginning on the date the individual has attained the age of 18, the total number of months in which the individual has actively participated does not exceed the 60-month lifetime limit. (See 2.10.1)

25. Verify pregnancy for pregnant women with no other dependent children. (See 7.5.3 and 7.4.6)

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2.3 Custodial Parent

2.3.1 Determining Who is a Custodial Parent

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

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

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

1. If the parents reside in different school districts, where does the child attend school? Who selected the school?

2. Who assists the child with homework or school-related tasks?

3. Are there tuition costs for the child's education? If so, who pays those costs?

4. If the child is enrolled in day care, who arranges for and pays these costs?

5. Who is responsible for taking the child to and from school and/or day care?

6. Which parent is listed as the contact for emergencies at the child's school or day care provider?

7. Who arranges medical and dental care for the child? Who selects the physician and dentist?

8. Who maintains the child's medical records?

9. Who initiates decisions regarding the child's future?

10. Who responds to medical or law enforcement emergencies involving the child?

11. Who spends money on food or clothing for the child when the child visits the absent parent?

12. Who disciplines the child?

13. Who plays with the child and arranges for entertainment?

14. Are more of the child's toys, clothing, etc. kept at one parent's home than the other's?

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

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

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

2.4.1.1 SAVE

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

See 4.1.2 for examples of allowable documentation verifying U.S. citizenship. Citizenship needs to be verified only once.

If the applicant is not a U.S. citizen or national he or she must present immigration documentation that the W-2 agency will verify through *SAVE*. The documents found in the Non-Citizen Eligibility Documentation appendix can be used to show that an individual is in qualifying status. The W-2 agency cannot specify which type of document an applicant must present to show their immigration status.

Once an applicant has provided documentation identifying his or her status as a qualified non- citizen, he or she is presumptively eligible until the *FEP* verifies the status through SAVE. The FEP should not delay or deny the applicant's eligibility for W-2 on the basis of the applicant's immigration status while seeking verification.

If a non-citizen applicant's immigration status has already been verified through the *FDSH*, this is considered valid verification for W-2 and the FEP does not need to request documentation from the non-citizen and verify it through SAVE.

All documents issued by *USCIS* containing a photo serve as verification of identity and immigration status.

Over time, a non-citizen's immigration status may change. If this occurs and the individual's new immigration status has been verified through the FDSH, this is considered valid verification for W-2 and the FEP does not need to request documentation from the non-citizen and verify it through SAVE. If the new status has not been verified through the FDSH, the individual must present immigration documentation of the new status that the FEP will verify through SAVE.

FEPs should not update the immigration status code of individuals who were previously verified as a refugee, asylee, Cuban/Haitian Entrant, individual granted withholding of deportation or removal, victim of trafficking, or Iraqi or Afghan special immigrant. Individuals in these statuses are exempt from the five year ban on certain public benefits even if their immigration status later changes, and updating the immigration

status code could cause the individual to incorrectly lose eligibility for the benefits. For example, a refugee whose immigration status changes to Lawful Permanent Resident should remain coded as a refugee.

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

- Does not appear to be genuine;
- Does not apply to the person presenting it; or
- Is expired.

If the applicant does not have documentation of their immigration status, the FEP should refer the individual to the local USCIS office to obtain it. In cases involving participants who are hospitalized or medically disabled, or who can otherwise show good cause for their inability to present documentation and for whom securing such documentation would constitute undue hardship, the FEP must make every effort to assist the individual in obtaining the required documentation.

Children of adult non-citizens are provided their own USCIS documentation. However, this documentation does not verify relationship to family members. When verifying custodial parent relationships of non-citizens,the FEP should follow the same procedures as used with U.S. citizens (see 2.3.1).

2.4.1.1 SAVE

SAVE is the system used to verify an applicant's immigration status. To acquire access to the SAVE system, W-2 workers must submit the CARES Automated Systems Access Request (F-00476) form to the CARES Security staff.

SAVE is found at the following website: https://save.uscis.gov/Web/vislogin.aspx?JS=YES. The manual for using this system and for verifying alien status is located at: https://prd.cares.wisconsin.gov/help/ph/process_help/h82/82.htm.

2.4.2 Qualified Non-Citizens

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

1. An alien lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act;
2. An alien who is granted asylum under section 208 of the Immigration and Nationality Act;
3. A refugee who is admitted to the United States under section 207 of the Immigration and Nationality Act, including Special Visa Immigrants from Iraq and Afghanistan under section 1059 of H.R. 1815;
4. An alien who has been certified as a victim of trafficking;
5. An alien who is paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act for a period of at least one year;
6. An alien whose deportation is being withheld under section 243(h) or 241(b)(3) of the Immigration and Nationality Act;
7. Cuban and Haitian aliens, as defined in section 501(e) of the Refugee Education Assistance Act of 1980;
8. An American Indian born in Canada who is at least 50% American Indian by blood, or an American Indian born outside of the United States who is a member of a federally recognized Indian tribe;
9. An alien who has been battered or whose child has been battered, who is no longer residing in the same household with the batterer, and who meets the requirements of 8 U.S.C. s. 1641(c);
10. An alien who is granted conditional entry pursuant to section 203(a)(7) of the Immigration and Nationality Act as in effect prior to April 1, 1980;
11. Amerasian Immigrants, as defined in section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988;
12. An alien who is lawfully residing and is one of the following:
    a. An armed forces veteran who received an honorable discharge that was not on account of alienage and who completed either 24 months of continuous active duty or the full period for which the individual was called, unless the individual received a hardship discharge under 10 U.S.C. s. 1173, early discharge under 10 U.S.C. s. 1171, or a discharge due to a disability incurred or aggravated in the line of duty.
    b. On active duty in the armed forces of the United States, other than active duty for training.

c. The spouse of an individual described in subdivision a. or b., or the unremarried surviving spouse of an individual described in subdivision a. or b. if the marriage was for one year or more or the individual had a child in common.

13. An alien who is lawfully residing in the United States and authorized to work by *USCIS*.

W-2 for qualified non-citizens is not paid with federal funds, so they are exempt from the federal 60-month time limit. Qualified non-aliens are subject to the state 60-month time limit and placement time limits. If an individual is in one of the qualified non-citizen groups listed above, and is coded as such on the **Alien/Refugee Information** page in *CWW*, *CARES* will automatically disregard federal months for qualified non-citizens. W-2 Agencies must not manually enter a federal month of *TANF* assistance for any month a qualified non-citizen participates in W-2. In a two parent case where one parent is a qualified non-citizen and the other is a U.S. citizen, the U.S. citizen will only use months of federal TANF assistance when the U.S. citizen is in a paid placement.

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2.4.3 U.S. Citizenship for Foreign-Born Children

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

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

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

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2.4.4 Reviewing Immigration Status

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

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2.5 Child Support

2.5.1 Cooperation with Child Support

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

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

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

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

For more information on child support cooperation, see 15.3.1.

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2.6.1 Accessing Other Public Assistance Programs/Resources

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

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

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

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

2.7.1 Providing Social Security Numbers

Every member of the *W-2 Group*, including newborns, must provide a Social Security Number (SSN), or provide proof that any W-2 Group member without an SSN has applied for one, unless the individual is initially exempt. An individual is initially exempt if he or she does not have an SSN, does not have a work authorization, and is a member of one of the following qualified non-citizen groups:

1. Cuban/Haitian entrants, as defined in section 501(e) of the Refugee Education Assistance Act of 1980; or
2. Certified, foreign-born victims of trafficking; or
3. Parolees (alien paroled into the U.S. for at least one year under section 212(d)(5) of the Immigration and Nationality Act);
4. Certain battered aliens who meet the requirements of 8 U.S.C. s. 1641(c); or
5. Any qualified non-citizen (see 2.4.2) who cannot apply for an SSN until his or her immigration status paperwork has been revised.

An individual who is initially exempt must continue to complete the necessary steps for obtaining an SSN in order to remain eligible for W-2. W-2 agencies must assist the individual with these steps if the individual requires assistance. (See 4.1.3)

See 4.1.2 for suggested sources of allowable verification.

If the W-2 agency determines that a W-2 Group member has refused to provide or apply for an SSN, the entire W-2 Group is ineligible for W-2.

W-2 agencies must only use SSNs and personally identifiable information for the direct administration of the program. Each time a *FEP* requests an SSN, the FEP must inform the individual that disclosure is mandatory for eligibility determination, how the agency will use the number, and under what statutory or other authority the agency is requesting the number. A sample statement follows:

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

2.8 Reporting Changes Including Temporary Absence

2.8.1 When to Report Changes

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

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2.8.2 Temporary Absence of a Child

2.8.2.1 Child Welfare Case-by-Case Exception
2.8.2.2 Coordinating Services with the Child Welfare Agency

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

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

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

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

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

2.8.2.1 Child Welfare Case-by-Case Exception

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

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

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

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

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

2. The Child Welfare agency confirms the child was removed from the home due to child welfare issues (e.g. when juvenile justice issues are involved, only child welfare issues are considered for meeting this policy requirement).

3. The parent maintains an appropriate home for the child based on determinations by the W-2 and Child Welfare agencies (e.g. the parent is not in a treatment center or other out-of-home placement). Because the Child Welfare agency has expertise in making determinations regarding safe and appropriate housing for the reunification of parents with their children, the W-2 agency should base their determination of an appropriate home for the child on the Child Welfare agency's decision.

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

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

4. The permanency plan and any other Child Welfare agency plan state that the child is expected to be reunified with the parent in the parent's household within six months and the child is not expected to "age out" of child status while in the out-of-home placement.

5. The child's out-of-home placement type is consistent with reuniting the child with the parent in the parent's household within six months of the child's temporary absence from the home (e.g. child is not in a pre-adoptive placement).

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

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

2.8.2.2 Coordinating Services with the Child Welfare Agency

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

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

2.8.3 Temporary Absence and Kinship Care

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

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2.8.4 Temporary Absence and Incarceration

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

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

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2.9 Search For Unsubsidized Employment

2.9.1 Introduction

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

In addition, W-2 participants may be required to look for employment. If a W-2 participant fails to cooperate with employment search requirements without good cause, the W-2 agency may close the participant's case (See 11.4.1).

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

2.9.2.1 Allowable Up-front Job Search Activities
2.9.2.2 Up-front Job Search Time Frames
2.9.2.3 Results of the Up-front Job Search
2.9.2.4 Employment During Up-front Job Search

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

Not all applicants are appropriate for up-front job search. When deciding whether to assign up-front job search activities as a condition of eligibility, the *RS* and the *FEP* must use the best information available. This includes information gathered through the informal assessment process, the educational needs assessment, *BST* results when available, and any additional vocational evaluations or formal assessments obtained to date (See Chapter 5).

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

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

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

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

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

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

2.9.2.1 Allowable Up-front Job Search Activities

The up-front job search activities include:

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

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

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

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

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

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

2.9.2.2 Up-front Job Search Time Frames

For individuals who are determined ready for unsubsidized employment, assignment to up-front job search and job readiness activities may be appropriate under any of the following conditions:

1. An individual has filed a W-2 application with a W-2 agency and has no open W-2 case in that W-2 agency or any other W-2 agency;
2. A participant has a W-2 case that is pending closed in CARES due to eligibility reasons and his or her W-2 placement has been end-dated and he or she subsequently contacts the same W-2 agency or a different W-2 agency to request assistance from W-2;

> **Example:** Laura's CMC placement ended on June 5th and she returns to work. Her FEP notifies her that case management follow-up services are available, but Laura declines. The FEP enters Laura's earned income and changes the request for W-2 to No in CWW and ends the W-2 placement on screen WPWW. W-2 eligibility is pending closed for June 30th. On June 25th, Laura notifies the W-2 agency that she lost her job and submits a new request for W-2. Based on its assessment of Laura's work history, education and employment skills, the agency determines that it is appropriate to assign Laura to up-front job search before making a new placement determination.

3. A participant relocates into or out of Milwaukee County or between balance of state W-2 agencies.

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

W-2 agencies must not assign up-front job search activities under any of the following conditions:

1. A participant has continued ongoing W-2 eligibility in one agency. This includes circumstances where a participant's CMC placement is ending, she is unemployed and she meets eligibility criteria for a different cash assistance placement.

2. A CMF participant contacts the FEP to request a paid W-2 placement because his or her employment has ended.
3. An individual is pregnant and applying for a *CMC* placement or an *ARP* placement.
4. An individual is an AmeriCorps VISTA volunteer.
5. A participant moves from one Milwaukee W-2 geographical area to another Milwaukee W-2 geographical area and neither W-2 eligibility nor the W-2 placement has ended.
6. A participant moves from one county to another county where both counties operate under one W-2 agency.

2.9.2.3 Results of the Up-front Job Search

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

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

If no barriers are identified and the applicant does not provide good cause for failing to meet the up-front job search requirements, the FEP may deny the application. (See 11.2.2)

2.9.2.4 Employment During Up-front Job Search

If an applicant finds unsubsidized employment during up-front job search, the FEP must place the applicant in the *CMF* placement or the prorated *CSJ* placement.

If the applicant is working in unsubsidized employment for a total of 30 hours or more per week, the FEP must offer to place the applicant in CMF. If the applicant cannot obtain employment verification immediately, a FEP may use a participant's verbal statement to make the CMF placement, develop the EP, and assign case management activities. (See 7.2.3.1) In order to be placed in a CMF placement, the applicant must meet nonfinancial eligibility requirements. The FEP may exclude income and assets when determining CMF placement eligibility. (See 3.1 and 7.2.3.4)

If the applicant is working in unsubsidized employment less than 30 hours per week with limitations to increasing his or her work hours, the FEP must offer to place the individual in a prorated CSJ. The FEP must first verify that the applicant has actually begun work and verify the wages and the number of expected hours worked per week prior to making a prorated CSJ placement. (See 4.1.3) In order to be placed in a prorated CSJ placement, the applicant must meet other W-2 nonfinancial and financial eligibility requirements. (See Chapters 2 and 3 and 7.4.1.4)

Note: Case closure policies in Section 11.4.1 for failing to verify eligibility information do not apply to W-2 applicants. The case closure policies only apply to W-2 participants in open and ongoing W-2 cases.

EXAMPLE 1: Joseph has a history of employment as a marble finisher; however, his employer of five (5) years went out of business. Joseph has a high school diploma, a valid driver's license, and owns a vehicle. He meets with the FEP on the fourth working day of up-front job search and informs the FEP that he had an interview with a local manufacturing company and was offered a full-time position starting the following business day. Joseph informs the FEP of his employment and the employment start date, and the FEP proceeds with an informal assessment resulting in few to no known barriers to employment identified. After running eligibility, the FEP determines that Joseph is appropriate for CMF because Joseph meets all of the nonfinancial eligibility requirements.

2.9.3 Employment Search as an Ongoing Eligibility Requirement

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

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

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

Unlike other activities, however, failure to comply with these activities may result in case closure for noncooperation with program requirements. (See 11.4.1 and 11.4.2) This requirement applies to individuals in *TEMP*, *W-2 T*, and *CSJ* only after the BST has been offered. It does not apply to individuals in a *CMC*, *ARP*, or to individuals who are AmeriCorps VISTA Volunteers.

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2.10 W-2 Time Limits

2.10.1 Introduction

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

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2.10.2 State 60-month Lifetime Limit

2.10.2.1 W-2 Group Limit
2.10.2.2 Native American Exemptions
2.10.2.3 TANF Received in Another State
2.10.2.3.1 TANF Received in Another State and Time Limit Extensions

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

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

2.10.2.1 W-2 Group Limit

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

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

Example 1: Mary is in a W-2 Group consisting of herself and her 4 year old daughter. She has accumulated 30 months towards her 60-month lifetime limit. Because she is the only adult in the W-2 Group, the W-2 Group is credited with 30 months toward the 60-month lifetime limit. John, Mary's estranged husband, joins the W-2 Group. John has accumulated 35 months toward his 60-month lifetime limit prior to moving back in with Mary. Because John has the greater number of months accumulated towards the lifetime limit, the W-2 Group is now credited with 35 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 of Mary and her daughter is credited with 40 months towards the lifetime limit.

2.10.2.2 Native American Exemptions

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

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

2.10.2.3 TANF Received in Another State

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

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

1. Determine the number of months TANF cash assistance was received in the other state by contacting the appropriate persons. The directory contacts for

TANF verification can be found at: https://www.dhs.wisconsin.gov/em/public-assistance.pdf. Only months of TANF cash assistance received after September 1, 1996 can be counted. If the contact cannot confirm that the assistance received in the other state was TANF, do not use the information. The months of TANF cash assistance received in the other state does not have to be verified in writing.

2. Enter the month and years that the TANF was received in the other state on CARES screen AIWO.

2.10.2.3.1 TANF Received in Another State and Time Limit Extensions

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

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

(See 2.10.6 for more information on time limit extensions)

2.10.3 24-Month Employment Position Time Limits

2.10.3.1 Restoring 24-Month Time Limits

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

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

Example: John is placed in a CSJ on January 1. On January 28, John is placed in a W-2 T. On January 31, when the CARES clock cycle runs, the month of January will count toward John's W-2 T 24-month time limit because that was John's last placement in the month that is subject to a 24-month time limit. January will not count toward John's CSJ 24-month time limit.

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

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

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

2.10.3.1 Restoring 24-Month Time Limits

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

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

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

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

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2.10.4 Time Limit Notifications to Participants

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

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2.10.5 Subtracting Months of Eligibility

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

1. If a participant voluntarily returns a *CSJ* or *W-2 T* payment within 15 days of the payment issuance date. The refund can be made in cash, by personal check, money order, or by returning the issued payment. No adjustment will be made if the voluntarily refunded payment is from a *W-2* employment position participant who is sanctioned.
2. If a participant repays payments for a month due to an overpayment caused by agency error or inadvertent participant error. When the entire overpayment is repaid, those months of eligibility must be restored. In cases of *IPV*, sanctioned participation, or fraud, used months of eligibility must not be restored even if payments are fully repaid.
3. If a *TEMP* employer does not request a TEMP subsidy for a month of employment.

See 2.10.2.3 for adding month of eligibility when *TANF* is received from another state.

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2.10.6 Time Limit Extensions

2.10.6.1 24-Month Time Limit Extension Criteria
2.10.6.2 60-Month Time Limit Extension Criteria
2.10.6.3 Local Labor Market Conditions Criteria
2.10.6.4 Time Limit Extension Decision Process
2.10.6.4.1 Processing Initial Time Limit Extensions
2.10.6.4.2 Processing Subsequent Time Limit Extensions
2.10.6.4.3 Reaching 24-month and 60-month Time Limits Concurrently
2.10.6.5 Time Limit Extension Decisions and Assessment
2.10.6.6 CMD Placements

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

For information on time limit extensions for CMC participants, see 2.10.8.2.

2.10.6.1 24-Month Time Limit Extension Criteria

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

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

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

W-2 T participants: A W-2 T participant must be granted a 24-month time limit extension if he or she has made all appropriate efforts to find unsubsidized employment and significant barriers prevent advancement to a higher W-2 employment position or unsubsidized employment. To be considered for a time limit extension, the W-2 T

participant must have completed a valid formal assessment. (See 5.5.1 for more information on valid formal assessments.)

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

2.10.6.2 60-Month Time Limit Extension Criteria

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

1. The participant has made all appropriate efforts to find unsubsidized employment and has been unable to do so because the local labor market conditions preclude a reasonable unsubsidized employment opportunity for that participant.
    - Making “all appropriate efforts to find unsubsidized employment” means that the participant has participated in all assigned activities, including job search.
    - "Reasonable unsubsidized employment opportunity" means a job the participant could get that pays at least minimum wage, and conforms to all applicable federal and state laws.
2. The participant is unable to work because of:
    - A personal disability or incapacitation.
    - A need to remain at home to care for a member of the W-2 Group whose incapacity is so severe that without in-home care provided by the W-2 participant, the incapacitated W-2 Group member's health and well-being would be significantly affected.
3. The participant has significant limitations to employment such as any of the following:
    - Low achievement ability, learning disability, or emotional problems of such severity that they prevent the individual from obtaining or retaining unsubsidized employment, but are not sufficient to meet SSDI or SSI requirements.
    - Family problems that affect one of the members of the W-2 Group including legal problems, family crises, homelessness, domestic abuse, or children's school or medical activities.

A valid formal assessment must have been completed for criteria 2 and 3 above. If the individual does not have formal assessment information regarding barriers or limitations as described above and is not participating in all assigned activities, the *FEP* may deny

a 60-month time limit extension. (See 5.5.1 for more information on valid formal assessments.)

2.10.6.3 Local Labor Market Conditions Criteria

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

Local Labor Market Time Limit Extension Approvals

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

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

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

Local Labor Market Time Limit Extension Denials

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

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

2.10.6.4 Time Limit Extension Decision Process

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

2.10.6.4.1 Processing Initial Time Limit Extensions

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

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

2.10.6.4.2 Processing Subsequent Time Limit Extensions

After an initial time limit extension approval is granted, the W-2 agency can determine that a subsequent time limit extension period is necessary. There is no limit to the number of subsequent time limit extensions a participant may receive. When determining eligibility for a subsequent time limit extension, the FEP must complete the *W-2 Agency Time Limit Extension Record* (11661). One copy of the form must be scanned into ECF and one copy given to the participant. The subsequent time limit extension decision must also be entered on CARES screen AIWE no later than the month prior to the current time limit extension end month.

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

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

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

2.10.6.5 Time Limit Extension Decisions and Assessment

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

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

Example: Jonna moved to Wisconsin with 46 months on her TANF clock from Illinois. She was placed in W-2 T in March 2011. The BST was administered during the application process in March 2011. Jonna left W-2 in May 2011. She returned to W-2 in December 2011 but the W-2 agency was not required to offer the BST because her case had not been closed for a period of one year or more. Jonna will reach her 60th month in October 2012. In Jonna's 54th month, which is April 2012, the FEP must have a discussion with Jonna regarding the opportunities for a time limit extension. At that time, the FEP sees that Jonna has not had the BST offered in over 12 months (since March 2011) when she first became eligible for W-2. If the FEP is considering denying a time limit extension for Jonna, the FEP must again offer the BST.

2.10.6.6 CMD Placements

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

The goals of the CMD placement are to:

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

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

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

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

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

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

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

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

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

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

2.10.8 CMC Time Limits

2.10.8.1 CMC Participant Time Limit Extensions

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

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

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

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

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

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

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

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

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

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

2.10.8.1 CMC Participant Time Limit Extensions

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

03 Financial Eligibility

3.1 General Financial Eligibility

In addition to meeting the nonfinancial eligibility criteria, applicants must also meet financial eligibility criteria to be considered eligible for *W-2* services or a *JAL*.

There are two exceptions to this:

- A *Minor Parent* is eligible for case management services without regard to income or assets.
- Participants in a *CMF* placement do not have to meet the financial eligibility requirements. CMF participants must meet nonfinancial eligibility requirements in order to be eligible for ongoing case management services.

W-2 financial eligibility is determined by both a gross income and an asset test. When testing prospectively for income and assets, months of asset ineligibility or months of income ineligibility must not be combined to create two consecutive calendar months of financial ineligibility.

EXAMPLE: Judy receives $5,000 as a lawsuit settlement on February 11, 2016, while participating in a *CSJ*. Judy reports this to her *FEP* on February 12. Judy's FEP enters the initial settlement as income in February, and uses the bank statement Judy provides as verification. Although Judy is over the income limit, she remains eligible because this is only the first month that she is over the income limit. At Judy's next appointment on March 15, Judy's FEP asks if Judy has any settlement money remaining. Judy indicates that she spent $2,200 of the settlement in February, and plans to spend the remainder this month. Judy's FEP enters the remaining $2,700 as an asset in March. Although Judy is over the asset limit, she remains eligible because this is the first month that she is over the asset limit. Judy's FEP calls Judy on April 6 to see if Judy has any settlement money remaining. Judy confirms that she spent the remainder and provides another bank statement as verification that she is again under the income and assets limits for W-2. Even though Judy was over the income limit and over the asset limit in two consecutive months, she remained eligible because being over the income limit one month and over the asset limit the next month cannot be combined to create two calendar months of ineligibility. Therefore, as Judy neither exceeded the income limit for two consecutive calendar months nor exceeded the asset limit for two consecutive calendar months, there is no impact on Judy's eligibility for a CSJ placement.

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3.2 Income

3.2.1 115% Gross Income Test

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

The FPL changes in February of each year. These figures were effective February 1, 2017.

W-2 Group Size	Annual 115% FPL	Monthly 115% FPL
1	$13,869	$1,156
2	$18,676	$1,556
3	$23,483	$1,957
4	$28,290	$2,358
5	$33,097	$2,758
6	$37,904	$3,159
7	$42,711	$3,559
8	$47,518	$3,960
9	$52,325	$4,360
10	$57,132	$4,761
For Each Additional Person Add	$4,180	$401

EXAMPLE: Jonathan applies for W-2 on May 5. Jonathan has a family size of three. The monthly 115% gross income limit for his family size is $1,957. At the time of application, his total income equals $1,972 per month. Jonathan tells his worker that his $250 UI will end effective June 30. In this example, Jonathan is financially ineligible for W-2 for both May and June and, unless Jonathan's income drops for some other reason, he would not be eligible for W-2 until July.

3.2.2 Prospective Income Eligibility

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

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3.2.3 Estimating Income

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

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

To get the best estimate of monthly unearned income for the *W-2 Group* , a FEP 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.

3.2.4 Income Availability

Only income that is actually available for use may be counted. Income is available when the individual has a legal interest in it and has the legal ability to make it available for support and maintenance. Income is considered unavailable when the individual can reasonably document that it cannot be accessed for 31 or more days. Unavailability is usually documented by a letter from an agency or the source stating when the person will receive the income. Income is counted beginning in the first month it is received and thereafter. Until the amount and the payment date are known, the income must not be counted.

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

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

3.2.5 Fluctuating Income

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

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

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3.2.6 Prorating Income

3.2.6.1 Lump Sum Payments
3.2.6.1.1 Annual Lump Sum Payments
3.2.6.1.2 Other Lump Sum Payments
3.2.6.2 Contractual Income

3.2.6.1 Lump Sum Payments

Lump sum payments are one-time payments of either earned or unearned income. Some lump sum payments are intended to cover a specific period of time, such as settlement income related to a specific injury. Unless it is disregarded income (see 3.2.9), lump sum income must be counted as follows.

3.2.6.1.1 Annual Lump Sum Payments

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 create an average monthly amount, divide $900 by six months (900/6 = $150). Compare the averaged monthly amount of $150 plus other sources of income against the 115 percent gross income test to determine financial eligibility.

3.2.6.1.2 Other Lump Sum Payments

If the lump sum payment is not intended to cover a period of time, the income may only be counted as income for the month in which it is received and an asset for any month remaining (see 3.2.4). If the lump sum payment is intended to cover a period of time, the income must be prorated over the period the income is intended to cover beginning in the month it is received.

EXAMPLE 1: Ariana inherits $5,000 from her grandmother on February 16, 2016. Ariana receives a one-time check for the inheritance. Ariana's *FEP* should count this as income for February, and as an asset for any month thereafter that Ariana keeps the inheritance balance in her account greater than $2,500.

EXAMPLE 2: While participating in a *W-2 T* placement, John wins a lawsuit settlement of $6,000 on November 18, 2016. The settlement states that the payment is intended to support John's medical costs over the next six months in order to help him recover from an injury incurred while shopping at a local store. John's FEP should average the $6,000 over six months, starting when John receives the payment in November.

3.2.6.2 Contractual Income

Contractual income that is annual income (intended to provide support for the entire year), and is not paid on an hourly basis, must be prorated over 12 months. Contractual income that is not annual income (intended to provide support for the household for only a portion of the year), and is not paid on an hourly basis, must be prorated over the period the income is intended to cover. Contractual income that is paid on an hourly basis should be estimated in accordance with 3.2.3.

EXAMPLE 1: Shanice works full-time as a public school as a Teacher's Aide. She has worked in this position for the last 3 years and receives a 12 month contract every August. She earns $15,480 annually and has elected to receive her income over 12 months, even though she is only working September through June. She does not supplement her income during the summer. Shanice's FEP should average her income over 12 months: $15,480/12 =$1,290.

EXAMPLE 2: Betty has worked for 5 years at a public school as a part-time nurse. She receives a contract for 12 months every August and has elected to receive her income from September through June. She earns $19,500 per school year. In the summer, she supplements her income with a job at the Girl Scout campgrounds in the first aid tent. Betty's school income is not her annual income. Betty's FEP should average Betty's school income over the 10 months she has elected to receive it: $19,500/10 = $1,950.

EXAMPLE 3: Tamika has been employed as a school bus driver for 3 years. She is paid by the hour. This employment stops at the end of the school year and resumes at the beginning of the next school year. Since Tamika is paid on an hourly basis, the income from her bus driving job must not be treated as contractual income.

3.2.7 Changing Estimated Income

Once determined eligible for *W-2*, if the *W-2 Group* has income and it is expected to exceed the 115 percent gross income limit (See 3.2.1) for at least two consecutive months, the group becomes ineligible for W-2. Participants must report any change in earned or unearned income within 10 calendar days of the occurrence. The *FEP* must redetermine the best estimate (See 3.2.3) for all income at each review, or when any change in the income's source, rate of pay, or payment schedule has been reported.

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

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3.2.8 Counting Income

3.2.8.1 Qualified Alien Deeming
3.2.8.2 Farm & Self-Employment Income
3.2.8.3 Child Support Income
3.2.8.4 Supplemental Security Income (SSI) and Caretaker Supplement (CTS) Income
3.2.8.5 Census Employment and Other Temporary Employment Income

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

3.2.8.1 Qualified Alien Deeming

USCIS may require certain qualified aliens who are admitted as a permanent resident alien to have a *sponsor* sign an affidavit of support to ensure the immigrant does not become a public charge. For some sponsored qualified aliens, if the sponsor makes income available to the alien, the sponsor's income can be counted or "deemed" to be available to the sponsored alien when determining *W-2* financial eligibility for that alien.

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

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

1. Aliens granted asylum (asylees) under section 208 of the Immigration and Naturalization Act (INA);
2. Refugees who are admitted to the United States under section 207 of the INA;
3. Aliens paroled into the United States (parolees) under section 212(d)(5) the INA for a period of at least one year;
4. Aliens whose deportation is being withheld under section 243(h) of the INA;
5. Amerasian Immigrants, as defined in section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988; and

6. Cuban-Haitian entrants.

3.2.8.2 Farm & Self-Employment Income

The W-2 agency must count the gross receipts from farm and self-employment businesses. Gross receipts must not be adjusted based on expenses. Monthly farm and self-employment income must be calculated using IRS tax forms completed for the previous year or, if tax forms were not completed for the previous year, using average monthly anticipated earnings. The number of self-employment hours reported as worked per month is limited to the net business income divided by federal minimum wage. (See *Self-Employment Income Report (DWSP2131-E)*)

3.2.8.3 Child Support Income

Count non-regular collections of arrears as an asset (See 3.3.1).

3.2.8.4 Supplemental Security Income and Caretaker Supplement Income

In addition to any adult's *SSI* payments, *CTS* payments must also be counted as the SSI parent's income. Children's SSI payments must not be counted in the W-2 Group's income. (See 3.2.9.1) Treat retroactive CTS payments as income in the month received and any amount remaining becomes an asset in the following month.

3.2.8.5 Census Employment and Other Temporary Employment Income

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

3.2.9 Disregarded Income

3.2.9.1 Disregarded Income
3.2.9.2 Income with Limited Disregards

All earned and unearned income of all the *W-2 Group* members is counted in determining the 115 percent gross income test (See 3.2.1) with the exception of the income listed in this section. Income listed in this section is disregarded either in whole or under limited circumstances.

3.2.9.1 Disregarded Income

The agency must disregard the following income in determining the 115 percent gross income test:

1. Child Support Income: Regular collections of current child support, maintenance payments, family support (combination of child support and maintenance) or regular collections of child support arrears.

2. Tax Refunds: The agency must disregard as income the entire amount of any federal income tax refund in the month received. This includes federal tax refunds that result from federal over-withholding and from tax credits. Agencies must also disregard as income the portion of a state tax refund resulting from the state EITC in the month received. (See 3.3.4)

3. Loans and *JAL*s: Any loans unless available for current living expenses. If available for current living expenses, loans must be counted as assets even if there is a repayment schedule. JALs must be disregarded.

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

4. W-2 Employment Positions : Earnings from a W-2 *TEMP* position (*TMP*, *TNP*), and *TSP*, *CSJ*, and *W-2 T* payments.

5. In-Kind Income: Any gain or benefit that is not in the form of money paid directly to the household such as, meals, clothing, housing and garden produce.

6. Vendor Payments: Vendor payments, such as rent paid by a community organization on the household's behalf.

7. Kinship Care: Kinship Care payment for the needs of a non-legally responsible relative child who is not included in the W-2 Group.

8. Foster Care: Foster Care payments for the needs of a foster child who is not included in the W-2 Group.

9. Earned Income and *SSI* payments of a Dependent Child: Income earned by a dependent child in a W-2 Group, and any SSI payments the dependent child receives.

10. Federally Funded Benefits: Any income or resources distributed under the following federal laws are disregarded:

    a. *Agent Orange Settlement Fund:* Payments received from the Agent Orange Settlement Fund or any other fund established in settling "In Re Agent Orange product liability Settlement Fund litigation MDL No. 381 (EDNY)". Apply this disregard retroactively to January 1, 1989, and continue the disregard as long as payments are identified separately.

    b. *Radiation Exposure Compensation Act:* Payments from any program under the Radiation Exposure Compensation Act (PL 101-426) paid to compensate injury or death resulting from exposure to radiation from nuclear testing ($50,000) and uranium mining ($100,000). Apply this disregard retroactively to October 15, 1990. Continue the disregard as long as payments are identified separately.

    c. *Nazi Persecution Victims:* Payments under PL 103-286 to victims of Nazi persecution.

    d. *Benefits for Children of Vietnam Veterans Who Are Born with Spina Bifida:* Payments under PL 104-204 paid to any child of a Vietnam veteran for any disability resulting from spina bifida.

    e. *Benefits for Children of Vietnam Veterans Born with Birth Defects other than Spina Bifida:* Payments received under PL 106-419 for children with birth related disabilities other than spina bifida who were born to women veterans that served in Vietnam during the period February 28, 1961 to May 7, 1975.

    f. *Crime Victims Fund:* Any amount of crime victims compensation received under section 1403 of the Victims Crime Act of 1984 (42 U.S.C. 10602). Benefits include, but are not limited to, those paid under the:

        1) Antiterrorism and Effective Death Penalty Act of 1996

        2) Crime Victims Compensation Program (Chapter 950, Wis. Stat.)

g. *National Flood Insurance Program:* Payments under PL 109-64 provided for flood mitigation activities with respect to a property.

h. *Medicare Prescription Drug, Improvement and Modernization Act:* Drug subsidies and drug discounts received as a benefit under this law.

i. *Nutrition Program Benefits*:

1) National School Lunch Act (PL 79-396)

2) Food Stamp Act of 1977 (PL 88-525)

3) Child Nutrition Act of 1966 (PL 89-642). This program includes *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 (PL 105-83)

11) Mississippi Sioux Tribes Judgment Fund Distribution Act of 1998 (PL 105-387)

12) Claims Resolution Act of 2010 (PL 111-291): All proceeds received from the Cobell v. Salazar Class Action Trust Case settlement under this act must be disregarded as income in the month received and as a countable asset for one year from the date of receipt.

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 (PL 105-220)

9) State Department Refugee Resettlement Reception and Placement (R&P) grant cash income (45 CFR 400.66)

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

a. *Scholarships for tuition and books:* Scholarships received for tuition and books, including scholarships from public or private organizations.

b. *Student Financial Aid:* Any student financial aid received under any state program or federal program. This includes the following aid received under the Higher Education Act of 1965 (PL 89-329).

1) Basic Educational Opportunity Grants (BEOG or PELL grants)

2) Presidential Access Scholarships (Super PELL grants)

3) Supplemental Educational Opportunity Grants (SEOG)

4) State Student Incentives Grants (SSIG)

5) Federal Direct Student Loan Program (Formerly GSL & FFELP)

a) Supplemental loans for students

b) Robert T. Stafford Student Loans

c) PLUS loans for parents

d) Federal Consolidated Loan Program

6) Federal Work Study Funds

7) TRIO Grants (disadvantaged youth grants)

a) Upward Bound

b) Student Support Services

c) Robert E. McNair Post-Baccalaureate Achievement

8) Robert C. Byrd Honors Scholarship Program

9) College Assistance Migrant Program (CAMP)

10) High School Equivalency Program (HEP)

11) National Early Intervention Scholarship and Partnership Program

12) Montgomery GI Bill for Active Military, Reserve Military and Veterans

13) Veteran's Education Assistance Program (VEAP)

14) Carl Perkins Loans (formerly NDSL)

a) Indian Vocational Education Program

b) Native Hawaiian Vocational Education Program

c) State Vocational & Applied Technology Programs which include:

(1) State Program & State Leadership Activities

(2) Displaced Homemakers, Single Parent and Single Pregnant

(3) Women programs

(4) Sex Equity Program

(5) Programs for Criminal Offenders

(6) Secondary School Vocational Education Program

(7) Postsecondary & Adult Vocational Education Program

(8) State Assistance for Vocational Education Support Programs by Community Based Organizations

(9) Consumer & Homemaking Education Program

(10) Comprehensive Career Guidance & Counseling Program

(11) Business-Labor-Education Partnership for Training Program

d) National Tech-Prep Education Program

e) State-administered Tech-Prep Education Program

f) Supplementary State Grants for Facilities & Equipment & Other Program Improvement Activities

g) Community Education Employment Centers Program

h) Vocational Education Lighthouse Schools Program

i) Tribally Controlled Post-secondary Vocational Institutions Program

j) Vocational Education Research Program

k) National Network for Curriculum Coordination in Vocational and Technical Education

l) National Center or Centers for Research in Vocational Education

m) Materials Development in Telecommunications Programs

n) Demonstration Centers for the Training of Dislocated Workers Program

o) Vocational Education Training and Study Grants Program

p) Vocational Education Leadership Development Awards Program

q) Vocational Educator Training Fellowships Program

r) Internships for Gifted and Talented Vocational Education Students Program

s) Business and Education Standards Program

t) Blue Ribbon Vocational Education Program

u) Educational Programs for Federal Correctional Institutions

v) Vocational Education Dropout Prevention Program

w) Model Programs of Regional Training for Skilled Trades

x) Demonstration Projects for the Integration of Vocational and Academic Learning Program

y) Cooperative Demonstration Programs

z) Bilingual Vocational Training Program

aa) Bilingual Vocational Instructor Training Program

ab) Bilingual Materials, Methods, and Techniques Program

3.2.9.2 Income with Limited Disregards

Some income may be disregarded under limited circumstances:

1. Americorp VISTA: Disregard AmeriCorps *VISTA* income unless the VISTA agency director verifies that volunteers are receiving the equivalent of minimum wage. If the VISTA volunteer is receiving minimum wage or more, count the VISTA income in determining gross income.
2. Operation Fresh Start: Disregard Operation Fresh Start income unless the agency director verifies that participants are receiving the equivalent of minimum wage. If the Operation Fresh Start participant is receiving minimum wage or more, count the income in determining gross income.
3. Indian Tribal Judgment Funds Use or Distribution Act (PL 93-134): Disregard per capita shares and income of $2,000 per year or less.
4. Rehabilitation Act of 1973 (PL 93-112): Disregard wages, allowances or reimbursements for transportation or personal assistance services costs paid to reasonably accommodate an employee, such as a vehicle modification

made to accommodate a disability or a payment by *DVR* to support a rehabilitation plan.

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3.3.1 $2,500 Gross Asset Test

If the total countable assets of the *W-2 Group* at application are equal to or less than $2,500 in combined *Equity Value* the group may be considered for all W-2 services or a *JAL*.

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3.3.2 Asset Availability

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

3.3.2.1 Joint Accounts and Property

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

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3.3.3 Changing Estimated Assets

Once eligible for *W-2*, if the *W-2 Group*'s assets are expected to exceed $2,500 for at least two consecutive months, the group becomes ineligible for W-2. Participants must report any change in assets within 10 calendar days of the occurrence. However, the *FEP* must enter only changes in assets over $100 when notified. At review, the FEP must incorporate all changes in assets.

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

EXAMPLE 2: Carolyn received her tax refund of $2,505 on April 16th. She expects to use most of the money for past bills and other living expenses. She may continue in her *CMU* placement 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.

3.3.4 Counting Assets

3.3.4.1 Homestead
3.3.4.2 Vehicles
3.3.4.3 Other Assets
3.3.4.4 Individual Development Accounts
3.3.4.5 Federal Income Tax Refunds

The *equity value* of all assets not specifically disregarded by these instructions must be counted.

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

3.3.4.1 Homestead

The value of one home that serves as *homestead* for the *W-2 Group* must be disregarded. The W-2 Group must be living in the home and using the home as his or her primary residence.

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

In farm situations, the home consists of the house and buildings together with the total acreage property upon which they are located and which is considered part of the farm. In situations where the land is on both sides of a road, it is still considered a part of the home.

3.3.4.2 Vehicles

*FEP*s must disregard the first $10,000 of combined *equity value* of the W-2 Group's vehicles. FEPs must count any equity value amount over $10,000 as an asset to be tested against the $2,500 asset limit.

FEPs must not increase a vehicle's equity value by adding value for low mileage or items such as optional equipment or apparatus for the disabled. FEPs may use either of the following sources to verify vehicle value:

- Kelly Blue Book; or
- New and Used Car Prices NADA Guide

EXAMPLE: Chrystal's FEP checks the Kelly Blue Book to verify that Chrystal's car has a market value of $6,700. However, Chrystal verifies that 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 (See 3.3.1).

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

3.3.4.3 Other Assets

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

3.3.4.4 Individual Development Accounts

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

IDAs can be funded by three sources: Office of Community Services under the *AFIA*, *ORR*, or other *TANF*/*CR* funds.

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

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

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

3.3.4.5 Federal Income Tax Refunds

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

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

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

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

EXAMPLE 1 - APPLICANT

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

The FEP must take the following actions:

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

The CWW "Eligibility Run Results" page indicates that Jackie failed W-2 eligibility with a 024 reason code (countable assets are over program limits). Because Jackie failed W-2 eligibility for exceeding the asset limit, the FEP must ask Jackie if she received any state or federal income tax refunds in the past 12 months. Jackie tells the FEP that in February she received both a $1,000 state income tax refund and a $2,000 federal income tax refund, but she doesn't have verification with her.

The FEP must take the following actions:

- Subtract the $2000 federal tax refund from the CWW checking account entry;
- Change the verification for the asset "Type" and "Asset Amount" to "?–Not Yet Verified";
- Request Jackie to verify her federal tax refund amount, and the date she received it;
- Enter a case comment in CWW indicating the amount and reason for the subtraction; and
- Run eligibility.

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

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

The FEP must take the following actions:

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

EXAMPLE 2 - ONGOING CASE

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

The FEP must take the following actions:

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

04 Case Processing Requirements

4.1 W-2 Eligibility Verification Requirements

4.1.1 Introduction

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

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4.1.2 Information Requiring Eligibility Verification

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

*FEP*s must verify identity, Social Security number, birth date, and citizenship only once per lifetime of the case. (See 4.1.4) FEPs must verify other eligibility criteria at every eligibility review and when new information is reported or received through a data exchange. FEPs must conduct eligibility reviews at least every 6 months. If valid verification documentation already exists via data exchange or in the Electronic Case File (ECF), do not request additional verification. For example, if a legible copy of the applicant's current lease is in the ECF, rather than pend the case for additional verification of Wisconsin residency, FEPs must use this existing documentation to verify Wisconsin residency.

Eligibility Criteria	**Suggested Sources of Verification**	**ECF Code**
Identity (verify identity only once)	Driver's License State Issued ID Card Student ID Card US Government ID Card Military ID Card Native American ID Card or other tribal membership documentation issued by a Federally recognized tribe Any photo ID document issued by USCIS US Passport Any unexpired immigration document Any other reliable document that verifies identity	ID
	Data exchange from the Social Security Administration for certain applicants as described in Operations Memo 10-75	Not applicable
Birth Date	Certified copy of Birth Certificate (must be marked	ID

(verify birth date only once)	"For Administrative Use") Hospital Birth Record Driver's License US Passport State Issued ID Card Certificate of Naturalization (must be marked "For Administrative Use") Certificate of Citizenship (must be marked "For Administrative Use") Native American ID Card or other tribal membership documentation issued by a Federally recognized tribe CARES birth query (Wisconsin Births only) Any unexpired immigration document Any other reliable document that verifies birth date	
Wisconsin Residency (verify residency at application and thereafter only if questionable) **Reminder:** Do not require residency verification for homeless or migrant assistance groups newly arrived to the area.	Landlord inquiry or current lease Utility bill for water, gas, electricity, or telephone that includes name and Address Mortgage receipt Subsidized housing program approval Weatherization program approval Signed statement from a shelter or individual providing temporary residence	SUE
	Pay check stub including name, address, employer's name, address and phone number	EI
	Wisconsin Driver's License Wisconsin ID card	ID
	Wisconsin Motor Vehicle registration	VI
	School registration record	WLCM or SCHL, as appropriate

	Any other reliable document that verifies Wisconsin residency	WMSC, or as appropriate
U.S. Citizenship (verify citizenship only once)	Certified copy of Birth Certificate (must be marked “For Administrative Use”) Baptismal Certificate if place of birth is shown Hospital Birth Record Native American ID Card or other tribal membership documentation issued by a Federally recognized tribe Certificate of Naturalization (should be marked “For Administrative Use”) Certificate of Citizenship (should be marked “For Administrative Use”)	ID
	Data exchange from the Social Security Administration for certain applicants as described in Operations Memo 10-75 **CARES birth query (Wisconsin Births only)	Not applicable
Qualifying Non-Citizen Status	Please see W-2 Manual Chapter 2.4.1.1	ID
Marital Status (verify only if questionable)	Certified copy of Marriage Certificate (must be marked “For Administrative Use”) Judgment of Divorce	LEGAL
Custody of Children (verify only if questionable)	Court order	LEGAL
	** KIDS child support disbursement query	Not applicable
Social Security Number (SSN) (verify only once)	**Data Exchange verifying verbal statement of individual's SSN **Note:** This is the preferred form of verification for SSN. If the data exchange returns a "V-Verified" from the *SSA*, there is no need to scan paper verification into ECF.	Not applicable

	The following documents may be used as verification if the data exchange is unavailable or results in a discrepancy and must be scanned into ECF: Social Security Card Pay stub displaying the Social Security number W-2 Tax Form displaying the Social Security number Other reliable documents displaying both the name and SSN	SSN
SSN Application Date (verify only if individual does not have SSN)	Form SS-5, Application for Social Security number SSA Document (e.g. receipt for SSN Application) Other Written Statement or Agency Form stating that the individual has applied for an SSN **For newborns only:** Hospital discharge letter (must specifically reference the application for a SSN)	SSN
	For exempt qualified non-citizens: See 2.7.1 and Ops Memo 16-14	Not applicable
Earned Income	Dated check stubs for the past 30 days Letter from employer stating pay frequency, rate per hour, and average hours per pay period. Income tax return for the previous tax year	EI
	Self-employment business tax records Self-employment Income Report (DWSP-2131)	SEI
	Any other document that verifies earned income	SEI or EI as appropriate
	**CARES data exchange	Not applicable
Unearned Income	Social Security Award Letter Unemployment Compensation Award Letter Divorce paperwork identifying a financial settlement	UI

	Documentation of Court Awarded compensation Compensation Award Letter Veteran's Administration Award Letter Any other document that verifies unearned income	
	** CARES data exchange	Not applicable
Financial Accounts* (e.g. Savings, Checking, Prepaid Debit Cards, etc.)	Current financial, bank, credit union, or loan statement *Note: Do not verify closed accounts or cards	BNK
Insurance Policies	Life insurance policy and the insurance company's statement on the policy's current cash value	LIP
Trust Funds	Trust agreement Court order	AST
Other Savings or Investments Certificates of Deposit, Retirement Accounts (including IRA and KEOGH accounts), Stocks or Bonds	Statement from stockbroker	AST
	Copy of bonds	SB
	Current bank, credit union or savings and loan statement	BNK
Real Estate	Deeds or titles Real estate receipts or tax records Statement of current value from local business	AST
Vehicles	Car title or registration	VI

Cars, trucks, boats, campers, snowmobiles, and other motorized vehicles	Written statement from car dealer Loan papers or sales receipt State Division of Motor Vehicle statement	
Pregnancy	Medical statement from a doctor or other qualified medical provider (not allowed for At Risk Pregnancy). At Risk Pregnancy (ARP) Medical Information/Verification form (4070) or a letter from a physician on the physician's letterhead that contains all the information listed in 7.4.6.2.	See 4.4.6
School Enrollment Status Required for children subject to Learnfare (See 16.2.3) and for a Dependent 18 Year Old)	Report Card Statement from school or school district* Any other document that verifies school enrollment status* *Note: Verification for Dependent 18 Year Olds must include expected graduation date.	WLCM for Learnfare SCHL - for Dependant 18 Year Olds

** Do not scan these items. Verification for these items is available via CARES queries and data exchanges.

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4.1.3 Requesting Verification from W-2 Participants

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

If extenuating circumstances exist that make the verification requirements unduly burdensome or the verification submitted by the individual is questionable or contradictory, the W-2 agency may extend the verification due date. For applicants, the verification due date may be extended up to 30 days from the date the agency receives a signed Application Registration form. (See 1.4.2 and 1.4.4) For participants, the verification due date may be extended up to 30 days from the date of the initial request for verification.

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

W-2 agencies have seven working days from the date they receive it to process verification.

If the applicant or participant is able to produce the information, but refuses or fails to do so, he or she is not eligible and the W-2 agency must deny the application or close the case.

Agencies must refer questionable verification or reporting supplied by applicants or participants for fraud investigation. (See 13.3.1)

4.1.4 Frequency of Verification

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

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

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

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

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4.1.5 Using Data Exchanges to Verify Eligibility

4.1.5.1 Income and Eligibility Verification System Data Exchanges
4.1.5.1.1 Unemployment Insurance Benefits Data Exchange Process
4.1.5.1.2 State Wage Income Collection Agency Process
4.1.5.1.3 State Online Query Internet Process
4.1.5.2 Discrepancies and Alerts
4.1.5.3 Data Exchange Monitoring Reports

CWW exchanges data with federal and state databases as well as databases maintained by private agencies in order to verify information provided by applicants and participants. This CWW process is called data exchange, or *DX*, because it is a two-way flow of information in which a request is sent to another state or federal agency and the requested information is returned to CWW. Information exchanged through CWW DX includes:

- Unemployment insurance benefits;
- Earned income through wages;
- *SSN*s;
- *SSI* payments;
- Other *SS* income;
- Incarceration status; (See 11.5.1.1) and
- Citizenship or Qualified Non-Citizen Status. (See 2.4.1.1).

4.1.5.1 Income and Eligibility Verification System Data Exchanges

IEVS is a system that collects and exchanges income and resource data electronically between *CWW* and state and federal agencies.

The following are included in the IEVS data exchanges:

- Unemployment insurance benefits;
- Earned income through wages;
- *SSN*s;
- *SSI* payments; and

- Other *SS* income.

Discrepancies identified through the IEVS-related data exchanges must be reviewed by W-2 agency staff. (See 4.1.5.2)

4.1.5.1.1 Unemployment Insurance Benefits Data Exchange Process

Under the *UIB* data exchange process, UIB *DX* automatically enters *UI* information received from state UI databases during intake, review, person add, and program add driver flows. The UIB DX requests UI information for all W-2 Group members over age 14 as long as there is a valid SSN (Verification Code V, C, or W) on the CWW Household Members page. If the DX returns UI income information, CWW automatically updates the Unearned Income Gatepost and the Unearned Income pages.

CWW also completes the UIB DX via a monthly batch process on the 2nd Saturday of the month and will automatically update the UI income for individuals who have had changes in their UI benefits. The monthly process also automatically end-dates UI benefits if no UI extension has been granted. Whenever UI income is updated via the monthly batch process, CWW enters a system-generated case comment.

There are limited situations in which CWW cannot automatically update the UI income information. In these situations, a discrepancy occurs. The *FEP* must resolve the discrepancy before running eligibility and confirming W-2. (See 4.1.5.2)

4.1.5.1.2 State Wage Income Collection Agency Process

The quarterly *SWICA DX* compares wage and income information provided by Wisconsin employers with information entered on the *CWW* **Earned Income** page. A discrepancy occurs if the monthly SWICA income plus other income budgeted for that month exceeds 115% of FPL for two consecutive months in a quarter. The FEP must update the earned income information on the **Employment Queries** page necessary to complete case processing before running eligibility and confirming W-2. (See 4.1.5.2)

Because SWICA matches may not happen until participants have been open for several months, *FEP*s should use the CWW **Employment Queries** page when processing intakes, reviews, program adds, and person adds to determine if applicants and participants are correctly reporting income and employment.

4.1.5.1.3 State Online Query Internet Process

The *SOLQ-I DX* is a web service that is initiated during intake, review, person add, and program add driver flows from the *CWW* **General Case Information** page. The SOLQ-I DX requests *SSN*, *SS* income, and *SSI* income information from the Social Security Administration. The SOLQ-I requests information for all W-2 Group members who have a valid SSN (Verification Code V, C, or W) on the CWW **Household Members** page. If an individual's SSN is verified and Social Security income or SSI income exists, CWW automatically updates the information on the CWW pages before the FEP gets to the page in the driver flow, unless there is a discrepancy.

Similar to the UIB data exchange process, if the SOLQ-I data exchange cannot update the SSN, Social Security, or SSI information, a discrepancy occurs. The *FEP* must resolve the discrepancy before running eligibility and confirming W-2. (See 4.1.5.2) If there is a discrepancy, the Benefits Received page displays a message notifying the FEP that SOLQ-I was either successful or unavailable.

4.1.5.2 Discrepancies and Alerts

Federal law requires *FEP*s to follow-up on all *IEVS DX* discrepancies identified during the DX process. FEPs must take action on IEVS DX discrepancies within 45 days for 80 percent of all discrepancies, including taking action to correct the case. The remaining 20 percent may exceed 45 days only if Third Party Verification is outstanding. The FEP must take action on the remaining 20 percent no later than 90 days after the discrepancy was identified.

FEPs must take the following steps to process DX matches and follow-up on discrepancies:

1. **Identify discrepancies.** Once a discrepancy is set on a case, it displays in the information bar at the top of the page in CWW (next to Action Items and Documents).

   The primary worker on the case will also see the discrepancy under the **My Tasks** section of the worker's **CARES Worker Web Home** page. Because in mixed cases, CWW considers IM workers the primary workers and FEPs secondary workers, FEPs cannot see their discrepancies on their **CARES Worker Web Home** pages. CWW notifies secondary workers of discrepancies by sending an alert. FEPs can then see their discrepancies by:

   a. Checking the Discrepancies list on the participant's Case Summary page;

   b. Searching for discrepancies using the Caseload Management Search Criteria page; or

c. Using existing WebI reports to identify discrepancies.

2. **Review the information returned via the DX and compare it to information entered in CWW**.

3. **Contact the participant or a third party source to resolve the discrepancy and request verification, if necessary.** The FEP must use the best available information to complete the data exchange process. The discrepancy must be resolved through the FEP's action within 45 days of the match date, unless third party collateral evidence is outstanding.

4. **Update the appropriate CWW pages with the new information received.** If the income was from employment, the FEP must also review and update CARES Work Program screens WPEH and WPEL. The FEP may also need to re-evaluate the individual's W-2 placement based on newly verified employment information.

5. **Run eligibility and confirm W-2 benefits.** If possible, FEPs must resolve discrepancies before running eligibility and confirming benefits. Re-running eligibility may result in a case closure. If this is the case, the FEP must also determine if an overpayment occurred and, if it has, calculate the amount and establish a benefit recovery claim.

6. **Update the status of the discrepancy.** If the FEP is the secondary worker, the FEP must provide a written update to the discrepancy in case-level case comments. If the FEP is the primary worker, the primary worker updates the status of the discrepancy by choosing one of the drop-down options.

Important Note: The secondary worker must not update the status of the discrepancy. If the secondary worker updates the status of the discrepancy, CWW will remove it from the information bar and from the primary worker's My Task discrepancy count total. If this occurs, the primary worker may not ever know that the discrepancy existed. However, if the primary worker updates the status of the discrepancy before the secondary worker has an opportunity to follow-up on it, the alert will remain for the secondary worker as a reminder. For that reason, in cases with both a primary and a secondary worker, the secondary worker must provide updates to discrepancies in case-level case comments.

The FEP should not verify information that has already been verified (See 4.1.2). Information such as identity, SSN, birth date, or citizenship, must be verified only once per lifetime. (See 4.1.4). However, the FEP must verify employment and income at every eligibility review and when DX reports new information that changes frequently, such as earned and unearned income.

For more information on Data Exchange and IEVS, see Process Help 44 Data Exchange.

4.1.5.3 Data Exchange Monitoring Reports

In addition to the **Caseload Management Search Criteria** page, *FEP*s can access the *DX* reports in WebI to view listings of all individuals who have outstanding data match discrepancies, and to monitor their progress in meeting the 45 and 90-day *IEVS* requirements for completing discrepancy reviews.

The following reports are in the Data Exchange folder in WebI Employment Programs, Report Monitoring subfolder.

DX Reports 1 and 2
Data exchange Report 1 provides a county summary. Report 2 provides a detailed report by county of all matches with incomplete dispositions/discrepancies due for 45 days or more.

DX Reports 3 and 4
Data exchange Report 3 provides a county summary. Report 4 provides a detailed report by county of the overdue dispositions/discrepancies completed during a specific month.

DX Reports 5 and 6
Data exchange Report 5 provides a W-2 agency summary. Report 6 provides a detailed report by agency of all matches that are due within 45 days and incomplete dispositions/discrepancies.

DX Report 7
Data exchange Report 7 provides a Worker ID summary and gives W-2 agency staff another tool to use to manage their dispositions/discrepancies.

DX Report 8
Data exchange Report 8 provides a statewide summary.

4.2.1 Requesting Information from Third Party Sources

4.2.1.1 Requesting Confidential Information

While an applicant or participant has primary responsibility for obtaining verification, a *W-2* agency has statutory authority [s. 49.143(5)] to request information from any person it deems appropriate and necessary for the administration of W-2. By signing the Wisconsin Works (W-2) and Related Programs Application (2471) form, the individual is acknowledging that the agency may request information from a third party unless the information is considered confidential.

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

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

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

4.2.1.1 Requesting Confidential Information

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

4.2.2 Protecting W-2 Participant Information

4.2.2.1 Protecting Confidential Information about W-2 Participants

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

4.2.2.1 Protecting Confidential Information about W-2 Participants

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

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

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

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

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

See 4.4.6 for information on storing confidential information about W-2 participants.

The laws governing protection of confidential information are stricter than general information about the W-2 participant. In general, the laws narrowly restrict the disclosure and use of this information to a “bona fide need to know.” An individual or program in possession of such information (for example, a federally-assisted substance

abuse program) may not release it except as authorized by the individual. Anyone who receives such information from a substance abuse program (for example, a W-2 agency) may not again disclose it without the individual's consent and cannot retain this information unless confidentiality can be maintained.

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

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

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

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

4.2.3 Releasing Information to Law Enforcement

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

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

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

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

4.3.1 Record of Verification

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

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

  Validation may be done by:

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

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

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

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

4.3.2 Marking Vital Records, “Administrative Use Only”

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

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

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

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

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4.3.3 Case Comments

Case Comments for *W-2* must be entered by workers using *CARES* and CARES Worker Web (CWW). Workers must record comments within 24 hours after the action or contact with a participant to ensure a sequential history. When a *FEP* makes a change to a W-2 case that leaves eligibility unconfirmed for other programs, the FEP must notify the Income Maintenance (IM)/Child Care (CC) worker to confirm eligibility for the other programs. In addition to case comments, whenever the FEP or IM/CC worker makes a change in a case, the worker must also notify the other worker via e-mail, fax, or phone contact to ensure timely processing of the W-2, CC, and IM cases.

There are two types of Case Comment entries:

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

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

See 4.4.6 for policy on recording confidential individual case information in Case Comments.

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

4.4.1 Electronic Case File (ECF)

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

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

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4.4.2 Scanning Requirements

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

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

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

4.4.3 Record Retention Requirements

W-2 agencies must retain W-2, *JAL*, and *EA* case-related paper documents for three years after a case closes if the agency has not scanned the documents into the *ECF*. This three-year retention requirement also applies to audio tapes of Fact Finding Reviews. The only documents that agencies should not scan into the ECF are those that contain sensitive and confidential information (W-2 Manual 4.2.2.1 and 4.4.6). After the case has been closed for three years, the W-2 agency can destroy the paper documents and audio tapes.

W-2 agencies must retain paper documents for longer than three years if any litigation, claim, or audit involving the case is unresolved. In these situations, the W-2 agency must not destroy the documents until three years from the date the issue was resolved. The terms “litigation,” “claim,” and “audit” include lawsuits, Fact Finding Reviews, Departmental Reviews, Intentional Program Violation claims, federal or state audits, Legislative Audit Bureau audits, etc.

W-2 agencies are required to scan paper documents into ECF that do not contain sensitive and confidential information within 30 days after receipt. Agencies may destroy paper documents that they have scanned and stored in the ECF at any time. It is recommended that agencies retain paper documents that it has scanned into ECF for at least a week in the event they discover scanner operator error. This includes copies of birth certificates, Social Security cards, marriage certificates, etc. Agencies must return original documents to the owner. (See 4.4)

The *DHS* will purge documents scanned into ECF. DHS will not purge documents until at least the minimum document retention time period of three years has lapsed and then DHS will purge documents based on storage space, case closure dates, and other considerations.

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

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

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

The agency may charge for this service. (See 12.2.7)

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4.4.5 Scanning Consistency within an Agency

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

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

4.4.6 Storing Confidential Information

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

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

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

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4.5.0 "Reserved"

This is reserved for a future W-2 topic.

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4.6 Participant Relocation (previously titled Transferring a W-2 Case)

4.6.1 Relocation into or out of Milwaukee County or Between Balance of State W-2 Agencies

4.6.1.1 Relocation within a BOS W-2 Agency's Boundaries

W-2 participants who relocate into Milwaukee from the *BOS* must reapply at the W-2 agency serving the address to which they have relocated.

W-2 participants who relocate out of Milwaukee into the BOS or between BOS W-2 agencies must reapply at the W-2 agency that serves the county into which the individual has relocated. The individual may reapply at any of that agency's office locations. However, the agency must enroll the applicant in the W-2 Eligibility and Work Program offices for the county in which the applicant now resides.

Any time a participant relocates and will be served by a new W-2 agency, the outgoing W-2 agency must determine when to end-date the employment position according to the needs of the participant, W-2 employer/work training provider, and agency.

If a participant in a *CMF* placement relocates into or out of Milwaukee or between BOS W-2 agencies, the participant cannot be enrolled into the incoming agency, nor may the participant remain in an open placement with the current W-2 agency. The CMF placement may not transfer and must be closed at the originating agency when the participant leaves the county. The FEP at the originating agency must close the CMF placement and end the W-2 episode. If the individual loses the employment that led to the CMF placement while enrolled in W-2, the individual may reapply for W-2 in the county where the individual has relocated.

To end the employment position, the outgoing agency must end-date the placement on the *CWW* W-2 Placements page so that CARES will generate the final payment for activities completed during the last participation period. The outgoing agency must also end all activities on CARES screen WPCH and disenroll the case from the CARES Work Programs subsystem.

The incoming agency must treat the individual as an applicant. (See 1.4.4) When deciding on services for the individual, the incoming agency should consider the individual's past W-2 experience, including prior placements.

For more information on CARES processing and functionality, including how to end W-2 eligibility and close the W-2 case, see Operations Memos 12-65 and 13-09.

4.6.1.1 Relocation within a BOS W-2 Agency's Boundaries

W-2 participants in the *BOS* who relocate to a different county but remain with the same W-2 agency do not have to reapply. These participants may continue to receive services at any of the agency's office locations. However, the agency must transfer the case to the W-2 Eligibility and *WP* offices for the county in which the participant now resides. When the agency transfers the case to the incoming WP office, CARES automatically end-dates open activities and reopens the same activities in the incoming WP office.

For more information on CARES processing and functionality, see Operations Memos 12-65 and 13-09.

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4.6.2 Transfers Between W-2 Agencies in Milwaukee County

For *W-2* participants who relocate from one Milwaukee W-2 geographical area to another, the outgoing W-2 agency must transfer the case to the incoming W-2 agency.

When a Milwaukee W-2 agency initiates a case transfer, it must use the Inter-Regional W-2 Participant Transfer Notice form notifying participants to continue with assigned activities until they have met with a *FEP* in the new geographical area. For more detailed information on the Milwaukee transfer process, workers must refer to the 2013 Inter-Regional Transfer Procedure for Milwaukee W-2 Agencies.

In order to complete the transfer to the new W-2 agency, the outgoing agency must transfer the case to the incoming agency's W-2 Eligibility and *WP* offices.

The incoming W-2 agency must keep the participant in the participant's existing W-2 placement and re-open assigned activities. The incoming W-2 agency must meet with the participant within 10 working days from the date of transfer as reflected on *CARES* screen WPTN. Once the FEP completes an informal assessment, he or she can make changes to the W-2 placement and assigned activities as well as provide supportive services or accommodations. The agency must document the assessment results in case comments and on the appropriate CARES screens. For more information on transferring assessment information, see W-2 Manual, 4.6.3.

For more information on CARES processing and functionality, see Operations Memos 12-65 and 13-09.

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4.6.3 Transferring Formal Assessments

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

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

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

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

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

05 Assessment

5.1 Introduction

5.1 Introduction

Under *W-2*, assessment is the process of gathering the needed information to develop an Employability Plan customized for the participant that will result in either a successful employment outcome which starts the individual on a career path; or, if appropriate, a path to eligibility for *SSI* and/or *SSDI* benefits.

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

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

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

5.1.1 Assessment at Application

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

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

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

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

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

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

5.1.2 Assessment as Part of On-Going Case Management

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

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

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

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

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5.2.1 Informal Assessment

The purpose of the informal assessment under *W-2* is to gather information about an individual and his or her family to determine the:

- Individual's ability to become employed and remain employed;
- Services and activities necessary for the individual to become employed and remain employed;
- Appropriate placement of a participant;
- Need for further career assessment and planning;
- Need for vocational evaluation; and
- Existence of potential disabilities or other specific limitations through screening with a validated screening tool; and
- Need for a formal assessment of any disabilities or other employment barriers by a qualified assessing agency or individual.

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

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

5.2.2 Informal Assessment Inventory

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

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

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

Informal assessment must also include observations by the worker about the individual's ability to follow through on assigned activities and/or perform job search.

When an applicant/participant is having difficulty completing assigned activities, this may be an indication of underlying barriers to employment and should result in further conversations with the individual about the appropriateness of the activities being assigned and the need for additional supportive services.

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5.3 Educational Needs Assessment

5.3.1 Educational Needs Assessment

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

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

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

2. **Determine the applicant/participant's education and training needs**. In making this determination, the *FEP* must consider the following:

   a. The information gathered on the applicant/participant's current educational levels. The FEP must document this information on the appropriate *CARES* screens (WPED, WPPE and WPAW) and in case comments;

   b. The level of education and training necessary to obtain full-time employment in the local labor market. The Department of Workforce Development maintains a website with Wisconsin labor market information at http://worknet.wisconsin.gov/worknet/default.aspx. From this website you can link to many useful resources, such as:

      - *LMI – for Workforce Development Areas* at http://worknet.wisconsin.gov/worknet/worknetinfo.aspx?htm=pub_cntyprofiles_map. This site covers the occupations in demand for each region and county in the state.
      - *The Occupational Information Network (O*NET)*, at http://online.onetcenter.org/. This site provides comprehensive information on job requirements and worker competencies for employment sectors and occupations.

   c. The applicant/participant's personal employment goals. If the FEP determines that the individual is eligible for W-2 and s/he needs or would benefit from education or training activities, including a course of study meeting the standards established for the granting of a declaration of high school graduation, the education and training activities must be included in the individual's *EP*.

Example: Holly is found nonfinancially and financially eligible for W-2. She has not completed high school and the educational needs assessment finds her to be at a 10th grade reading and math comprehension level. An aptitude assessment also shows that she is artistic and has good mechanical skills. Holly tells the FEP she has had several brief job spells as a short-order cook and her personal employment goal is to become a chef. However, all of her past employment has resulted in job terminations due to disputes with her supervisors. The FEP determines that Holly would be appropriate for a *CSJ*. For the first week, Holly is assigned to 40 hours of Job Readiness/Motivation training. After completing the first week, she is assigned to 30 hours per week at a work experience site that combines food preparation experience with culinary skills training, which is expected to last about six weeks. In addition, Holly is assigned to eight hours per week of tutoring to prepare her for her *GED*.

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

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5.4 Barrier Screening Tool

5.4.1 Barrier Screening Tool

5.4.1.1 When to Use the BST
5.4.1.2 How to Use the BST
5.4.1.3 Applicants/Participants with Limited English Proficiency

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

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

5.4.1.1 When to Use the BST

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

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

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

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

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

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

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

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

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

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

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

5.4.1.2 How to Use the BST

Agencies have the discretion to determine who in their agency will administer the BST. Some agencies may assign each FEP to screen his/her own applicants/participants. Other agencies may choose to have one staff person or contracted provider who specializes in this function. All individuals designated to administer the BST must have FEP training (or have equivalent training as determined by the BWF Partner Training Section) and participate in the BST training.

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

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

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

There are four sections to the BST:

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

   If an applicant/participant voluntarily discloses that (s)he is or has been a victim of domestic abuse or is at further risk of domestic abuse, s/he is not required to be screened. An applicant/participant must never be asked to complete the Domestic Abuse Screen while his or her partner is present.
2. Functional Screen: This section screens applicants/participants for their ability to function in a work setting, work training and daily living activities. The Functional Screen must be completed with all new applicants/participants who agree to complete the BST. Specific instructions are provided in the screening tool to help the FEP determine if a formal assessment is needed and whether an applicant/participant must complete Screen 2.
3. Screen 2: This section screens applicants/participants to determine if they are at-risk for barriers that often go unidentified, including mental health issues, learning needs, post-traumatic stress disorder, traumatic brain injury, and alcohol or other drug abuse.

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

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

The Family Needs Screen contains:

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

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

5.4.1.3 Applicants/Participants with Limited English Proficiency

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

Spanish and Hmong translation of the BST are available in a paper version online at http://dcf.wisconsin.gov/w2/partners/bst. In some parts of these translated tools, the questions were modified from the English version to be culturally relevant. Therefore, it

is critical that when an interpreter or a bilingual FEP is administering the tool to a Hmong or Spanish speaking participant, s/he is reading the questions word-for-word from the translated tool.

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5.5 Formal Assessment

5.5.1 Formal Assessment

5.5.1.1 When to Use a Formal Assessment
5.5.1.2 How to Use a Formal Assessment

A formal assessment is the process of establishing:

- The extent and severity of any disabilities or other conditions (e.g., domestic violence, learning needs, need to care for disabled child) that may interfere with normal functioning in an employment setting or with a persons' ability to meet *W-2* program requirements;
- The effect of a disability or other potential barrier on the person's capacity to obtain and maintain unsubsidized employment, participate in employment-related activities (e.g., work training activities or education) or otherwise meet W-2 program requirements;
- The need for supportive services, accommodations, auxiliary aids or communication assistance;
- The conditions under which the person is capable of employment or employment related activities;
- The need to make reasonable modifications to policies, practices and procedures when necessary to ensure equal opportunity for people with disabilities; and
- The appropriateness of specific assignments in the W-2 program.

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

5.5.1.1 When to Use a Formal Assessment

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

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

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

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

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

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

5.5.1.2 How to Use a Formal Assessment

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

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

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

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

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

This may include:

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

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

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

5.5.2 Qualified Assessing Agency

Formal assessments must be completed by one or more qualified assessing agencies or individuals. A professional qualified to perform a formal assessment may include: a medical or mental health professional, social worker, psychologist, neuro-psychologist, Division of Vocational Rehabilitation counselor or similar qualified assessing agency or individual. Characteristics required of the assessing agency or individual include:

- Demonstrates a competency or successful completion of training in the appropriate field and is certified by an appropriate accreditation organization.
- Demonstrates an understanding of the objectives of the assessment based on *W-2* referral information, referral questions, the initial interview and stated purpose of the evaluation.

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5.5.3 Necessary Elements

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

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

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

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

5.5.4 Obtaining a Complete Assessment

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

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

4. When the barrier is related to the care for another household member, the Need to Care for Disabled Family Member (form 10786) form must be used to gather the needed information. (See 7.4.2) Although the information gathered with this form does not meet all of the requirements of a formal assessment, it will serve as a substitute for obtaining a formal assessment when the individual is placed in a *W-2 T* and assigned to care for another member of the *W-2 Group* who is ill or incapacitated.

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

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5.5.5 Inadequate or Conflicting Formal Assessment Information

When obtaining formal assessment information for a participant with a medical or mental health condition, the *W-2* agency should consult initially with the provider who is treating the participant for the condition. If the documentation provided does not contain information needed to determine an appropriate placement or necessary accommodations for the participant, the W-2 agency may refer the participant to another service provider for an independent assessment. (See 5.5.3)

If assessment information is gathered from multiple sources, and there is conflicting information about the medical condition or what services or accommodations are needed to address the condition, the agency should use the information from the provider who has provided an independent assessment.

If multiple service providers are each treating the participant for different medical conditions, e.g., one is treating for a back problem and the other is treating for a mental health condition, and they provide different opinions about the accommodations that are needed, the *FEP* must assign activities and provide needed accommodations based on both assessments.

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5.5.6 Paying for Formal Assessment

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

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5.5.7 Payment Reductions

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

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

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

5.5.8 When Formal Assessment is Declined

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

> **EXAMPLE 1:** Jean submits an application for W-2. During the initial informal assessment meeting, Jean states that she cannot engage in any type of W-2 activities because she has severe back pain. She gives the *FEP* a note from her physician written on a prescription sheet. The note states that Jean cannot participate in any W-2 activities. The FEP explains to Jean that a formal assessment is needed in order to fully understand how Jean's medical condition affects her ability to participate in W-2.
>
> Together, the FEP and Jean review the W-2 Formal Assessment Agreement and Jean indicates at the bottom of the agreement that she will obtain a formal assessment. Jean is given the Medical Examination & Capacity form to bring to her physician. The FEP follows up with a phone call to Jean's physician to explain what the Medical Examination & Capacity form is and why a full formal assessment is needed.
>
> Meanwhile, the FEP has all of the needed documentation and verification to determine eligibility for W-2 and places Jean in a *W-2 T*.

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

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

Together, the FEP and Naomi review the W-2 Formal Assessment Agreement. After reviewing the agreement, Naomi states that she does not want to obtain a formal assessment and she indicates on the agreement that she is declining to complete a formal assessment. As a result, the FEP has no substantiating information about Naomi's migraines to determine the extent to which Naomi's medical condition will impact her ability to participate and no information regarding the types of services and accommodations that Naomi needs.

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

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

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5.6.1 Domestic Abuse and Sexual Assault Services Information and Referral

If a *FEP* or other *W-2* agency employee identifies a participant, or a participant self-identifies, as a past or present victim of sexual assault or domestic abuse or as being at risk of domestic abuse, the FEP or other W-2 agency employee must provide information on community-based sexual assault and domestic abuse services. Information must be provided on shelter and other programs for battered individuals, sexual assault provider services, medical services, sexual assault nurse examiners services, domestic abuse and sexual assault hotlines, legal and medical counseling and advocacy, mental health care, counseling and support groups.

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

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5.6.2 Work Place Safety for Domestic Abuse Victims

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

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5.7 Sharing Information with SSA

5.7.1 Sharing Information with SSA

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

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

For more information on assisting a participant with the SSI application process. (See 7.4.3)

06 Employability Plan

6.1 Employability Plan Overview

6.1 Employability Plan Overview

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

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

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

- Strengths, interests and aptitudes, and needs;
- Prior education and work history;
- Strategies to overcome barriers to employment identified through informal and formal assessment; and
- Assignment of work and training activities to achieve the employment goal.

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

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

- A *TEMP*, *TSP*, *CSJ*, or *W-2 T* placement;
- A *CMU*, *CMF*, *CMD*, *CMJ*, or *CMN* placement;
- A *CMC*, *CMP*, *ARP*, or *CMM* placement only in circumstances where the participant has volunteered to participate in activities as part of the W-2 program; and
- A second parent in a two-parent household who participates in W-2 activities. (See Chapter 14)

Learnfare Case Management plans, which are similar to EPs, are developed for children age 6 to 17 whose parent is placed in a W-2 employment position and who are required or volunteer to participate in case management for Learnfare. (Children not enrolled in school, minor parents, dropouts, returning dropouts, habitual truants, and a child whose W-2 group includes a participant who has been unable to participate in required assigned activities due to the child's school-related problems are required to participate in case management.) (See 16.3.4)

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6.1.1 Parts of the Employability Plan

The *EP* consists of three parts:

Part 1: Program Employment Goals and Related Goals

Program Employment Goals

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

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

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

Related Goals

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

career pathways that enable employees to start in lower-skilled jobs and progress into increasingly higher paying jobs through training. This section should identify any goals that are part of the individual's longer-term career plan.

Part 2: Personal Goals

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

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

Part 3: Program Activity Plan

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

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

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

6. Supportive services required to complete the activity.
7. Any additional remarks to assist the applicant or participant.

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6.1.2 How Formal Assessment Impacts the Employability Plan

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

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6.2 Employability Plan Development and Review

6.2.1 Developing the Employability Plan

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

When appropriate, the applicant's or participant's family members may also provide input. In a two-parent household, a meeting with each parent must be conducted to assess total family strengths and determine which parent is more appropriate for W-2 placement. (See Chapter 14)

Before placing a W-2 participant into an employment position or case management placement (see 6.1), an EP must be developed during a face-to-face meeting, except in the following circumstances:

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

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

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

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

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

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6.2.2 Employability Plan Review

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

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

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

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

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

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

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

6.2.3 Coordination with Other Programs

6.2.3.1 DVR Collaboration in Employability Plan Development

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

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

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

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

6.2.3.1 DVR Collaboration in Employability Plan Development

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

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

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

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6.3 Special Policies For Assignment of Activities

6.3.1 Travel Time

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

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

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6.3.2 W-2 Work Participation Documentation, Verification and Supervision

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

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6.3.3 Making Up Missed Hours of Participation

There may be times, when the participant's work schedule fluctuates due to the need to make up work hours missed earlier in the week. No action is necessary on the part of the worker when the participant makes up the missed hours in the same week. If the participant misses hours of participation for a day, and does not make up those missed hours at some point during the week in which they were assigned, all remaining missed hours must be recorded as non-participation and good cause policy must be applied when appropriate. (See 11.2)

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6.4 Assignment of Activities in CARES

6.4.1 CARES Screen WPCS

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

See the W-2 Manual Appendix - Activity Codes for a complete listing of the W-2 activity codes.

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

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

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

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

07 Placements

7.1 Introduction

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

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

When making initial placements, FEP must also:

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

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

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

7.2.1 Unpaid Placements

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

The following three placements are related to unsubsidized employment:

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

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

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7.2.2 Case Management Underemployed (CMU)

The *CMU* placement is for applicants entering the *W-2* program who are working full-time or who are working part-time and who do not have any barriers to full-time employment. The goal of CMU is to give participants the assistance they need to stay employed and advance in their careers. *FEP*s may place applicants with farming and self-employment income in a CMU.

Participants may stay in CMU as long as they are working, do not have barriers to full-time employment, and meet financial and nonfinancial eligibility requirements. FEPs must not place marginally employed applicants in a CMU. Depending on the individual's specific circumstances, the agency may place a marginally employed applicant in a *W-2 T*, *CSJ*, or pro-rated CSJ placement.

The initial assessment, including determining CMU placement eligibility and employability planning, must be conducted in person. However, after an individual is placed in a CMU placement, and that individual has a work schedule that makes it difficult to come into the office for a face-to-face *EP* appointment, the agency may conduct the ongoing EP and eligibility review appointments by phone. Ongoing case management services may be conducted by phone for participants in CMU and *CMF* placements only. (See 6.2.2)

CMU is not for ongoing W-2 participants who find employment. The appropriate placement for these individuals is CMF. (See 7.2.3).

7.2.3 Case Management Follow-Up (CMF)

7.2.3.1 General CMF Participant Description Characteristics
7.2.3.2 Case Management Services for CMF Participants
7.2.3.3 Job Loss and CMF
7.2.3.4 CMF Eligibility Requirements

Participants who find employment while in *W-2* who were previously in a paid placement are eligible for *CMF* services; this includes *TEMP*, *CSJ*, *W-2 T*, and *CMC*. The goal of CMF is to give participants the assistance they need to stay employed and advance in their career. W-2 agencies are expected to provide 12 months of follow-up services as long as CMF participants continue to meet the nonfinancial eligibility requirements. W-2 case management services can be provided even after the CMF participant loses financial eligibility. *CARES* will close CMF cases at the end of 12 months. If a CMF placement lasts less than 12 months, the *FEP* must document the reason(s) in case comments. If a participant wishes to receive case management services beyond the 12 months allowable in a CMF placement, the FEP may change the participant's placement to *CMU* if the participant meets financial and nonfinancial eligibility requirements.

7.2.3.1 General CMF Participant Description Characteristics

Participants who were previously placed in a paid placement are eligible for CMF services; this includes TEMP, CSJ, W-2 T, and CMC. In addition, W-2 applicants in up-front job search and the *CMJ* placement who find unsubsidized employment are eligible for CMF services.

When a participant reports starting a new job, a FEP can use a participant's verbal statement to change the placement to CMF, revise the *EP*, and assign case management activities. While waiting for the verification, the FEP must gather as much information as possible from the participant, including the name and address of the employer, the expected begin date of employment, the hourly wage, and number of expected hours of work per week. The FEP must enter the new verified or unverified employment information on CARES screen WPEH and the *CWW* Employment Page. If the information is unverified, the FEP must return to WPEH and the Employment Page to update the employment information when the verification is received.

Participants who are working in unsubsidized employment for 30 hours or more per week are typically appropriate for CMF. Participants who are working in unsubsidized

employment for less than 30 hours per week and who have limitations to increasing their work hours must be placed in prorated CSJ. (See 7.4.1.4)

EXAMPLE: Christina is in a CSJ placement. Christina has a history of employment; however, she has been out of the workforce in the last year to due complications with her third pregnancy. Christina has a high school diploma and valid driver's license with access to a vehicle. Christina is interested in employment in the nursing field and the FEP refers Christina for *CNA* job skills training. Christina successfully obtains her CNA license and secures a position as a CNA working 35 hours per week at $9.50 per hour. The FEP completes an informal assessment and determines that Christina is appropriate for a CMF placement. Through supportive services provided by the FEP, Christina will be able to increase her hours or connect with ongoing education and attend school to earn her *LPN* license and advance in her career.

7.2.3.2 Case Management Services for CMF Participants

The W-2 agency must offer CMF services for 12 months. During the 12-month period, the FEP must provide appropriate services and maintain regular contact; most CMF participants should receive bi-weekly or no less than monthly contact.

Activities provided through case management services may include:

- Job Retention Services (JR);
- Literacy Skills (LS);
- Vocational Literacy Skills (VL);
- Vocational Adult Basic Education (VA);
- English as a Second Language (EL);
- Vocational English-as-a-Second-Language (VE);
- Adult Basic Education (BE);
- General Educational Development (GE);
- High School Equivalency Diploma (HE);
- Working Full-Time (WF); or
- Working Part-Time (WP).

7.2.3.3 Job Loss and Reduction in Hours in CMF

If the CMF participant loses his or her job or experiences a reduction in work hours, the FEP must reassess the individual to determine if there are possible unidentified barriers.

For a job loss, if the FEP suspects that there are additional barriers, the FEP must place the individual in the appropriate paid placement (TEMP, CSJ, or W-2 T) if the participant meets financial and nonfinancial eligibility criteria, and offer a formal assessment and other appropriate services.

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

If a reduction in hours results in less than 30 hours per week and the individual has limitations to increasing his or her work hours, the FEP must place the individual in a prorated CSJ. The FEP must assign activities specifically designed to assist the participant to increase his or her work hours or to obtain full-time employment. If the FEP does not suspect that there are additional barriers, the FEP must keep the participant in the CMF placement.

NOTE: In order for a participant to move from a CMF placement to a TEMP, CSJ, prorated CSJ, W2-T, or CMJ placement, the participant must meet all financial and nonfinancial eligibility requirements.

EXAMPLE 1: Barbara is in a CMF placement and has been working full-time for 90 days as a cashier. Barbara informs her FEP that her work hours have been reduced to part-time. The FEP reviews Barbara's paystubs for the last 30 days showing an average of 15 hours worked per week. The FEP verifies with the employer that Barbara's hours have been reduced to part-time due to the end of the holiday season and the employer does not expect that her hours will increase to full-time until the next holiday season. The FEP meets with Barbara, completes an informal assessment, and determines that she meets nonfinancial and financial eligibility in order to move from a CMF placement to a prorated paid placement. Barbara enjoys working with customers. Barbara does not have a resume and prefers to complete paper applications as she has minimal computer skills. The FEP places Barbara in a 1/2 CSJ and assigns activities that will help Barbara find other full-time employment, including a workshop on resume writing and successful employment search. The FEP also arranges for Barbara to attend the on-site computer lab on her off hours to work on her typing skills. The FEP provides Barbara with information on an upcoming job fair hiring for various entry-level positions and supplies Barbara with blank applications for greeter positions

with two local retail stores. The FEP maintains bi-weekly contact with Barbara to monitor her progress.

EXAMPLE 2: Monique is in CMF and began a new job as a CNA. Monique was placed on second shift and will work every other weekend. After 30 days, Monique contacts her FEP and explains that her hours have reduced from 40 hours per week to 24 hours per week. The FEP schedules Monique for an appointment and requests that she bring her paystubs. Monique attends her appointment and submits paystubs showing an average of 28 hours worked per week. The FEP discusses the situation with Monique who discloses that she did not want to work second-shift on the weekends and her supervisor took her off the weekend rotation. After completing an informal assessment, the FEP determines that Monique is appropriate to remain in the CMF placement.

7.2.3.4 CMF Eligibility Requirements

W-2 participants that have obtained unsubsidized employment may transition from a paid placement to a CMF placement and are eligible for case management follow-up services only if they continue to meet all nonfinancial eligibility requirements. When determining CMF eligibility, the FEP must exclude income and assets.

If an individual who is transitioning from a paid placement to a CMF placement has a work schedule that makes it difficult to come into the office for face-to-face eligibility reviews and EP appointments, the agency may conduct the appointments by phone. (See 6.2.1 and 6.2.2)

EXAMPLE 1: Caitlyn has one child and was in a CSJ placement for four months. She began a new job that pays $10 an hour for 40 hours per week. At the EP appointment, the FEP verifies her employment and wages and changes her placement to CMF. Based on her W-2 group size and income level, Caitlyn no longer meets the financial eligibility requirement for most W-2 services; however, CMF placements exclude income and assets when determining eligibility. Caitlyn continues to meet all of the nonfinancial eligibility requirements listed in Section 2.2.1. Therefore, she is eligible for case management follow-up services.

EXAMPLE 2: Ben has custody of his two minor children and has been working as a mechanic for six months. The FEP changed his W-2 placement to CMF when Ben originally reported his employment when he started working. The FEP

completes a six-month eligibility review over the phone with Ben. During the review, Ben tells the FEP that his former spouse regained custody of both children last month. The FEP will end Ben's CMF placement because he no longer meets the W-2 nonfinancial eligibility requirements. The FEP will close Ben's W-2 case, disenroll from Work Programs, and enter in case comments the reason why Ben's CMF placement is less than 12 months.

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7.2.4 Unemployed Individuals Capable of Obtaining Employment (CMJ)

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

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

7.2.4.1 CMJ at Application

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

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

In addition, not all applicants assigned to up-front job search are appropriate for a CMJ. For example, through the up-font job search, the W-2 agency may discover that the

applicant has significant barriers that make it difficult for the applicant to obtain employment within the next 30 days. The W-2 agency may also discover that the applicant is not job-ready because there may not be jobs available that meet the applicant's skill set. These individuals must be placed in a W-2 paid placement.

W-2 participants who move between balance of state geographical areas or in or out of Milwaukee County must re-apply at the W-2 agency providing services in the geographical area in which they live (new residence) and are considered applicants. An applicant who was recently in a paid placement is unlikely to be appropriate for a CMJ.

7.2.4.2 Moving from Other W-2 Placements to CMJ

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

W-2 Placement	Move to CMJ?
Community Service Job (CSJ, CS1, CS2, CS3)	No
W-2 Transitions (W-2 T)	No
Custodial Parent Trial Employment Match Program (TMP) Noncustodial Parent Trial Employment Match Program (TNP)	No

Custodial Parent of an Infant (CMC)	Sometimes If the CMC participant was not in an At Risk Pregnancy (ARP), CSJ (including partial CSJ) or W-2 T placement prior to going into CMC, the individual may be considered for a CMJ placement.
At-Risk Pregnancy (ARP)	No If the woman in an ARP placement gives birth, she is eligible for a CMC placement. See CMC above.
Case Management Follow-up (CMF) Case Management Unsubsidized (CMU)	Yes Individuals in a CMF or a CMU may be considered for a CMJ placement. However, moving from CMU or CMF to CMJ is only appropriate for individuals who are able to find and keep full-time employment. This includes individuals who may be able to work full time, but choose to only pursue part-time work. The W-2 agency must individually assess each CMF and CMU participant who loses employment to determine the reason for that employment loss. Loss of employment may indicate a hidden barrier that is making it difficult for the individual to maintain employment. The W-2 agency must pay particular attention to CMU and CMF participants who lose their jobs after only a short time.
Case Management Minor Parents (CMM)	Sometimes If the minor parent turns 18, already has a high school diploma or equivalent and a work history, that minor parent may be considered for a CMJ.
Case Management Pregnant Woman (CMP)	No The CMP placement is for women who are pregnant and have no other custodial children. CMJ placement is only for custodial parents. If the woman in an CMP placement gives birth, she is eligible for a CMC placement. See CMC above.
Case Management Noncustodial Parents (CMN) Stipends for Noncustodial Parents (TSP)	Sometimes If the *NCP* becomes a custodial parent, he or she may be considered for a CMJ placement.

Case Management Denied (CMD)	Sometimes If the extension denial reason was that the local labor market has jobs the participant could have gotten, the individual may be considered appropriate for CMJ

7.2.4.3 General CMJ Participant Description Characteristics

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

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

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

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

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

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

- CARES screen WPJR - *Assessment-Participation Readiness,* CARES screen WPBD
- *Assessment-Barrier Details* and the Employability Plan CARES screens WPJS and WPAS. Additional details must be documented in case comments.

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

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

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

places Pat in a W-2 Transition (W-2 T) placement and refers him for a vocational assessment.

7.2.4.4 CMJ Activities

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

Job Search Activities

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

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

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

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

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

7.2.4.5 Case Management Services in CMJ

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

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

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

7.2.4.5.1 Supportive Services in CMJ

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

- Are eligible for Wisconsin Shares child care while in the placement;
- May apply for a Job Access Loan to meet immediate employment related needs when they receive a bona fide offer of employment (See 17.2.1); and
- Must have a Supportive Service Plan that is developed during a face-to-face meeting between the case manager and the participant.

CMJ participants are not eligible for Emergency Payments.

7.2.4.6 Job Development in CMJ

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

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

7.2.4.7 30-Day Review

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

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

placement for another 30-day period or end the CMJ placement depending upon the circumstances of the case. (See 7.2.4.8)

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

1. Was the participant given multiple specific job leads in the local labor market that matched the participant's skills, abilities, and interests?
2. Did the participant get any job offers in the local labor market compatible with the participant's skills, abilities, and interests?
3. Did the participant refuse or fail to apply for any jobs in the local labor market compatible with the participant's skills, abilities, and interests?
4. What were the reasons the participant did not get a job in the local labor market or did not apply for a job(s), e.g., poor interview skills, poor presentation, another individual was more qualified, criminal background, did not possess the minimum qualifications or education and training, or did not pass the examination?
5. Were W-2 participants with similar skills, abilities, and interests able to secure jobs in the local labor market?
6. Did the participant have previously identified barriers that could be addressed with W-2 services? If so, were the services effective? Did the participant have previously unidentified barriers preventing him or her from obtaining unsubsidized employment? If yes, please identify the barriers and what services the agency will provide to address the barrier(s).

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

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

7.2.4.8 Ending CMJ Placements

CMJ participants who obtain employment must be offered employment retention and advancement services in the CMF placement. CMJ participants are required to comply with all financial and nonfinancial eligibility requirements. Participants in a CMF placement are only required to meet nonfinancial eligibility requirements. When in a CMJ placement, the FEP must close a participant's case if a CMJ participant fails to cooperate with specific W-2 program requirements without good cause. (See 11.4) If a

participant in a CMJ placement is not cooperating with ongoing job search activities, the FEP must address this at the weekly meetings.

Then, at the 30-day reassessment, if the participant has not exhibited the level of effort required to get a job by cooperating with ongoing job search activities throughout the 30-day period, and the W-2 agency has provided appropriate case management and job development services, the FEP may either keep the individual in the CMJ placement for another 30-day period or close the case. The FEP must determine whether:

a. The CMJ participant will be likely to obtain employment if he or she receives additional job search assistance by remaining in the CMJ placement; or

b. The CMJ participant has not cooperated with job search activities and the case must close.

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7.2.5 Denying or Terminating an Unsubsidized Employment Case Management Placement

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

As case management placements, there is no hourly payment reduction for non-cooperation in CMD, CMU, CMF, or CMJ. However, the FEP may close a CMD or CMJ placement if the individual is not cooperating with job search requirements, fails to come in for his or her *EP* review appointment, or loses contact with the FEP. If a CMU or CMF participant fails to come in or call in to his or her EP or eligibility review appointment or loses contact with the FEP, the FEP should close the CMF or CMU placement. Eligibility reviews must be conducted at least every six months to maintain nonfinancial eligibility.

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

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7.3. Trial Employment Match Program (TEMP)

This section applies to the City of Beloit and Dane, Kenosha, Marathon, Milwaukee, and Racine counties.

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

A TEMP job can last for a maximum of six months with an opportunity for a three-month extension (see 7.3.5.1.2). A custodial parent may take part in more than one TEMP job, but may not exceed a total of 24 months of participation in TEMP (see 7.3.6).

An *NCP* meeting eligibility for W-2 case management services (see 7.5.1) may take part in only one TEMP job, provided that the NCP has not exceeded the 24-month TEMP time limit.

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7.3.1 TEMP Participants

7.3.1.1 Custodial Parent TEMP (TMP)
7.3.1.2 Noncustodial Parent TEMP (TNP)
7.3.1.3 Paired Custodial Parents and Noncustodial Parents (Dane County only)

The *W-2* agency must utilize informal assessment results to identify W-2 participants who are capable of working and may be appropriate for *TEMP* (see 5.2 for more information on Informal Assessments).

7.3.1.1 Custodial Parent TEMP (TMP)

The *TMP* placement is available to unemployed *Custodial Parent (CP)*s in a *CSJ* or *W-2 T* placement that demonstrate that they are unable to secure unsubsidized employment. Potential candidates must be able to participate in 25 or more hours per week of work training and education and training activities.

7.3.1.2 Noncustodial Parent TEMP (TNP)

The *TNP* placement is available to noncustodial parents meeting eligibility for W-2 case management services under 7.5.1.1.

7.3.1.3 Paired Custodial Parents and Noncustodial Parents (Dane County only)

The W-2 agency will pair a *CP* in TEMP with an *NCP* in TEMP or an NCP receiving a *stipend* with a child in common, except that one parent does not reside in the same household. This paired selection is not to be confused with W-2 two-parent households where both parents are custodial parents (see 14.2.1) and only one parent can be placed in a W-2 position at any one time.

EXAMPLE: Maureen lives with her two-year-old daughter, Caitlin, and is participating in a CSJ. The FEP identifies Maureen as a good candidate for TMP and speaks with her about the benefits of NCP services in W-2. Maureen tells the NCP, Dorian, about W-2 services. Dorian lives with his aunt and is unemployed and unable to meet his

child support obligations. He applies for W-2 and is found eligible. The FEP determines that Dorian is a good candidate for TNP.

When one parent relocates out of Dane County, the resident parent may continue in the TEMP job or continue to receive a stipend provided that at least one parent participated in TEMP at the time of relocation and as long as both the CP and the NCP continue to meet all financial and nonfinancial eligibility.

EXAMPLE: Maureen and Dorian are both participating in TEMP in Dane County. After three months, Dorian relocates to Washington County. Dorian's TEMP job ends because he no longer resides in Dane County, and Maureen continues working in her TEMP job.

7.3.2 Service Delivery Models

7.3.2.1 Matching Model
7.3.2.2 Sector Model

There are two service delivery models in *TEMP*: 1) Matching Model; and 2) Sector Model.

The *W-2* agency will administer TEMP beginning with recruitment of potential candidates and subsidized employers for TEMP and continue to provide services throughout the duration of the TEMP placement as described under the W-2 agency's implementation plan.

7.3.2.1 Matching Model

The matching model matches individuals to available subsidized jobs that require specific sets of skills, abilities, and aptitudes. It is based on a comprehensive assessment of the individual's skills, abilities, and aptitudes and on an assessment of the subsidized job requirements to assure a good match between them.

7.3.2.2 Sector Model

The sector model provides sector-specific training that prepares individuals for subsidized jobs in those sectors. The sector or sectors to be served by TEMP in a given area will depend on partnerships with subsidized employers and training providers developed by the W-2 agency.

7.3.3 W-2 Agency Requirements

7.3.3.1 Wage Subsidy
7.3.3.2 Employer Agreement
7.3.3.3 Verification of Time Records

7.3.3.1 Wage Subsidy

The *W-2* agency must negotiate an agreement with an employer to pay a wage subsidy that is no more than the state or federal minimum wage ($7.25) for each hour worked, up to a maximum of 40 hours per week. The W-2 agency may negotiate with an employer to pay a wage subsidy that is less than $7.25 per hour, if the employer is willing to accept a wage subsidy that is less than $7.25 per hour.

The W-2 agency may not pay a wage subsidy to an employer for a period when no wages are paid to a *TEMP* employee.

7.3.3.2 Employer Agreement

The W-2 agency must complete an agreement with a TEMP employer for every TEMP employee and use the Wisconsin Works Trial Employment Match Program – Employer Agreement form (5088).

The W-2 agency and employer must also complete the Wisconsin Works Work Training Provider/Employer Guidelines form (10792) for every training provider or employer at which a W-2 participant has been placed. (See 9.2.1)

7.3.3.3 Verification of Time Records

The W-2 agency must collect and verify timesheets for hours actually worked by a TEMP employee prior to making payments to an employer.

The W-2 agency must manually issue payments to an employer to cover wage subsidies paid monthly to a TEMP employer for each TEMP employee and accurately record wage subsidy payments on *CARES* screen WPSS.

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7.3.4 TEMP Employer Requirements

7.3.4.1 Wages and Benefits
7.3.4.2 Time Records
7.3.4.3 Good Faith Effort

7.3.4.1 Wages and Benefits

A *TEMP* employer must pay a TEMP employee for the hours worked at either the wage paid to the employer's entry level employees who perform similar duties or the state or federal minimum hourly wage, whichever is higher. A TEMP employer must provide a TEMP employee with benefits comparable to benefits provided to regular employees in similar positions.

When an employer pays a wage ("Employee Wage") that is higher than the negotiated wage subsidy ("Wage Subsidy"), the employer must supplement the wages in excess of the negotiated wage subsidy. The portion of the employee's wage that the employer is responsible for ("Employer Supplement") is calculated using the following formula:

Employee Wage - Wage Subsidy = Employer Supplement

> **EXAMPLE:** A TEMP employer pays a TEMP employee $8.50 per hour. The W-2 agency and employer negotiate a wage subsidy of $4.50 per hour. The employee wage is higher than the subsidy and the employer supplement is: $8.50 - $4.50 = $4.00 per hour.

7.3.4.2 Time Records

A TEMP employer must invoice the *W-2* agency monthly for the wage subsidy payment. The invoice must itemize the following for each TEMP employee:

- Actual wages paid monthly;
- Number of hours worked in the month; and
- Month of employment.

7.3.4.3 Good Faith Effort

A TEMP employer must agree to make a good faith effort to retain the participant as a permanent employee after the wage subsidy ends.

If a TEMP employer does not retain a participant as a permanent unsubsidized employee, the employer must:

1. Agree to serve as an employment reference for the participant; or
2. Provide to the W-2 agency a written performance evaluation of the participant, including recommendations for improvement.

Employers who routinely fail to offer unsubsidized jobs to participants who have succeeded in their TEMP job experience should not receive future contracts.

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7.3.5 Participation Requirements and Case Management

7.3.5.1 Ending TEMP Placements
7.3.5.1.1 Multiple TEMP Jobs
7.3.5.1.2 Placement Extensions
7.3.5.1.3 Moving Between TMP and TNP Placements

TEMP jobs are generally 40 hours per week. A participant may, in unique circumstances, be placed in a TEMP job that is less than 40 hours per week. For example, the individual requests to work only 30 hours per week because she is attending night school, even though she will not be paid for the hours in school. The hours an individual participating in a TEMP job is required to work are determined by the employer, the *W-2* agency, and the individual, and must be stated in the employer agreement (see 7.3.3.2).

The W-2 agency is expected to provide case management services that help individuals to succeed in the TEMP job. Examples of these types of services include:

- Frequent follow-up with the employer and TEMP employee, including employer site visits;
- Mediating conflicts between employers and TEMP employees;
- Identifying and facilitating referrals for work supports that will help to ensure job retention; and
- Providing information about the state and Federal Earned Income Tax Credit, Transitional FoodShare, BadgerCare, Wisconsin Shares, and any other resource that the individual and his or her family will access during the transition to full-time employment.

7.3.5.1 Ending TEMP Placements

The *TMP* or *TNP* placement must end effective the last date of employment in a TEMP job. *NCP*s in the TNP placement are not eligible for multiple TEMP jobs under 7.3.5.1.1.

7.3.5.1.1 Multiple TEMP Jobs

It is expected that the W-2 agency conduct a thorough assessment of candidates for TEMP and available TEMP jobs and appropriately match participants to a TEMP job; however, there may be instances where there is a mismatch of an individual's skills with an employer's expectations.

If the individual remains eligible and appropriate for TEMP, the individual may continue with a different employer. When this occurs, the W-2 agency must make every effort to ensure that there is no break in employment. If the W-2 agency is unable to immediately place the individual with a different employer, the W-2 agency must end the placement with the last date of employment and reassess the individual for the most appropriate placement.

7.3.5.1.2 Placement Extensions

To be eligible for a placement extension, the employer must request the extension based upon the individual's need to continue to develop or strengthen specific workplace competencies as identified in his or her employability plan. The W-2 agency has the authority to determine extensions to the wage subsidy, taking the agency's budget into consideration. All subsidy extensions must be justified by a need for continuing skill development balanced with the likelihood that the individual will be retained in unsubsidized employment following the extension.

7.3.5.1.3 Moving Between TMP and TNP Placements

Individuals who move between TMP and TNP placements during one TEMP job may continue with and complete that TEMP job for the duration of the agreement.

7.3.6 TEMP Time Limits

W-2 participation in *TEMP* is limited to 24 cumulative months (see 2.10.2). *TMP* and *TNP* placements count toward one 24-month TEMP eligibility time limit. Months accumulated in TEMP follow the individual irrespective of the change in W-2 Group status.

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7.4 Paid Placements

7.4.1 Community Service Job (CSJ)

7.4.1.1 General CSJ Participant Description Characteristics
7.4.1.2 CSJ Participation Requirements
7.4.1.3 Kinds of CSJ Work Site Placements
7.4.1.4 Prorated CSJs
7.4.1.4.1 General Prorated CSJ Participant Description Characteristics
7.4.1.4.2 Prorated CSJ Participation Requirements
7.4.1.4.3 Prorated CSJ Payments
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7.4.1.8 CSJ Placements as Employment

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

7.4.1.1 General CSJ Participant Description Characteristics

Persons placed in CSJs may have:

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

Example 1: Jane has two children (ages 1 and 5) and a very limited work history. She worked a year and a half ago at a restaurant when she was forced to quit due to a difficult pregnancy. She has been off work since that time. She completed her 12th grade of school but did not receive her diploma because she failed to complete one class. She is eager to get back into the workforce, but she is worried that her limited experience and lack of high school diploma will prevent her from getting a job. She is interested in becoming a child care provider. Jane applied for W-2. The *RS* assigned Jane to up-front job search and the job developer connected Jane to local child care employers who had openings. Jane was not hired because of her lack of experience and no high school diploma. The *FEP* places Jane in a CSJ. During her CSJ, Jane will be assigned to 10 hours per week of education in order to complete her high school course work and obtain her diploma. The FEP will also assign Jane to 30 hours of work experience at the Job Center day care site.

Example 2: Jennifer applied for W-2. She is 24 years old, has a high school diploma, and she completed a clerical training course a year ago but has never had a full time job. Her seven-year old son Jason has severe behavioral problems and has recently been diagnosed with Attention Deficit Disorder (ADD). Jason's doctor is currently trying to get Jason's condition stabilized using medication. Jason goes to school for a full day, but about two to three times a month Jennifer is called to pick him up because of bad behavior. Jennifer wants to work and put her clerical skills to use, but doesn't see how she can until Jason's medication stabilizes his behavior. The FEP places Jennifer in a CSJ. The FEP designs a CSJ placement to allow Jennifer time to practice her clerical skills and provide flexibility for her to care for her son. In order to do this, the FEP sets up a CSJ worksite in the front office of Jason's school so that she is readily available if Jason begins to act out. The school is understanding of Jennifer's situation and allows her flexibility to care for her son whenever necessary. Once Jason's medication stabilizes his behavior and Jennifer has the necessary clerical experience, the FEP will focus on moving Jennifer to an unsubsidized job.

7.4.1.2 CSJ Participation Requirements

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

Education and training may be assigned:

- Up to 10 hours per week of allowable education and training (See 8.3.2.2);
- By aggregating education and training hours to enable a participant to engage in an education and training program that can be completed within a one year period (See 8.3.2.3);
- Through participation in a full-time technical college education program (See 8.3.2.5): or
- 18- or 19-year who do not have a high school diploma or equivalent, can attend high school or enroll in a course of study meeting the standards either full or part-time (see 8.3.2.1).

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

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

7.4.1.3 Kinds of CSJ Work Site Placements

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

1. Municipal or other government - Jobs with easily expanded work crews.
    - Example employers: housing authorities, school systems, parks and recreation, and sanitation departments
    - Example job tasks: public housing painting and preparation, maintenance of parks or other facilities, city gardening, neighborhood watch patrol, clean up of city property or vacant lots, graffiti removal
2. Community-based organizations and government agencies - Participants proven to be reliable in the positions listed in the category above, but are still not ready for private employment, may be placed into these positions.

- Example employers: community non-profits, religious organizations, hospitals, schools, government agencies
- Example job tasks: health aide, clerical or administrative aide, child care aide, teacher's aide, personal assistant, driver, outreach worker in languages other than English, elder or youth services worker

3. Contract organizations - Private or public companies which bid for contracted services.
   - Example employers: private non-profits, W-2 agencies, specialized for-profits such as industrial laundry, packaging and distribution, recycling recovery, cleaning and maintenance.
   - Example job tasks: same as community-based organizations and other government.

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

7.4.1.4 Prorated CSJs

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

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

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

Activities assigned to prorated CSJ participants must be specifically designed to assist the participants with overcoming their employment limitations within a reasonable time period. For information on combining the aggregated education and training policy with the prorated CSJ policy, see 8.3.2.4.

PRORATED CSJ HOURS TRACKING CHART

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

7.4.1.4.1 General Prorated CSJ Participant Description Characteristics

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

- Barriers to increased unsubsidized employment opportunities which cannot be addressed through supportive services;
- A lack of skills to be competitive for available jobs;
- A sporadic work history;
- Little evidence of reliable work habits;
- No high school diploma, GED or HSED; and
- A work history with frequent voluntary quits or terminations.

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

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

7.4.1.4.2 Prorated CSJ Participation Requirements

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

7.4.1.4.3 Prorated CSJ Payments

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

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

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

7.4.1.6 CSJ Administration

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

1. CSJ positions must:
    - Replicate actual conditions of work;
    - Have responsibilities and expectations similar to unsubsidized employees to the extent feasible;

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

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

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

7.4.1.7 Attendance Records

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

CSJ Payments

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

7.4.1.8 CSJ Placements as Employment

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

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

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

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

7.4.2 W-2 Transition (W-2 T)

7.4.2.1 General W-2 T Participant Description Characteristics
7.4.2.2 W-2 T Participation Requirements
7.4.2.3 Marginally Employed W-2 T Participants
7.4.2.4 W-2 T and Work Training
7.4.2.5 W-2 T Time Records
7.4.2.6 W-2 T Payments

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

7.4.2.1 General W-2 T Participant Description Characteristics

Participants placed in a *W-2 T* must have a formal assessment, as described below, scheduled and documented in *CARES* within 30 calendar days of the W-2 T placement. The *FEP* must not assume that participants who have a disability are unable to participate in an employment position other than W-2 T, including unsubsidized employment. The FEP may place a participant in a W-2 T when the participant is incapable of performing a *CSJ*, as determined by the W-2 agency, for reasons which may include:

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

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

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

2. The participant is needed in the home to care for another member of the W-2 group who is ill or incapacitated. The following steps must be taken when determining the need for a W-2 adult to remain in the home to care for a family member:

   a. Using the *Need to Care for Disabled Family Member (DWSP-10786) form* (or an agency-developed form that, at a minimum, has the same elements), verify the incapacity/disability of the affected family member and the appropriateness of day/child care outside of the home through third party sources. The FEP may consider statements from sources such as medical professionals, the Social Security Administration, Family Support Program, Birth to Three Early Intervention Program, Program for Children with Special Health Care needs, and Exceptional Educational Needs Program. Supportive adult programs under the 51.42 service board or Independent Living Centers for a physical disability or mental health issues are other verification sources.

   b. Determine whether day/child care outside the home is available for the disabled/incapacitated family member so that the participant can engage in work training activities outside the home. The Americans with Disabilities Act (ADA) requires that any day treatment or day care facility accommodate a child or elderly person and provide reasonable accommodations for individuals with disabilities. However, where a

reasonable accommodation cannot be made or the care is not available, lack of adequate child care is a good cause reason for not participating in W-2 requirements outside the home. Written documentation from one or more local day/child care providers is sufficient verification that appropriate care is not available.

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

7.4.2.2 W-2 T Participation Requirements

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

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

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

- Community rehabilitation program - a program that provides directly or facilitates the provision of vocational rehabilitation to individuals with disabilities and that enables an individual with a disability to maximize opportunities for employment. Services may include vocational assessment, job readiness training, job placement and on-the-job support targeted at individuals with disabilities. Assignable activities will vary depending on the focus of the program, but may include:
    - Disability and Learning Assessment (AD);

    - Career Planning & Counseling (CE);
    - Employment Search (ES);
    - Mentor/Coach (MN);
    - Job Readiness/Motivation (MO);
    - Occupational Testing (OC);
    - On-The-Job Training (OJT);
    - Paid Work Experience in the public sector, not funded by TANF (SW); or
    - Work Experience (WE).
- Activities similar to a CSJ but with more supervision.
- Volunteer activity. Assignable activity is Work Experience (WE).

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

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

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

- Through the assignment of up to 12 hours per week of allowable education and training (See Section 8.3.2.2);
- By aggregating education and training hours to enable a participant to engage in an education and training program that a participant can complete within a one year period with participation in up to 516 hours of education and training activity (See Section 8.3.2.3); or
- Through participation in a full-time technical college education program (See Section 8.3.2.5).

7.4.2.3 Marginally Employed W-2 T Participants

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

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

7.4.2.4 W-2 T and Work Training

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

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

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

The W-2 Agency must provide worker's compensation coverage for all participants, except when the W-2 work training provider provides the coverage.

7.4.2.5 W-2 T Time Records

The participant is required to provide verification for education and training hours as well as other hours in W-2 T activities. See the TANF Work Participation Requirements appendix for guidelines on documenting and verifying W-2 activities.

7.4.2.6 W-2 T Payments

The W-2 agency will issue a monthly payment of $608 to the W-2 T participant if all participation requirements are met. The monthly payment of $608 will not be prorated or otherwise reduced if the hours assigned are less than 40 hours per week. Payments will be reduced by $5.00 for each hour that the participant fails without good cause to participate.

7.4.3 SSI/SSDI Advocacy for W-2 Placements

7.4.3.1 SSI/SSDI Application and Appeals
7.4.3.2 SSI/SSDI Advocacy
7.4.3.3 Services Provided by an SSI Advocate
7.4.3.3.1 Authorized Representative
7.4.3.4 Communication with SSA and DDB as an Advocate
7.4.3.5 SSI/SSDI Eligibility and Receipt of Benefits

Through screening, formal assessment and consultation with other providers of disability-related services, the *W-2* agency is responsible for identifying participants who have a reasonable chance of obtaining *SSI*/*SSDI*. When there is agreement between the participant and the agency that the participant is appropriate for SSI/SSDI advocacy, the agency is responsible for assisting with the SSI/SSDI application and appeals process to the extent needed by each participant. Participants who are determined to be appropriate for SSI/SSDI advocacy should be placed in *W-2 T* throughout the SSI/SSDI application process.

7.4.3.1 SSI/SSDI Application and Appeals

An SSI/SSDI application is submitted to the *SSA*. The SSA looks at the severity of an individual's impairment(s), as well as current age, education and work history, to determine whether the individual is disabled according to Social Security regulations.

During the SSI/SSDI application process, the local SSA office is responsible for verifying non-medical eligibility requirements (financial and nonfinancial), which may include age, employment, marital status, or Social Security coverage information. The SSA office then sends the case to the Disability Determination Bureau (DDB) for evaluation of the disability.

The application process includes provisions for an applicant to appeal an SSI/SSDI eligibility decision. There are four levels to the application and appeal process:

1. Initial application;
2. Request for Reconsideration;
3. Request for Hearing with SSA office of Hearing and Appeals; and
4. Appeals Council Review.

A Disability Starter Kit is available on the SSA website to assist individuals with an online application or to prepare for a disability interview. Kits are available for adults and for children under age 18.

The starter kits provide information about the specific documents and the information that SSA will request. The kits also provide general information about the disability programs and the decision-making process.

7.4.3.2 SSI/SSDI Advocacy

SSI/SSDI advocacy must be provided either directly by the agency, through subcontract, or referral to an SSI/SSDI advocate. An SSI/SSDI advocate provides specific services to facilitate the approval of a W-2 participant's application for SSI/SSDI or appeal of an SSA decision. The roles and responsibilities of the advocate are the same whether a W-2 agency provides for advocacy through its own in-house staff or through an outside resource. A W-2 participant may receive SSI/SSDI advocacy services at any point in the SSI application process (initial application, reconsideration, or appeal).

In general, a qualified SSI advocate must have the program background and knowledge necessary to successfully assist W-2 participants to navigate the SSI application process. In particular, an SSI advocate should have the following background and knowledge:

- Experience working in an SSI/SSDI advocacy role;
- General knowledge of W-2 policy and procedures;
- Knowledge of the SSI/SSDI application processes; and
- Legal or medical background or experience in the field of disabilities.

7.4.3.3 Services Provided by an SSI Advocate

Services outlined below may be provided during all phases of the SSI process or may be provided at a specific phase of the process.

1. Review medical documentation;
2. Assist in supplying initial and subsequent documents including non-medical documentation;
3. Coordinate with the case manager or an appropriate service provider to schedule additional evaluations that may support the disability claim;
4. Communicate information to and facilitate contacts among involved parties;

5. Attend meetings, hearings, and appointments with the participant as needed or requested;
6. Present the facts in a participant's case that favor a decision of disability;
7. Assure all pertinent documentation is available to the DDB;
8. Maintain regular contact throughout the process with SSA, DDB and the W-2 participant;
9. Assist the participant in complying with the SSI claim requirements;
10. Act as a liaison among SSA, DDB and medical professionals; and
11. Coordinate with the W-2 agency and the FEP to establish a referral process and an ongoing communication network, to include SSI related activities on the Employability Plan and to provide supportive services such as transportation and childcare for SSI related activities.

7.4.3.3.1 Authorized Representative

If a participant wants more involvement from the SSI/SSA advocate, s/he may appoint the advocate to be an authorized representative. The authorized representative may do all of the activities listed above, plus:

1. Review the applicant's file at the local SSA office;
2. Get information from SSA about the claim, including notices and letters, just as the applicant does;
3. Represent the applicant at informal or formal hearings; and
4. Provide SSA with evidence for the applicant; and/or help with appeals process.

SSA has devoted a webpage, http://www.socialsecurity.gov/representation/, specifically designed to provide authorized representatives with information and forms needed to effectively assist individuals with their SSA application or appeal.

No W-2 agency, W-2 agency staff member, or W-2 agency subcontractor may charge the participant a fee for being the person's authorized representative.

7.4.3.4 Communication with SSA and DDB as an Advocate

1. **Authorization to Send Information to SSA**

   To share necessary information with the other providers working with the

participant, including SSA and DDB, be sure to have the participant sign the Authorization for Disclosure of Confidential Information (DWSP-10779) form.

2. **Authorization to Receive Information from SSA**

   If you are not an authorized representative, but want to receive information from SSA or DDB about the participant during the application or appeals process, send a signed SSA Consent for Release of Information (SSA-3288) form to SSA or DDB.

7.4.3.5 SSI/SSDI Eligibility and Receipt of Benefits

In determining the monthly SSI/SSDI payment, SSA divides the amount of the W-2 benefit by the number of individuals in the W-2 group and uses the resulting dollar amount to determine the SSI applicant's share of the W-2 benefit. The SSI applicant's share of the W-2 benefits is then used in the budget to determine the SSI/SSDI payment. This calculation is used whether the SSI/SSDI applicant is the W-2 participant or another W-2 group member.

If the SSI/SSDI applicant is also the W-2 participant, SSA will use a portion of the W-2 benefits to determine the monthly SSI/SSDI benefit amount until the participant is no longer receiving W-2 benefits. Generally the SSI/SSDI applicant will be eligible for monthly SSI/SSDI benefits back to the month of application.

7.4.4 SSI/SSDI Transition Plan

7.4.4.1 SSI/SSDI Transition Plan
7.4.4.2 Developing the SSI/SSDI Transition Plan

7.4.4.1 SSI/SSDI Transition Plan

The case manager may begin to develop a written Transition Plan with the participant early in the *SSI* advocacy process using the automated SSI/*SSDI* Transition Plan. This can be accessed from the W-2 Plans Application webpage.

The Transition Plan must be developed during a face to face meeting between the *FEP* and the participant. Once there is a formal decision handed down from the Social Security Administration regarding eligibility for SSI/SSDI the Transition Plan should be finalized with the participant. The final Transition Plan should be issued to the participant no sooner than 90 days prior to *W-2* eligibility ending and reviewed regularly with the participant up until W-2 eligibility ends. The case manager must document in CARES case comments when the final plan was printed and given to the participant.

7.4.4.2 Developing the SSI/SSDI Transition Plan

Circumstances will vary greatly from one family to another, requiring case managers to be resourceful as they work through the plan with the participant. Areas of need that should be addressed include:

- Emergency Needs;
- Housing Needs;
- Household Budgeting/Money Management Needs;
- Access to Economic Supports;
- Education and Training Needs (Participant and other family members);
- Legal Assistance Needs;
- Employment Support Needs with particular emphasis on work connection resources targeted at individuals with disabilities;
- Child Care Needs (for job search and work);
- Transportation Needs;
- Personal and Family Health Care Needs; and

- Other needs identified by the participant.

The Transition Plan must include at a minimum, the following elements for each need that is identified:

1. A plan of action. A short-term plan of action should help the participant address emergency or short-term needs. A long-term plan of action includes the steps necessary to carry out a goal towards self-sufficiency such as completing an education or training program or securing permanent housing; and
2. Resource and referral information for any known government and community resources that may help to address the need. The plan should explain the purpose of each resource and how it addresses or relates to the identified need.

Important Topics to Be Covered in the SSI/SSDI Transition Plan

1. Benefits and supportive services targeted at individuals with disabilities, including recipients of SSI/SSDI. Examples include:

   a. Ticket to Work: The Ticket to Work and Self-Sufficiency Program is an employment program for people with disabilities who are interested in going to work. The Ticket Program is part of the Ticket to Work and Work Incentives Improvement Act of 1999 – legislation designed to remove many of the barriers that previously influenced people's decisions about going to work because of the concerns over losing health care coverage. The goal of the Ticket Program is to increase opportunities and choices for Social Security disability beneficiaries to obtain employment, vocational rehabilitation (VR), and other support services from public and private providers, employers, and other organizations. To access a list of Ticket to Work providers for Wisconsin, go to: http://www.chooseworkttw.net/resource/jsp/searchByState.jsp

   b. Division of Vocational Rehabilitation (DVR):

      - Provides employment services and counseling to people with disabilities;
      - Provides or arranges for services to enable an individual to go to work; and
      - Provides training and technical assistance to employers regarding disability employment issues.

      A person is presumed eligible for DVR services if they are receiving SSDI or SSI and want to work. DVR service locations are available at: http://dwd.wisconsin.gov/dvr/locations/default.htm

c. Independent Living Centers (ILC): Wisconsin ILCs are community based, consumer directed, not for profit organizations. ILCs are nonresidential organizations serving persons of any age with any disabilities in all 72 counties. Unique in the world of human services, ILCs are governed and operated by board and staff composed of a majority of people with disabilities. All ILCs provide four core services, which include:

- Peer Support – staff and trained volunteers provide support, encouragement and guidance for individuals with disabilities;
- Information and Referral – one-stop shopping for information related to disability or services for individuals with disabilities, families, employers, and the community;
- Independent Living Skills Training – assessment and training to people with disabilities in areas such as money management, housekeeping, communication, self-advocacy, prevocational skills and socialization; and
- Individual and Systems Advocacy – consistent with the philosophy of independent living, individuals with disabilities are taught to advocate for themselves. In addition, ILCs can engage in activities designed to affect positive change in local, state, and federal systems affecting individuals with disabilities.

More information about these centers and where they are located is available at: http://il-wisconsin.net/coalition

d. Application Information for Caretaker Supplement: Wisconsin's Caretaker Supplement (CTS) is a cash benefit available to parents who are eligible for Supplemental Security Income (SSI) payments. Caretaker Supplement benefits are $250 per month for the first eligible child and $150 per month for each additional eligible child. More information on what CTS is and how to apply is available at: http://dhs.wisconsin.gov/ssi/caretaker.htm

e. Aging and Disability Resource Centers (ADRCs): ADRCs are service centers that provide a place for the public to get accurate, unbiased information on all aspects of life related to aging or living with a disability. These centers are friendly, welcoming places anyone can contact to receive information and assistance regarding not only the public benefits that may be available, but all of the programs and service available throughout the area. Individuals, concerned families or friends, or professionals working with issues related to aging, physical disabilities, developmental disabilities, mental health issues, or substance use disorders, can receive information specifically tailored to each person's situation. ADRC services can be provided at the Center, or via telephone or through a home visit, whichever is more convenient

to the individual seeking help. More information on what services are provided and ADRC locations is available at: https://www.dhs.wisconsin.gov/adrc/index.htm.

2. Government-funded economic supports, including but not limited to:
   a. Caretaker Supplement;
   b. FoodShare;
   c. BadgerCare Plus (for dependent children of the SSI/SSDI recipient);
   d. Child Support;
   e. Wisconsin Shares Child Care Subsidy Program – for individuals who plan to work in unsubsidized employment or attend job skills training while employed; and
   f. Wisconsin Home Energy Assistance Program (WHEAP).

3. Community-based supportive services that may address unmet needs and prevent crisis situations from arising. Examples include:
   a. Subsidized housing programs;
   b. Household Budgeting/Money Management Services;
   c. Transportation Services;
   d. Legal Assistance Services;
   e. Mental Health and *AODA* Services;
   f. Domestic Violence Services;
   g. Adult Literacy services; and
   h. Other services including volunteer organizations.

7.4.5 Custodial Parent of an Infant (CMC)

7.4.5.1 Eligibility for CMC
7.4.5.1.1 Other Adult Living In The Home
7.4.5.1.2 Paternity Establishment
7.4.5.2 CMC Verification, Placement, and Payment
7.4.5.3 60-Month Time Limit for CMC
7.4.5.4 Ending CMC

The *CMC* placement is for low-income mothers with newborns so that they may provide care for their children during the first months of the children's lives as well as to successfully adjust to the challenges of motherhood. A custodial parent of an infant 8 weeks old or younger who meets *W-2* financial and nonfinancial eligibility may receive a monthly CMC payment of $673 and will not be required to participate in W-2 activities unless he/she volunteers to participate in activities.

During the 8-week period, it is expected that in addition to physically recuperating from the birth of their child and nurturing their infants during this critical period, new mothers will also find childcare and take other steps necessary in order to prepare to enter or re-enter the workforce. W-2 agencies should encourage CMC participants to take advantage of the employment-related services offered within the W-2 program during the 8-week CMC period.

7.4.5.1 Eligibility for CMC

The *custodial parent* must meet all W-2 nonfinancial and financial eligibility requirements (See Chapters 2 & 3). In addition, a custodial parent of an infant must meet the following criteria:

1. Have a child 8 weeks old or less; and
2. No other adult member of the custodial parent's *W-2 Group* is participating or eligible to participate in a W-2 employment position or be working in an unsubsidized job.

7.4.5.1.1 Other Adult Living In The Home

The family is not eligible for a CMC payment if another adult is included in the W-2 Group and is working or if he/she is not working but is eligible to participate in a W-2 placement. This is regardless of the other adult's income level. Even if the income of the other adult results in the family's income being at or below 115% of federal poverty, the family is still ineligible for a CMC payment. If the family's income is at or below 115%, the other adult must be considered for placement in a W-2 employment position. In this situation, this family would be considered a two-parent family and be treated according to two-parent family policy.

Example 1: Diane gave birth to Marina on July 8, and applied for CMC. During intake, Diane stated that Marina's father, her boyfriend, does live in the home with them and they signed the *PATH* form in the hospital. When asked whether he was employed, Marina said that he hauls lumber part-time for a man in town. Because the boyfriend is the nonmarital co-parent and lives in the home, he is considered the "other adult in the W-2 group" and because he is working in unsubsidized employment, the family is not eligible for CMC. The *FEP* must offer the family other employment services if otherwise eligible such as case management services in the *CMU* placement.

Example 2: Dorothy gave birth to a girl on September 1, and applied for CMC. During intake, Dorothy stated that she is married to John, but John is not the biological father of the baby girl. They do have a child in common in the home. She also says that John is employed as a laborer at a local construction site making a little over $6.00 hour. Because the spouse is included in the W-2 group and because he is working in unsubsidized employment, the family is not eligible for CMC even though John's income results in the family being below the 115% level of poverty. The FEP must offer the family other employment services.

Example 3: Mia gave birth to a baby on June14. Prior to giving birth, Mia was employed full-time at a local grocery store. Mia's husband Jeff is the biological father of the baby. Jeff has not had a job in a year and has been staying at home and caring for his 3-year-old son. Because the baby's father lives in the home and he is eligible to participate in a W-2 employment position, the family is not eligible for the CMC benefit. When the FEP conducts an informal assessment, the FEP takes into consideration a difficult birth that will not permit Mia to return to work for a number of weeks and determines that the father would be appropriate for

placement in a *CSJ*. Jeff, on the other hand, says that he will not participate in W-2 as he would like to stay home and care for the baby. The FEP determined that Jeff was appropriate for W-2 placement and, because he refused to accept the appropriate placement, the family is not eligible for W-2, including CMC.

Example 4: Sonia gave birth to a baby boy on February 23. Sonia's husband Victor is the biological father of the baby. Victor has been receiving *SSDI* since 2000 when he was injured. Although Victor is included in the W-2 group, he is not working and he would not be eligible to participate in a W-2 employment position. The family is eligible for CMC.

7.4.5.1.2 Paternity Establishment

In situations where the CMC participant is not married, the FEP must inform the mother that she and the baby's biological father will have the ability to sign the PATH form to acknowledge paternity in the hospital and encourage the mother to sign the form. The FEP must explain they need to have their signatures on the form notarized (witnessed). Typically, a Notary is on staff at the local hospital. The FEP must inform the participant that there is a $10 fee for the form and, if the mother cannot afford the $10 fee, the hospital may be able to help with the fee. If the mother has any doubts about who the father may be, the FEP should discuss the option of genetic testing.

FEPs must stress the importance of legally establishing paternity at the time of the child's birth.

Reasons for establishing paternity:

- The importance of a child knowing his or her mother and father;
- Both parents are responsible for supporting their child;
- The child may be covered under the father's medical insurance; or
- It gives the child the rights to:
  - the father's social security and veterans' benefits;
  - know the family's medical history; and
  - tribal affiliation and/or enrollment (For Native Americans).

If the FEP does not have the opportunity to discuss paternity acknowledgement until after the birth of the baby, the FEP must still review the benefits of establishing paternity

with the participant and inform the participant that the PATH form is available at the local child support agency (CSA) or county Register of Deeds office.

The FEP must explain the difference in eligibility for W-2 if the father lives in the household. If the alleged father lives in the child's home and the child's paternity is established while the mother is receiving the CMC payment, the mother's eligibility for CMC ends if the father is working or if he is not working but eligible to participate in a W-2 employment position. The FEP must be clear that although it may mean the household is not eligible for the CMC placement, the father may be placed in a W-2 employment position, education and training or other case management services in order to prepare for work.

In certain situations the FEP must contact the local CSA and request that the paternity establishment for that CMC case be prioritized. The CSA will assist in expediting genetic testing and judicial paternity establishment for CMC cases. These situations include:

- When a mother and father refuse to sign the PATH form;
- When the mother and father sign the PATH form and then later rescind it when they become aware of the potential loss of CMC payment; or
- When a mother and potential father are living together and paternity acknowledgement is not appropriate (for instance, there is more than one potential father).

7.4.5.2 CMC Verification, Placement, and Payment

If an individual meets the eligibility criteria, the FEP must place the participant in the CMC placement. Once the parent has been determined eligible for the CMC payment, the FEP can encourage the participant to volunteer for appropriate services such as parenting classes, budgeting classes, family planning services and, once appropriate, job search. These services are not mandatory activities and can not be used as a basis for eligibility determination while the participant is in the CMC placement.

The CMC placement begin date is either the birth date of the child or the date of application, whichever is later. An applicant has seven days to provide appropriate verification. If the applicant provides verification within that timeframe, the placement must begin as of the date of application but no earlier than the date of birth. The agency has the option of extending the verification period up to 30 days and may still backdate the placement back to the date of the application. (See 4.1.3)

The W-2 agency must have verification of a baby's birth and application for a SSN prior to placing a participant into the CMC placement. Medical verification requiring the individual to be in the home for 8 weeks is not necessary. (See 4.1.2 and 2.2.1. #14)

Example 1: Mary gives birth on April 14. On April 21, she applies for the CMC payment. During her April 23 intake appointment, Mary did not bring in verification of her baby's birth or SSN application. Mary's FEP instructs her to bring in verification no later than April 30. Mary brings in her verification on April 25. Mary is placed in CMC effective April 21, the date of application.

Example 2: Jontae applies for the CMC placement on May 5 because her baby is due on May 10. At her intake appointment on May 8, the FEP asks Jontae to bring in verification of the baby's birth and SSN application as soon as possible. Jontae's baby is born on May 11 and she submits required verification to the FEP on May 15. Jontae is placed in CMC effective May 11, the date of the baby's birth.

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

Individuals placed in CMC will receive a monthly payment of $673.

7.4.5.3 60-Month Time Limit for CMC

Under specific circumstances, the CMC placement will count toward the state 60-month time limit. If the FEP determines that placement in CMC will count toward the individual's 60-month time limit, the FEP must explain the impact this will have on the family's eligibility for future W-2 benefits. If CMC participants reach the 60 month time limit while in the CMC placement they are automatically eligible for 60 month extensions.

See 2.10.8 for more guidelines on CMC participants and the 60 month time limit.

7.4.5.4 Ending CMC

The CMC placement must end 8 calendar weeks (7 days x 8 weeks = 56 days) after the child is born. CMC cannot extend beyond the date the child turns 8 weeks of age regardless of the date the CMC placement begins. A *CARES* alert is generated to remind the FEP to change the CMC placement on the appropriate day.

Example: Joan applies for the CMC payment on December 28th because her baby is due on January 1st. The FEP processes the application and informs Joan she must bring in verification of the baby's birth as soon as possible. Joan's baby is born on the 1st and she brings verification of the birth to the FEP on January 7th. Joan is placed in CMC effective January 1st, the date of the baby's birth. Joan will no longer be eligible for CMC on February 26, which is 8 calendar weeks from the date the child was born.

As a CMC participant approaches her CMC end date, the FEP must contact her to discuss her employment and supportive service needs once the CMC placement ends. If the participant is going to continue in a different W-2 placement, the FEP must enter the new placement on the 57th day which will end CMC placement on the 56th day. If the CMC participant is not going to continue in a different W-2 placement, the W-2 episode must be end dated on the 56th day which will also end the placement on the 56th day.

Example 1: Bobbi gave birth to a baby and is placed in CMC on March 6th. Two weeks before the 56th day in the placement, the FEP meets with Bobbi and finds out that she will be returning to her prior job and that she does not want any W-2 follow-up services. For that reason, the FEP will end-date CMC on the *CWW* **W-2 Placement** page effective April 30th, which is the 56th day.

Example 2: Bobbi gave birth to a baby and is placed in CMC on March 6th. Two weeks before the 56th day in the placement, the FEP meets with Bobbi and Bobbi indicates that she has been very sad and depressed. Bobbi doesn't feel like she can handle getting a job as she had hoped. Based on an informal assessment, the FEP determines that Bobbi is in need of a formal assessment and possible services depending upon the outcome of the assessment. For that reason, the FEP will place Bobbi in a W-2 T effective May 1st, which will correctly end date the CMC placement on April 30th (the 56th day).

The CMC Placement Detail Report – *Length of Stay of 42 to 56 Days* identifies cases that are approaching the end of their 56 days.

The CMC Placement Detail Report – *Length of Stay > 56 Days* identifies cases that have been in CMC for longer than 8 weeks. If participants do appear on this report, agencies must act on these cases immediately by contacting the participant to discuss the participant's current and future employment and supportive service needs as well as ending the placement in CWW on the W-2 Information page.

On both detail reports, the Youngest Child Part. Status Code should contain the EC (eligible child) code. If this column is blank or has an XC (excluded child), action should be taken to determine why the child is not coded properly as EC. Quite often, the problem may be associated with:

- Living arrangement (CWW Current Demographics page);
- Household relationship (CWW Household Relationships page); or
- Placement (CWW W-2 Information page) remained open after eligibility has ended.

These reports are located in the "W-2 Monitoring Reports" folder in WebI. Each report has multiple tabs that provide additional detailed information. The tabs are identified in italics beneath the report name

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7.4.6 At Risk Pregnancy

7.4.6.1 ARP Eligibility Requirements
7.4.6.2 ARP Medical Information Requirements
7.4.6.3 ARP Placement/Payment Start Date
7.4.6.4 Child Support Requirements and Time Limits
7.4.6.5 ARP Case Management Requirements
7.4.6.6 Ending ARP Placement/Payment

The *ARP* placement is for a pregnant woman in her 3rd trimester who is diagnosed with an At Risk Pregnancy. The participant receives a monthly payment of $673. A pregnant woman in an ARP placement must not be subject to requirements of *W-2* employment positions, such as Employability Plans (EPs), sanctions for nonparticipation, etc. Pregnant teens younger than eighteen (18) years are not eligible for an ARP placement.

7.4.6.1 ARP Eligibility Requirements

A pregnant woman who meets all of the following requirements must be placed in an ARP placement:

- Meets W-2 financial and nonfinancial eligibility requirements, except the woman is not a *Custodial Parent (CP)* of a dependent child who resides in the woman's home;
- Is unmarried;
- Is in the third trimester of pregnancy, defined as the twelve weeks prior to the estimated delivery due date, which must be medically verified. (See 7.4.6.2);
- Has a medically verified at risk pregnancy; and
- Is unable to work as a result of the at risk pregnancy, and the inability to work due to the at risk pregnancy must be medically verified.

The following W-2 nonfinancial eligibility criteria does not apply to ARP Eligibility: "Have made a good faith effort, as determined by the W-2 agency on a case-by-case basis, to obtain employment and have not refused any bona fide offer of employment, including a job quit, within 180 calendar days immediately preceding application. (See W-2 Manual Section 2.2.1, #8).

Example: Sophia is seven months pregnant with her first child and has never been married. Sophia's doctor recently ordered Sophia to bed rest for the remainder of her pregnancy to treat problems in Sophia's medical conditions that developed from Sophia's pregnancy. Sophia contacted the local W-2 agency for assistance. The W-2 agency provided Sophia with information about W-2 and ARP, and Sophia indicated she wanted to apply. While Sophia is on bed rest, the *FEP* contacted Sophia by phone and went to Sophia's home to complete Sophia's W-2 application. The FEP determined Sophia is eligible for W-2, except without custody of a minor child which is not a W-2 requirement for an ARP placement. The FEP gave Sophia an ARP Medical Information/Verification Form for Sophia to provide for her doctor's completion and return to the W-2 agency. The W-2 agency already had filled in the form with: (1) The W-2 agency's name, address, telephone and fax numbers; and (2) Sophia's name and birthdate. Based on the information from Sophia's doctor in the completed form, and the information Sophia already had provided to the W-2 agency, the FEP placed Sophia in an ARP placement.

7.4.6.2 ARP Medical Information Requirements

The required medical information/verification for ARP must be provided on either:

- The At Risk Pregnancy (ARP) Medical Information/Verification form (4070); or
- Letter/memo from the physician on the physician's letterhead that includes all of the information described below.

The required medical information/verification must be provided by the patient's physician based on the physician's medical examination of the patient. The physician's specialty area must be one of the following: General Medical; Family Medicine; or Obstetrics.

The physician's signed statement on either the ARP Medical Information/Verification Form or on the physician's letterhead must be completed no earlier than thirty (30) days prior to the beginning of the pregnant woman's third trimester of pregnancy. Medical information/verification completed earlier must be resubmitted and updated by the physician within the required time frame.

Example: Christa is pregnant with her first child and is currently on bed rest because her pregnancy is high risk. She is in her first trimester when she applies for W-2. Christa is placed in a *CMP* placement. It is possible that her medical condition could change between her first trimester and her third trimester when she may become eligible for an ARP placement. Therefore, Christa has to obtain

an updated medical information/verification no earlier than thirty (30) days prior to the beginning of her third trimester of pregnancy to be eligible for the ARP placement.

ARP medical information must include all of the following:

1. Patient's full name;
2. Patient's date of birth;
3. Patient's estimated due date (which must be provided by the patient's physician);
4. Physician's statement that the patient is in an at risk pregnancy (which the patient's physician must provide based on the physician's determination of an at risk pregnancy);
5. Physician's statement of the cause/reason for the physician determining the patient's pregnancy is an at risk pregnancy;
6. Physician's statement that the patient is unable to work due to the patient's at risk pregnancy;
7. Start date for the patient being unable to work due to the at risk pregnancy;
8. Any other comments (by the physician);
9. Physician's specialty area (which must be General Medicine, Family Medicine or Obstetrics);
10. Physician's National Provider Identifier (NPI);
11. Physician's signature;
12. Physician's name legibly printed;
13. Date of the physician's signature (must be no earlier than thirty (30) days prior to the beginning of the woman's third trimester of pregnancy); and
14. Physician's contact information: e-mail address; phone number; fax number; and office address.

NOTE: The W-2 agency may verify a National Provider Identifier (NPI) based on a medical provider's name or may verify a medical provider's name based on an NPI by accessing the NPI Registry website at: https://npiregistry.cms.hhs.gov/.

The W-2 agency must date stamp the ARP Medical Information/Verification Form or the physician's letter with the date when the W-2 agency received the document.

7.4.6.3 ARP Placement/Payment Start Date

The start date for an ARP placement must be the latest of the following dates:

- Date of W-2 eligibility;
- Start date of the third trimester defined as twelve weeks prior to the medically verified estimated delivery due date; or
- Date specified by the physician in the ARP medical information/verification as the start date of the patient's inability to work due to her at risk pregnancy.

7.4.6.4 Child Support Requirements and Time Limits

ARP payments do not require cooperation with child support or the assignment of Child Support payments. ARP placements do not count towards the *TANF* 60 months time limits because it is considered short term assistance under TANF regulations.

If an ARP participant transitions to another placement, the child support rules and requirements for that placement should be implemented when the participant changes placements.

7.4.6.5 ARP Case Management Requirements

The W-2 agency must contact ARP participants at least once a month. These contacts must be initiated by the W-2 agency. The contacts may occur in-person or by phone depending on the needs of the ARP participant.

The purpose of the monthly contact is to discuss the ARP participant's needs. The W-2 agency must provide W-2 services or refer the participant to other agencies/services to meet her needs. For example, discussion with the ARP participant may reveal that periodic visiting nurse services may be helpful, and then the W-2 worker would follow-up with a referral for those services.

7.4.6.6 Ending ARP Placement/Payment

The end date for an ARP placement is the earliest of the following four dates:

- When the ARP placement changes to a different W-2 placement, for example the placement change to a Custodial Parent of an Infant (CMC) placement when the woman's child was born.

- If an ARP participant regains custody of a dependent child, the ARP participant may be eligible for a W-2 Transition (W-2 T) placement.
- When one or more of the five ARP eligibility requirements are no longer met. Examples include: the participant regained custody of her minor child; the participant got married; or the participant is no longer pregnant.
- When *CARES* batch process ends the ARP placement; this is twenty (20) days after the estimated due date.

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7.5 Other Unpaid Placements

7.5.1 Noncustodial Parents

7.5.1.1 Noncustodial Parent Eligibility for W-2 Services
7.5.1.2 W-2 Case Management Services for Noncustodial Parents (CMN)
7.5.1.3 Stipends for Noncustodial Parents (TSP)
7.5.1.3.1 Participation Requirements
7.5.1.3.2 Stipend Payments
7.5.1.3.3 Stipend Procedures
7.5.1.4 Children First

One of the goals of *W-2* is to enable custodial parents to achieve economic stability by ensuring regular child support payments in combination with employment. For this reason, W-2 agencies should provide case management and employment services to *NCP*s. When appropriate, W-2 agencies should explain available NCP services to the custodial parent.

7.5.1.1 Noncustodial Parents' Eligibility for W-2 Services

An NCP may be eligible for W-2 services when all of the following apply:

1. The custodial parent is:
   a. Participating in a *TMP*, *CSJ*, *W-2 T*, or *CMJ* placement;
   b. Receiving a payment in an *ARP* or *CMC* placement; or
   c. Receiving Wisconsin Shares child care assistance;

   Agencies may disclose information to the NCP about the custodial parent's participation status in W-2 or child care (i.e., not participating in a qualifying program or placement) to explain why the NCP is not eligible for W-2.

   If the *FEP* receives information, from the NCP or some other source, that indicates that the custodial parent may no longer be receiving child care or that his or her W-2 placement may have ended, the FEP would have to re-determine eligibility. At a minimum, this information must be verified again at the NCP's six month eligibility review.

2. The NCP is subject to a child support order;

3. The NCP meets all other financial and nonfinancial eligibility criteria except that the individual is an NCP (see Chapters 2 and 3); and
4. The NCP meets all eligibility criteria defined in DCF 105 including drug screening and subsequent referral to testing or treatment as indicated.

EXAMPLE: Norman is the NCP of Thomas, his nine-year-old son. Thomas lives with his mother, Mary. Mary is in a CSJ. Norman has a Child Support order that requires him to pay the monthly court-ordered support for Thomas. Although Norman typically is a few months late in making his Child Support payments, he is cooperating with the *CSA* and he meets all other W-2 financial and non-financial requirements, except that he is not a custodial parent. Norman would be eligible for W-2 services for NCPs.

7.5.1.2 W-2 Case Management Services for Noncustodial Parents (CMN)

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

- Employment Search (ES);
- Job Retention Services (JR);
- Career Advancement Services (CR);
- Education and Training activities, including;
  - Job Skills Training (JS);
  - General Educational Development (GE);
  - High School Equivalency Diploma (HE);
  - Life Skills (LS);
- Parenting Skills (PA);
- Other Case Management activities (See Appendix – Activity Codes for a full list).

7.5.1.3 Stipends for Noncustodial Parents (TSP)

This subsection applies to Dane, Marathon, and Milwaukee counties.

The Stipends for Noncustodial Parents (TSP) placement is available to eligible NCPs who are not ready for a *TEMP* job (see 7.3) or unsubsidized employment due to lack of

work skills or education. TSP is also available to eligible NCPs who could benefit from a monetary stipend for participation in W-2 activities that will prepare them for a TEMP job or unsubsidized employment.

7.5.1.3.1 Participation Requirements

To be eligible for a stipend, an NCP in the TSP placement must participate in a minimum of 20 hours per week of W-2 education and training activities that prepare the individual for employment. These include:

- A course of study meeting the standards established under Wis. Stat. s. 115.29(4), for the granting of a declaration of equivalency of high school graduation;
- English-as-a-Second Language;
- Adult basic education courses; and
- Short-term job skills training for career focused training programs such as vocational training classes and pre-vocational or bridge training focused on specific industry sectors.

The W-2 agency may prescribe additional requirements that an NCP must achieve in order to receive a stipend, e.g., perfect attendance.

7.5.1.3.2 Stipend Payments

The W-2 agency may issue a stipend payment to an NCP at any point or frequency during the TSP placement based on the current needs of the individual while he or she is preparing for employment. Stipend payments must not be based on hours of participation in W-2 activities.

An NCP may receive stipend payments for a maximum of 16 weeks in a rolling twelve-month period. The W-2 agency may determine a stipend amount that is not to exceed $200 per month, per NCP in the TSP placement. The amount of the stipend should help the NCP with meeting the costs associated with engaging in W-2 education and training activities.

Stipend payments should not be used in conjunction with other supports available to NCPs. W-2 agencies must offer NCPs assistance in developing a Supportive Service Plan (see 7.6.1) and use this information to gauge the needs of the NCP while participating in W-2 activities.

NOTE: Stipend payments do not fall under the category of “cash assistance,” and NCPs receiving stipends are not subject to the state 60-month lifetime limit. Stipends are a

non-recurrent, short-term benefit authorized at 45 C.F.R. § 260.31(b)(1). The stipend is not intended to meet recurrent or ongoing needs of the NCP.

Placement in TSP on any day of the standard workweek, i.e., Sunday to Saturday, will count as one week. W-2 agencies should maximize NCP participation and move an NCP to the TSP placement on a Monday when possible.

W-2 agencies are required to move an NCP in the TSP placement to a TEMP job or unsubsidized job as quickly as possible. The stipend terminates when the NCP begins a TEMP job in the *TNP* placement (see 7.3.1.2) or begins unsubsidized employment.

7.5.1.3.3 Stipend Procedures

The W-2 agency must create a standard operating procedure (SOP) establishing consistent procedures for issuing a stipend. Regional DCF contractor staff must approve the new SOPs.

The W-2 agency must manually issue stipend payments to NCPs in the TSP placement who meet the participation requirements for a stipend (see 7.5.1.3.1) and must accurately record stipend payments on *CARES* screen WPSS.

7.5.1.4 Children First

Children First provides employment and training services for eligible NCPs. It also provides services and support to help NCPs increase their involvement in the lives of their child(ren).

NCPs may be court-ordered to participate in the Children First Program if they are unable to meet their child support obligations. Eligibility for Children First is not tied to W-2 eligibility. An NCP who meets all of the eligibility criteria in 7.5.1.1 above may receive both Children First and W-2 services at the same time.

NCPs successfully complete the Children First Program when they make timely child support payments for 3 consecutive months or participate in the Children First Program for 16 weeks. Children First may be administered by the county *CSA*, county human/social services agency, tribal governing body, or W-2 agency.

7.5.2 Minor Parents (CMM)

7.5.2.1 Eligibility for Wisconsin Shares Child Care

The Minor Parents (CMM) placement is for individuals who are custodial minor parents. A custodial minor parent (under the age of 18, male or female) is eligible for *W-2* regardless of the minor parent's living arrangement and his/her financial or nonfinancial eligibility status.

> **EXAMPLE:** Kerrie is the mother of Olivia. They live with Kerrie's mother, Sandra. Kerrie is 17 years old. Anthony, also 17 years-old, is Olivia's father and Kerrie's boyfriend. Anthony lives in the home with Sandra, Kerrie, and Olivia. Sandra's income provides the household's only income and exceeds W-2 financial eligibility requirements. However, Kerrie and Anthony both meet all of the *CMM* placement requirements simply by being a minor parent regardless of W-2 financial and nonfinancial eligibility status and regardless of living arrangement.

*FEP*s should provide individuals in the CMM placement with information regarding:

- Available child care services;
- Employment and financial planning;
- Family planning services;
- Community resources: and
- Eligibility for BadgerCare Plus, FoodShare and other food and nutrition programs.

The FEP should counsel a minor parent living independently on the importance of living in an adult-supervised living arrangement and should discuss optional living arrangements such as living with relatives, beginning with the assumption the minor parent would live with his or her parents. When appropriate, a referral for the minor parent must be made to the county or tribal social/human services agency or another appropriate community based organization for assistance in finding an adult-supervised supportive living arrangement.

If there is reasonable cause to suspect that the minor parent or a child of the minor parent has been abused or neglected, has been threatened with abuse or neglect, or

that abuse or neglect will occur, the W-2 agency must make a report to the child welfare agency. By law, FEPs are mandated reporters of child abuse and neglect.

7.5.2.1 Eligibility for Wisconsin Shares Child Care

Minor teen parents may be eligible for a Wisconsin Shares child care subsidy while attending high school or its equivalent when they are living independently or living in a supervised living arrangement, including living with a custodial parent who is in a *W-2 Employment Position*.

A custodial parent who is enrolled in a W-2 employment position may be eligible for Wisconsin Shares child care subsidy and any minor teen parent in this household may also be eligible for a Wisconsin Shares child care subsidy. In order to be eligible for Wisconsin Shares, all W-2 eligible adults and minor teen parents must be engaged in activities as described in Child Care Policy Manual, Section 1.4.8 Participation in Approved Activities. W-2 agencies are encouraged to inform W-2 households with minor teen parents that they may be eligible for child care assistance and should encourage them to apply for this assistance at the local Income Maintenance agency.

Approved activities for unmarried minor teen parents include Learnfare, high school, or the high school equivalency. Approved activities for the adult may include any activity assigned by the W-2 agency as part of the W-2 employment position. The authorization for child care should be written to cover the overlapping times that the adult and minor teen parents are both engaged in an approved activity.

7.5.3 Pregnant Women (CMP)

The Pregnant Women (CMP) placement is for pregnant women who do not have custody of any children. These individuals may receive services through a case management pregnancy placement.

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

- Must have a medically verified pregnancy; and
- Must meet all the financial and nonfinancial eligibility criteria (see Chapters 2 & 3), except that she is not the custodial parent of a dependent child.

> **EXAMPLE:** Shawna is five months pregnant and does not have custody of any children. Shawna's doctor provided medical verification of Shawna's pregnancy, and Shawna meets all *W-2* financial and nonfinancial eligibility requirements except she is not the custodial parent of a dependent child. Shawna meets all of the CMP placement requirements.

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

- Employment Search (ES);
- Child Care Related Activities (CC); and
- Other Case Management activities (See Appendix – Activity Codes for a full list).

Once the child is born, the participant may be eligible for the *CMC* placement. CMPs typically transition to the CMC placement after the birth of the child, if the woman has a medically verified at-risk pregnancy and also meets the *ARP* eligibility criteria, she may be eligible for case management services through a paid ARP placement. (See 7.4.6.1)

7.5.4 Case Management Denied (CMD)

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

The goals of the CMD placement are to:

- Help match the individual to employment;
- Connect the individual and family to services in the community; and
- Reassess on a monthly basis whether the individual is eligible for an extension.

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

EXAMPLE: Karl has been a *CSJ* participant for 18 months. The activities he was assigned to were Life Skills, Job Readiness/Motivation, Mental Health Counseling for his daughter Kassandra, Work Experience, and Employment Search. He completed the *BST* while in the program and as a result of that screening was referred for a formal assessment with a mental health provider. Karl never followed through with that referral. With Karl's 24th month approaching, the FEP wanted to discuss with him his eligibility for an extension. His FEP attempted to reach him by phone and mail a number of times to discuss an extension, but Karl never responded. In Karl's 22nd month, he contacted his worker and told her that he was feeling depressed again. The FEP discussed with Karl the fact that he was going to reach his 24-month time limit and that he had not been participating. However, due to the potential depression, the FEP gave Karl a three month extension and scheduled another referral to a mental health provider in addition to work experience and employment search. Karl never followed through on the second referral and only participated sporadically in the assigned activities. The FEP denied eligibility for a subsequent 24-month extension due to Karl's nonparticipation and placed Karl in a CMD to try and assist Karl in finding employment.

Services provided to a CMD participant will depend largely on the reason for the extension denial or the reason the participant declined an extension and the placement the individual was in at the time of the denial or the time the participant declined an extension. Participants who were denied an extension due to nonparticipation would

likely be assigned to activities similar to what was assigned while in the subsidized employment position.

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

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7.6 W-2 Supportive Service Plan

The goal of a Supportive Service Plan is to proactively help individuals address family and work-related needs. The Supportive Service Plan must include information necessary to connect applicants/participants with supportive services available within the agency as well as other resources in the community. The Supportive Service Plan must also include strategies for addressing family and work emergencies before these situations result in family crisis and/or loss of employment.

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7.6.1 W-2 Supportive Service Plan

The *W-2* agency must offer assistance in developing a Supportive Service Plan with:

1. Applicants who withdraw their W-2 applications prior to W-2 placement. In this circumstance, the Supportive Service Plan would generally be developed between the Resource Specialist and the applicant.
2. Participants who are placed in a case management placement, including: *CMF*, *CMU*, *CMD*, *CMJ*, *CMN*, *CMM*, *CMP*, and *TSP*.

The Supportive Service Plan must be developed during a face-to-face meeting between the case manager and the applicant/participant using either:

1. The automated W-2 Supportive Service Plan. This can be accessed from the W-2 Plans Application webpage; or
2. The paper version of the W-2 Supportive Service Plan form (12956).

The automated plan cannot be accessed until after an applicant has been referred to *CARES* Work Programs. When developing a Supportive Service Plan with an applicant who withdraws his or her W-2 application prior to placement and no referral to CARES Work Programs was made, the worker must use a paper version of the plan.

If a case has been established in CARES, the worker must document in CARES case comments when the plan was printed and given to the individual. If the paper version of the Supportive Service Plan was used the worker must also scan the form into *ECF*.

An applicant/participant may refuse the offer to develop a Supportive Service Plan. If this occurs, the refusal should be documented in CARES case comments.

7.6.2 Developing the W-2 Supportive Service Plan

Circumstances will vary greatly from one family to another, requiring case managers to be resourceful as they work through the plan with the applicant/participant. Areas of need that should be addressed include:

- Emergency Needs;
- Housing Needs;
- Access to Economic Supports;
- Household Budgeting/Money Management Needs;
- Education and Training Needs (Participant and other family members);
- Legal Assistance Needs;
- Employment Support Needs (i.e. Work Connection and Retention Services);
- Child Care Needs (for job search and work);
- Transportation Needs;
- Personal and Family Health Care Needs; and
- Other needs identified by the participant that impede the participant's ability to find and retain a job.

The Supportive Service Plan must include at a minimum, the following elements for each need that is identified:

1. A plan of action. A short-term plan of action to help the participant address emergency or short-term needs. A long-term plan of action includes the steps necessary to carry out a goal towards self-sufficiency such as completing an education or training program or securing permanent housing.
2. Resource and referral information for any known government and community resources that may help to address the need. The plan should explain the purpose of each resource and how it addresses or relates to the identified need.
3. *W-2* Agency contact information.

EXAMPLE: Susie has never attempted to get her driver's license. While she was in a *CSJ*, she was able to take a bus to her work site with little difficulty and preferred this mode of transportation. But her new job requires a much longer bus ride making it difficult for her to get home from work before her children arrive

home from school. Susie confides to her worker during the Supportive Service planning meeting that she is considering quitting her job.

Together, the *FEP* and Susie talk through her options. As a result, her long-term plan of action is to pursue her driver's license and purchase an automobile. Her short-term plan of action is to locate an after-school program that the children may attend so that they are not left alone during the time Susie is on the bus returning home from work. Susie is informed that she can apply for a child care subsidy through Wisconsin Shares to help cover costs for any child under the age of 13.

The FEP identifies four community resources that Susie may benefit from. These include: a community driver's education program; two after school programs that are near Susie's home; and a community bank that assists low-income individuals with automobile loans.

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7.7 Placement Dating

7.7.1 Backdating Placements

***CWW* Field**	**Rule**	**Exception**
W-2 Episode Begin Date	For initial placements, the W-2 *Episode Begin Date* can be backdated 10 calendar days or back to the W-2 *Eligibility Begin Date*, whichever is later. The W-2 *Placement Begin Date* for an initial W-2 placement must be the same as the W-2 Episode Begin Date.	*CMC*: For an initial CMC placement, the W-2 Episode Begin Date can be backdated up to the Eligibility Begin Date or up to the child's date of birth, whichever is later
	W-2 Episode Begin Date must be after the W-2 *Episode End Date* of the previous W-2 episode. It cannot be prior to the W-2 Eligibility Begin Date.	None
W-2 Episode End Date	The W-2 Episode End Date cannot be backdated prior to the start of the W-2 participation period when entered after the W-2 Pulldown cycle. (See 10.2.1) Also, it cannot be prior to the W-2 Episode Begin Date.	None
W-2 Placement Begin Date		
Initial	The Placement Begin Date for all initial W-2 placements in a W-2 episode can be backdated to the W-2 Eligibility Begin Date or backdated up to 10 calendar days, whichever is later.	CMC: For initial CMC placements, the Placement Begin Date can be backdated either to the W-2 Eligibility Begin Date or the baby's date of birth, whichever is later.
Subsequent	The Placement Begin Date for all subsequent W-2 placements in a W-2 episode can be backdated up to 10 calendar days prior to the current date.	CMC: For subsequent CMC placements, the Placement Begin Date can be backdated to the date of the baby's date of birth.

W-2 Placement End Date	No backdating rule – this date is auto-populated by CWW.	No exception – worker may not enter data.

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7.7.2 Future-Dating Placements

***CWW* Field**	**Rule**	**Exception**
W-2 Episode Begin Date	A W-2 *Episode Begin Date* cannot be a future date.	None
W-2 Episode End Date	A W-2 *Episode End Date* can be a future date for any W-2 Placement up to the last day of the last month eligibility is open.	For W-2 cases that close with a W-2 Work Program End Reason, the Episode End Date must be the current date.
W-2 Placement Begin Date		
Initial	A *Placement Begin Date* cannot be a future date for an initial W-2 Placement within a W-2 episode.	None
Subsequent	The Placement Begin Date for all subsequent W-2 placements in a W-2 episode can be a future date of up to 10 calendar days within the same W-2 Target Type.	*CMC*: The Placement Begin Date for a CMC cannot be a future date.
W-2 Placement End Date	No future-dating rule – this date is auto-populated by CWW.	No exception – worker may not enter data.

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08 Education & Training

8.1 Introduction

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

All W-2 participants, including those placed in case management positions, may participate in education and training. W-2 agencies must:

1. Establish a referral relationship with other employment and training programs for participants to make use of varied education and training opportunities; and
2. Encourage employers to make training sites available on the business site for participants.

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

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8.2.1 Educational Needs Assessments For W-2 Applicants

The *W-2* agency is required to conduct an educational needs assessment with all new W-2 applicants and before making a change in W-2 placement (See 5.3.1.)

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8.3.1 Education and Training Activities for Unsubsidized Employment Placements

If a participant is placed in *CMF* or *CMU*, the case management services may include:

- Employment skills training;
- English as a second language classes;
- A course of study meeting the standards established under 115.29(4), Stats., for the granting of a declaration of high school graduation; or
- Other remedial education courses (e.g., adult basic education, literacy services).

If the *W-2* agency determines that the appropriate placement for an individual is CMF, or CMU, and that the individual needs and wishes to pursue basic education, including a course of study meeting the standards established for the granting of a declaration of high school graduation, the W-2 agency must include the activity in the participant's *EP* and pay for the education services .

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8.3.2 Education And Training Activities For Community Service Jobs And W-2 Transition Placements

8.3.2.1 Education Activities for 18 and 19-year-old CSJ Participants
8.3.2.2 Assignment of Up to 10 or 12 Hours Per Week of Education and Training
8.3.2.3 Aggregating Education and Training Hours
8.3.2.4 Combining Aggregated Education and Training with Prorated CSJ Policy
8.3.2.5 Full-Time Technical College Education

Participants assigned to a *CSJ* or *W-2 T* placement may be assigned education and training activities through any of the following means:

- Through the assignment of up to 10 hours per week of education and training for individuals placed in a CSJ and up to 12 hours per week of education and training for individuals placed in a W-2 T (See 8.3.2.2);
- By aggregating education and training hours to enable a participant to engage in an education and training program that a participant can complete within a one-year period with participation in up to 516 hours of education and training activity (See 8.3.2.3); or
- Through participation in a full-time technical college education program (See 8.3.2.5).

For CSJ participants only:

- When an 18- or 19-year old CSJ participant has not obtained a high school diploma or equivalent, the *W-2* agency must allow the participant to decide whether to attend high school or to enroll in a course of study meeting the standards established under 115.29(4), Wis. Stats, in order to satisfy, in whole or in part, the required hours of participation in a CSJ (See 8.3.2.1):

Participants who are interested in education and training activities that are not covered in W-2 policy should be counseled on their options which may include:

1. Pursuing the education or training program while meeting their W-2 participation requirement through other assigned activities. While this is not a viable option for everyone, some participants may be able to manage both participation in required W-2 activities up to 40 hours per week plus education and training that is not part of assigned W-2 activities. Any employment

search activities assigned by the W-2 agency should target employment that aligns with the training the participant is enrolled in.

2. Ending his or her participation in the W-2 program and applying for and using financial aid and other work supports (FoodShare, child care, etc.) to complete the training program. Individuals who wish to pursue education and training outside the scope of the W-2 program should be referred to a career counselor at the nearest Wisconsin Technical College to explore his or her options.

Individuals who elect to pursue training outside of W-2 should be informed that child care eligibility for the training may be affected if the participant is not employed at least 5 hours per week. Information regarding Child Care policy can be found in the Child Care Policy Manual.

8.3.2.1 Education Activities for 18 and 19-year-old CSJ Participants

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

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

8.3.2.2 Assignment of Up to 10 or 12 Hours Per Week of Education and Training

The FEP may assign CSJ participants up to 10 hours per week of education and training activities, and may assign W-2 T participants up to 12 hours per week of education and training activities. If there are hours spent in the classroom, doing lab work or study time, those hours must be included as part of the assigned education and training activities.

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

W-2 Education

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

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

The W-2 activity codes associated with these education activities include:

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

Up to one hour of unsupervised study time for each hour of class time plus supervised study time may be assigned under these activities and tracked for attendance purposes. A statement from the educational program indicating the amount of study time required must be used to determine the assignment of hours.

For more information on W-2 activities, see Activity Codes Appendix.

W-2 Training

1. Technical college courses and other educational courses that provide an occupational skill.
2. Employer-sponsored training.

W-2 agencies can coordinate with technical colleges to offer certified (or diploma/degree) training programs, and also work directly with employers to develop on-site training opportunities.

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

- Basic welding;

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

The W-2 activity code associated with these training activities is Job Skills Training (JS). Up to one hour of unsupervised study time for each hour of class time plus supervised study time may be assigned under Job Skills Training (JS) and tracked for attendance purposes. A statement from the educational program indicating the amount of study time required must be used to determine the assignment of hours.

If these activities are not available through the Job Center or other community resources, W-2 agencies must take responsibility for funding these services if assigned as a required activity, with the exception of a full-time technical college program (see 8.3.2.5).

8.3.2.3 Aggregating Education and Training Hours

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

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

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

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

Example: Jennifer is found eligible for a CSJ. Based on an occupational assessment, she is found to be a good candidate for a short-term intensive training program. Jennifer enrolls at her local technical college in a 16 week certificate program, requiring 15 credits.

Lecture time and lab work requires her to attend school 20 hours per week. In addition, her instructor provides a written statement estimating that Jennifer will need to spend an additional 10 hours per week studying. Using the aggregation policy, the FEP assigns her to participate 30 hours per week in the program. The FEP also assigns another 10 hours of work training activity for a total of 40 hours per week.

Jennifer's total aggregated education and training hours over this 16 week timeframe is 480 hours (30 hours per week x 16 weeks), keeping her well within the policy's one-year completion period and the 516 hour limit.

The goal of this policy is full-time unsubsidized employment. If the agency is unsuccessful in connecting Jennifer to unsubsidized employment, her hours of participation in education and training activities are limited to the following:

- For the remainder of the year beginning with the date of her assignment to the education and training program, Jennifer cannot be assigned to more than 36 hours of education and training (516 – 480 = 36).
- One year following the date of her assignment to the education and training program, if Jennifer is still in a CSJ placement, 10 hours per week of education and training activity may be assigned.

8.3.2.4 Combining Aggregated Education and Training with Prorated CSJ Policy

A prorated CSJ placement is appropriate for individuals who are already working in an unsubsidized job less than 30 hours per week and are determined through an informal assessment to have barriers that prevent him or her from obtaining an additional unsubsidized job or from increasing the number of hours in the current job. This includes individuals who lack the skills needed to be competitive for jobs available in the current unsubsidized market. See 7.4.1 for additional characteristics of an employed individual who may be appropriate for a prorated CSJ.

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

Example: Laura works 15 hours per week washing dishes at a local restaurant. The W-2 agency assesses Laura's employability and determines that she is in need of additional training in order to make her competitive for full-time employment. The FEP assigns her to a half-time CSJ.

A prorated CSJ would normally require Laura to participate 11 to 15 hours in work training and up to 10 hours of education and training per week. But Laura is motivated and would like to participate in a certificate program on Medical Billing offered through the local technical college. The 16 week certificate program requires Laura to be in the classroom 14 hours per week. In addition, her instructor provides a written statement estimating that Laura will need to spend and additional 6 hours per week studying. Laura's total aggregated education and training hours over the 16 week timeframe is 320 hours (20 hours per week x 16 weeks) of education and training. In addition to the training activity, the FEP assigns Laura to 5 hours per week of work experience at a site specifically related to the training. Laura is participating a total of 40 hours (15 hours in unsubsidized employment, 20 hours in education and training and 5 hours in work experience). She is meeting the requirements of the prorated CSJ policy while also benefiting from the aggregated education and training policy.

8.3.2.5 Full-Time Technical College Education

An individual placed in a CSJ or W-2 T may participate in a full-time technical college education program when specific requirements listed below are met. An individual may participate for the duration of the program but for no longer than 2 years as long as the agency has determined that the program will likely lead to employment. An agency must consult with its Community Steering Committee and local technical college board to determine if a technical college education program will likely lead to employment. Agencies are encouraged to detail their own internal policies governing how appropriate programs will be identified and how FEPs will make a determination for placement in a technical college education program. In all circumstances, the decision should be documented in case comments.

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

1. Is enrolled full-time (up to 15 hours per week) in a program offered through the Wisconsin Technical College System that requires between one and two years of class-time to complete and regularly attends all classes;
2. Maintains a grade point average of at least 2.0 (or the equivalent, as determined by the technical college);
3. Is employed or engages in work activities under a CSJ or W-2 T for 25 hours per week in addition to class time. The 25 hours must include the study time required for the program as well as other work activities that relate to the training the participant is engaged in that will improve the likelihood of obtaining employment once the training is completed. This may include activities such as work study/internships, career planning and counseling, job shadowing and work experience activities that relate to the training program.

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

The W-2 activity codes associated with full-time Technical College are:

- Technical College (TC)
- Technical College Study Time (TT)

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8.4 Workforce Innovation and Opportunity Act

8.4.1 Workforce Innovation and Opportunity Act

Education and training opportunities may also be available through the Workforce Innovation and Opportunity Act (WIOA). Under WIOA, a number of agencies and programs are required to work together to provide employment training and education services throughout the state. These required partners (in addition to *W-2*/*TANF*) are:

1. Programs authorized under WIOA, including workforce development activities for Adults, Youth, and Dislocated Workers;
2. Programs authorized under WIOA, subchapter II, Adult Education and Family Literacy;
3. Programs authorized by the Wagner-Peyser Act (provided by the Job Center of Wisconsin);
4. Programs authorized under title I of the Rehabilitation Act of 1973 (provided by the Division of Vocational Rehabilitation, *DWD*);
5. Activities authorized under title V of the Older Americans Act of 1965, Older American Community Service Employment Programs;
6. Career and technical education programs at the postsecondary level authorized under the Carl D. Perkins Career and Technical Education Act of 2006;
7. Activities authorized under the Trade Act of 1974, Trade Adjustment Assistance (and *NAFTA-TAA*);
8. Activities authorized under 38 U.S.C. Ch. 41: Job Counseling, Training, and Placement Service for Veterans (provided by the Department of Veterans Affairs);
9. Employment and training activities carried out under the Community Services Block Grant Act (provided by Community Action Agencies, administered by *DCF*);
10. Employment and training activities carried out by the Department of Housing and Urban Development;
11. Programs authorized under state unemployment compensation laws (Unemployment Insurance, administered by DWD); and
12. Programs authorized under 42 U.S.C. s. 17532 (administered by the Department of Corrections).

09 Work Training Provider/Employer Guidelines

9.1 W-2 Work Training Providers/Employers

Sustainable, family-supporting employment is the goal of most *W-2* participants. Work training experience provided by W-2 work training providers/employers can help *TEMP*, *CSJ*, and *W-2 T* participants reach that goal.

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

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9.2 W-2 Work Training Provider/Employer Guidelines

9.2.1 W-2 Work Training Provider/Employer Guidelines

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

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

- Fill a vacancy created by an employer terminating a regular employee or otherwise reducing its workforce for the purpose of hiring an individual in a W-2 employment position;
- Fill a position when any other person is on layoff or strike from the same or a substantially equivalent job within the same or a substantially equivalent job within the same organizational unit; or
- Fill a position a position when any other person is engaged in a labor dispute regarding the same or a substantially equivalent job within the same organization unit.

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

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

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

9.3 Employee Displacement Grievance Procedure

9.3.1 Grievance Procedure

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

Complaints of displacement must follow the procedure outlined in the Workforce Investment Act (WIA) Policy Manual, Chapter 9: Complaints, Grievances and Appeals.

In addition:

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

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9.3.2 Penalties for Engaging in Prohibited Displacement Practices

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

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

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9.3.3 Notification of Grievance Procedure to Regular Employees

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

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

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

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10 Payments

10.1 Paid W-2 Employment Positions

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

- *CSJ*: Participants placed into full CSJs receive a monthly payment of $653.
  - **1/3 CSJ**: Participants placed into 1/3 CSJs receive a payment of $218 for up to 10 hours of work training and up to 10 hours of education and training per week.
  - **1/2 CSJ**: Participants placed into 1/2 CSJs receive a payment of $327 for 11 to 15 hours of work training and up to 10 hours of education and training per week.
  - **2/3 CSJ**: Participants placed into 2/3 CSJs receive a payment of $435 for 16 to 20 hours of work training and up to 10 hours of education and training per week.
- *W-2 T*: Participants placed into W-2 T receive a monthly payment of $608.
- *CMC***:** Participants placed into CMC receive a monthly payment of $673.
- *ARP***:** Participants placed into ARP receive a monthly payment of $673.

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10.2 Understanding W-2 Payment Issuance

10.2.1 W-2 Payment Issuance

In order to understand how *W-2* payments are issued, it is important to understand the *CARES* payment cycles and the W-2 participation period.

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

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

These payment cycles run on different days of each month. Specific monthly dates can be viewed on the *TBIC* located in *CWW* using the following instructions:

1. Access CWW.
2. On the left-hand side, under Worker Tools, click Reference Tools.
3. Under Reference Tools, click Ref Table Search.
4. In the Table ID box, type TBIC and click Go.
5. In the Reference Table Search Result box, click the magnifying glass located on the right side of the screen next to the table name.
6. Once you have identified the correct benefit month, the payment cycle dates are located on the right side of the table under the W-2 PULLD DATE and W-2 DELAY DATE column headers.

The timing of the payment depends upon whether the individual receiving the check is a new participant (having just applied and been found eligible) or an ongoing participant. If it is a new participant, the payment is issued based on what time during the W-2 participation period the person was placed in a W-2 employment position. The W-2 participation period is from the 16th of a month to the 15th of the next month.

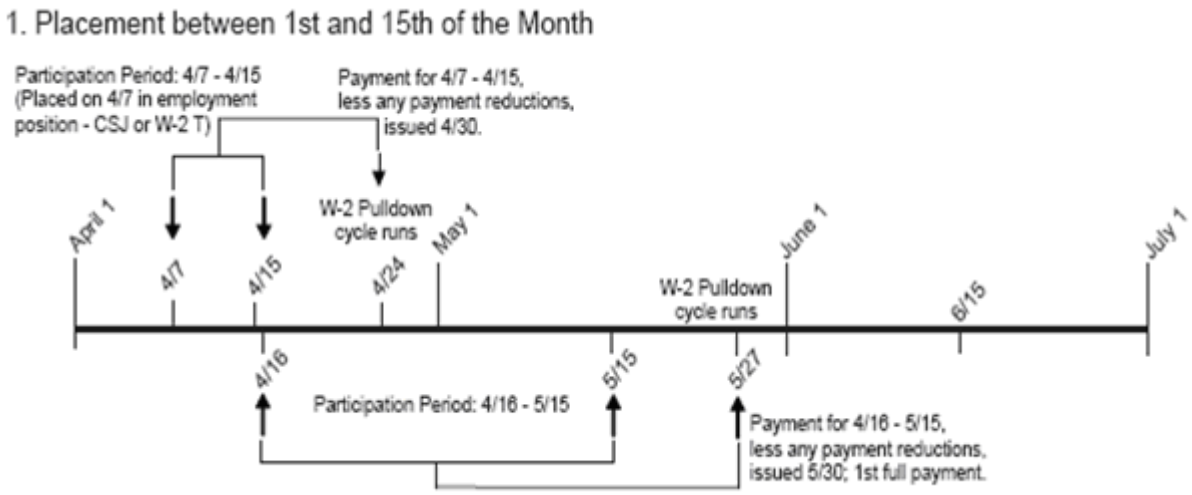
W-2 payments include all reductions for missed hours of assigned activities and other penalties imposed during the participation period. (See 11.1.2)

10.2.2 Payments to New W-2 Participants

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

If the W-2 Placement Begin Date falls on or between the 1st and the 15th of the month, a prorated initial payment is issued in the monthly *W2P*. The second and subsequent payments cover full participation periods and are also issued in W2P at the end of the following month.

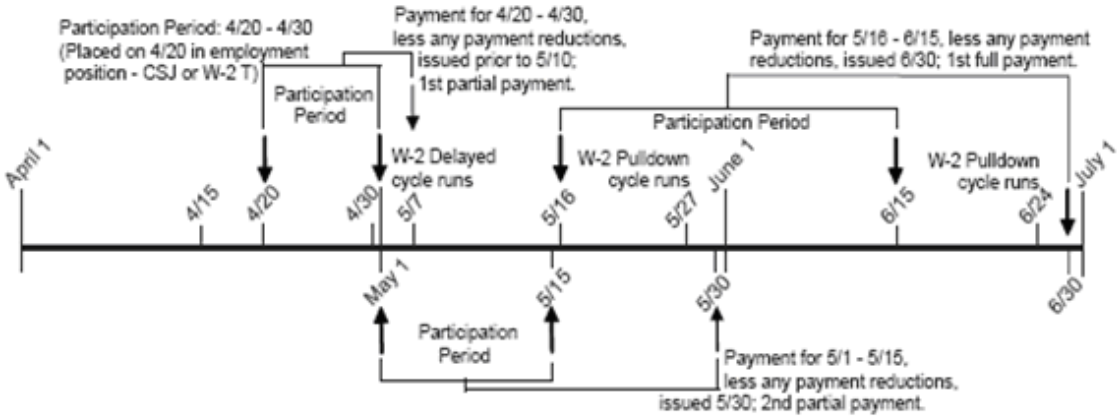
Example:



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

Example:

2. Placement between 16th and End of the Month



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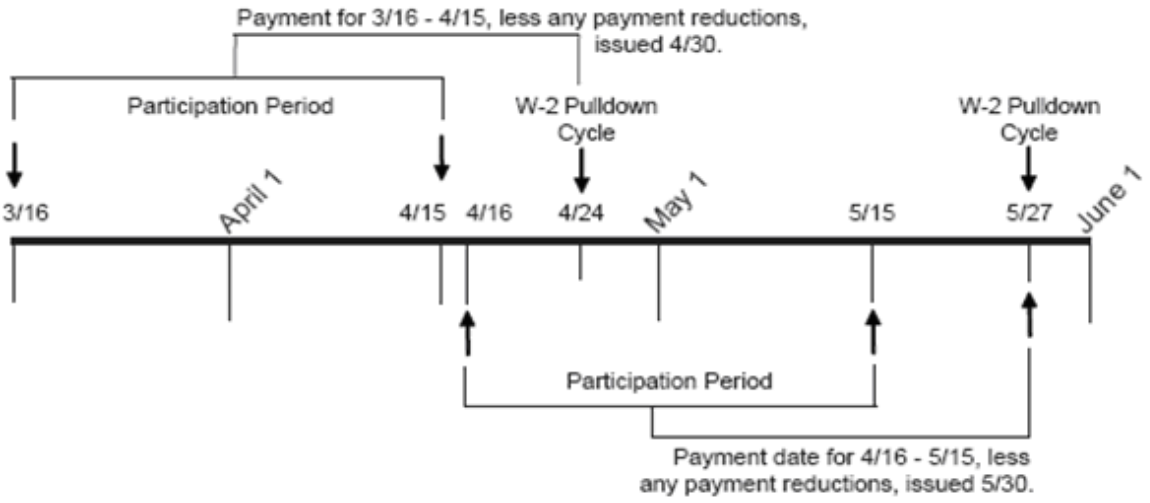
10.2.3 Payments to Ongoing W-2 Participants

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



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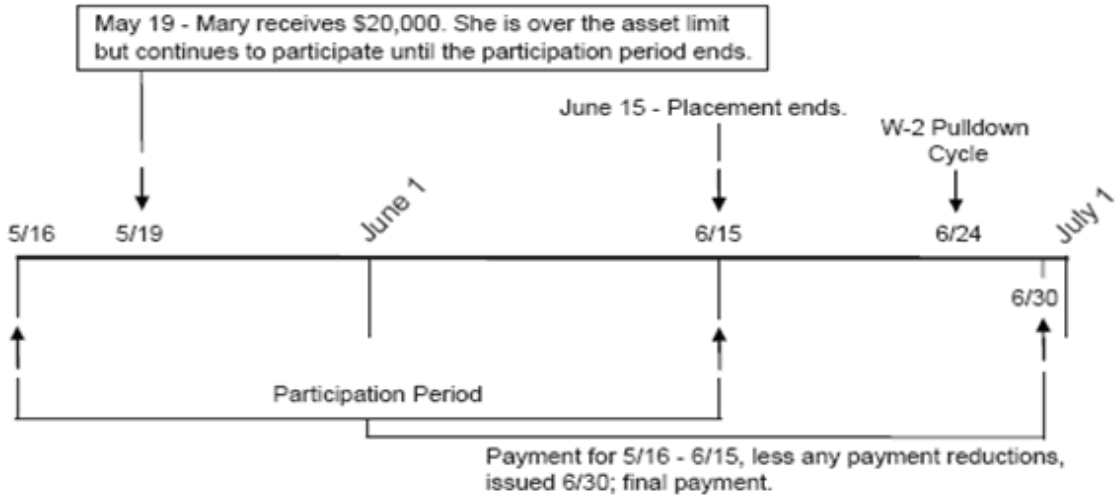
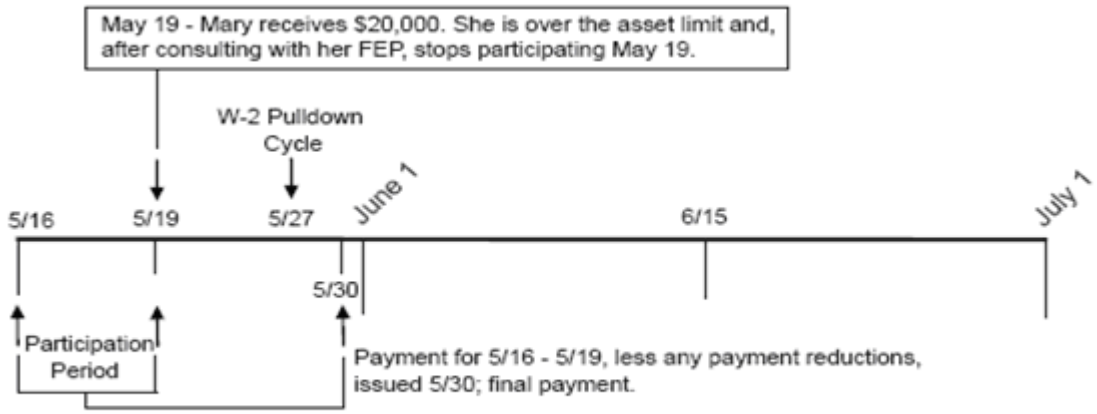
10.2.4 Final Payments

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

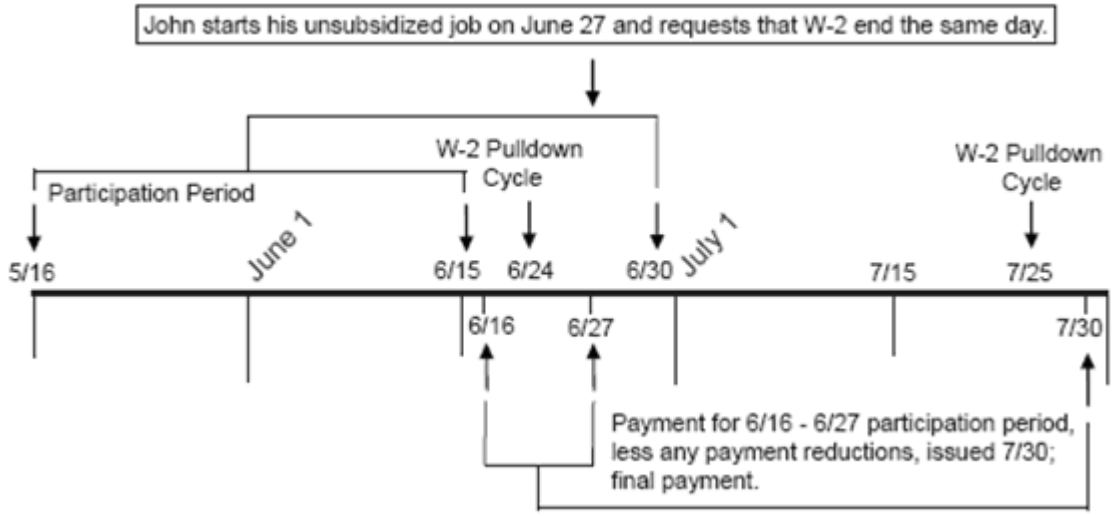
Example 1, Option 1: Mary reports on May 19 that she received $20,000 from a family friend. It will benefit Mary if the *CSJ* provider keeps Mary on-site through the end of the participation period. Mary's W-2 placement end date is June 15th, and she receives final payment at the end of June.



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



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



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10.2.5 Changing W-2 Placements

10.2.5.1 Moving Between CSJ and W-2 T Placements
10.2.5.2 Moving between Paid and Unpaid Placements

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

10.2.5.1 Moving Between CSJ and W-2 T Placements

When a participant moves between a *W-2 T* and a *CSJ* placement during a participation period, the payment is not prorated. The participant receives the payment of the last assigned employment position for that participation period. The participant's clock ticks based on the last W-2 employment position in a calendar month, not the participation period. (See 2.10.3)

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

10.2.5.2 Moving between Paid and Unpaid Placements

When a participant in a CSJ, W-2 T or *CMC* moves to a an unpaid placement, the participant will receive a final prorated payment for the time that they were actually in the paid placement during the participation period.

> **Example**: Rhonda is in a CSJ. On May 18th, her FEP places her in a CMF. Her payment for CSJ participation on May 16th and 17th will be a prorated.

When moving from an unpaid placement to a paid placement, the participant will be paid similar to a new participant. (See 10.2.1)

> **Example**: A W-2 participant is placed in *CMU* in July. The individual loses her job and on August 18, the FEP changes the placement to CSJ based on a

reassessment. A prorated initial payment for the participation period 8/18 – 8/31 is issued on or about the 7th of September during *W2L*. The next payment is also a prorated payment issued at the end of September for the participation period 9/1 – 9/15. Regular ongoing payments for 9/16 – 10/15 begin at the end of October during *W2P*.

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10.2.6 Issuing Auxiliary Payments

10.2.6.1 CARES W-2 Auxiliary Payment Approval Worker
10.2.6.2 Monthly Reviews of Auxiliary Payments

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

10.2.6.1 CARES W-2 Auxiliary Payment Approval Worker

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

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

10.2.6.2 Monthly Reviews of Auxiliary Payments

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

monthly W-2 maximum benefit level of $608, $653, or $673, depending on the W-2 placement.

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

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

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10.3 W-2 Overpayments

10.3.1 W-2 Overpayments

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

1. **Administrative Error**: The W-2 agency commits an error that results in incorrect payments. This type of error is also known as non-client error.
2. **Inadvertent Household Error:** The W-2 participant reports incorrect information or fails to report information due to a misunderstanding or unintended error. This type of error is known as client error (CE).
3. **IPV**: The W-2 participant willfully reports incorrect information or fails to report information and, as a result, is found guilty of IPV by the W-2 agency. (See 11.6.1)

W-2 agencies should seek recovery and establish liability for overpayments only from adult members of the W-2 Group. The adult member must have been an adult member of the W-2 group at the time the overpayment occurred.

Overpaid W-2 payments from paid W-2 employment positions and child care may be recouped from either a *CSJ* or *W-2 T* payment.

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.

10.3.2 Deadlines for Establishing Overpayment Claims

10.3.2.1 Deadline for an Inadvertent Household Error or IPV Overpayment Claim
10.3.2.2 Deadline for an Administrative Error Overpayment Claim

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

10.3.2.1 Deadline for an Inadvertent Household Error or IPV Overpayment Claim

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

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

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

10.3.2.2 Deadline for an Administrative Error Overpayment Claim

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

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

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

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

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

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

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

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10.3.4 Recovery of Overpayments for Closed Cases, or Unpaid Placements

Overpayment collections from persons in unpaid *W-2* placements and closed cases must be sought by the W-2 agency. *CARES* will automatically send out repayment agreements for new claims and dunning notices. The W-2 agency must negotiate an amount of repayment for each program. Monthly repayments should be negotiated in an amount that will repay the overpayment within a reasonable length of time. In the event of unsuccessful collection efforts by the W-2 agency and after the third dunning notice is sent by CARES, the Department will begin centralized collection efforts. For further information on repayment agreements, see Appendix - Benefit Issuance Guide.

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10.3.5 Using Auxiliary Payments to Offset Overpayments

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

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

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10.3.6 Recovery of AFDC Overpayments

A *W-2* participant who has an *AFDC* overpayment may elect to repay the overpayment in one of four ways:

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

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

The AFDC Repayment Agreements are generated from CARES screen BVSL.

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10.4 Electronic Funds Transfer

10.4.1 Electronic Funds Transfer Option

W-2 agencies are encouraged to provide money management and banking information to W-2 participants and to promote *EFT* of W-2 payments into a financial institution rather than receiving the check by mail. Advantages of EFT include:

- Payments are more safe and timely.
- Avoids expensive check cashing fees.
- Many financial institutions offer a no-fee, no-minimum-balance checking or savings account with EFT accounts.
- Less staff time dealing with phone calls, documentation, completion and mailing of affidavit forms associated with lost, stolen, or destroyed checks.
- Promotes work readiness – many employers require that paychecks be issued electronically.

Some participants may decline the EFT option because they are chronically overdrawn and may owe fees associated with their negative balance. For these participants, money management workshops or classes may be appropriate.

The *FEP* should discuss various options with the participant, such as opening a limited account with a debit card only option that does not allow expenditures in excess of available funds. Participants with credit problems may still have access to a checking or savings account. Those who have "non-fraudulent" activities reported on their ChexSystems report and have been denied access to a checking account in the past may benefit from participation in a program to repair their standing with banks. Agencies should assist participants in connecting with these community resources.

Some participants may have a prepaid debit card and use this option when electing EFT. Prepaid debit cards may offer advantages such as helping build good credit and providing an option to participants with bad credit. However, some prepaid card vendors may charge excessive fees. Fees are sometimes hidden or hard to find. In addition to the monthly fee, other fees may include: initiation or activation fees, point of sale transaction fees, cash withdrawal fees, balance inquiry fees, customer service fees, bill payment fees, and/or fees to add or “load” funds. If the participant chooses EFT, the FEP must alert the participant to the potential for possible fees charged by the financial institution. All prepaid debit cards must be included when counting assets for determining financial eligibility.

If a participant has selected EFT, and, at some point after requests to have the W-2 payment “held,” the FEP must end the EFT so that *CARES* will issue the participant’s W-2 payment by check and the FEP can then put a hold on the check.

Example: Mercedes tells her FEP that she is planning on getting a prepaid debit card so she can have electronic deposit of her W-2 payments. The FEP advises Mercedes to be aware of fees when choosing a card, including possible monthly fees, customer service fees, inactivity fees, or paper statement fees. The FEP suggests that Mercedes compare a few cards before making her choice. When Mercedes opens a prepaid debit card, she must disclose this asset to the FEP. The FEP will need to enter the prepaid debit card information on the *CWW* **Liquid Assets** page and run eligibility.

Wage Garnishment

Some participants have a garnishment order for unpaid debts or child support. Per Wisconsin Statutes Section 49.96, W-2 payments cannot be garnished, however financial institutions must honor garnishment actions ordered by the court. Agencies must provide this information to W-2 participants who choose EFT of W-2 payments. If the financial institution garnishes the W-2 payments, the FEP should advise the participant to seek legal assistance to stop the garnishment.

10.5.1 W-2 Payment Statement

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

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10.6.1 W-2 Payment Designation

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

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

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10.6.2 Protective and Vendor Payments

If mismanagement of funds is a threat to the health and safety of a *W-2* participant's child as determined by the *FEP*, all or part of the *CSJ* or *W-2 T* payment may be a protective payment or vendor payment. Other options would be making part of the CSJ or W-2 T payment a direct payment and part a protective payment, 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 Sanctions and Case Closures

11.1 Hourly Payment Reductions

11.1.1 Applying Hourly Payment Reductions

11.1.1.1 Difficulty Completing Assigned Activities

CSJ and *W-2 T* participants must participate in all assigned work training activities or education and training activities outlined in the *EP*. Payments for CSJ and W-2 T participants who fail to participate in assigned activities are reduced by $5.00 per hour for hours missed without good cause. (See 11.2.1)

If a *W-2* participant cannot participate in an assigned activity, the agency must encourage the participant to call the *FEP* prior to the activity start time. This will help a participant to develop the skills needed to manage issues that arise and prepare for workplace expectations. However, the FEP must not penalize the participant if she or he fails to call the FEP prior to the activity time. A participant has 7 working days after an absence from a W-2 assigned activity to notify his or her worker of the reason for the absence. The FEP can then determine whether the reason meets one of the W-2 good cause reasons. (See 11.2.2)

Participants placed in *CMC* and *ARP* placements are not subject to W-2 hourly payment reductions by the W-2 agency. CMC and ARP participants do not have participation requirements and cannot be subject to a payment reduction.

11.1.1.1 Difficulty Completing Assigned Activities

On a regular basis, a FEP must work with participants who are not attending scheduled W-2 activities to identify any barriers that might exist and take steps to address those barriers.

W-2 informal assessment policy requires FEPs to conduct ongoing informal assessments, which includes discussing with the participant any underlying causes of nonparticipation. The FEP and participant must discuss the appropriateness of the assigned activities, the need for additional supportive services, and the provision of accommodations that will allow the individual to participate. (See 5.2.1)

In addition, a pattern of nonparticipation without good cause is one reason the FEP may consider re-administering the *BST* as it is helpful in identifying potential barriers that

may be affecting a participant's abilities to work or participate in work training activities. (See 5.4.1)

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11.1.2 Entering Nonparticipation Hours in CARES

In order to apply hourly payment reductions to participants' *W-2* payments, the *FEP* must enter nonparticipation hours on *CARES* screen WPNH. When entering nonparticipation on WPNH, the FEP must enter:

1. Nonparticipation hours reported throughout the participation period.
2. Daily nonparticipation hours only. When entering hours of nonparticipation, the date entered in the NON PART DATE field must be the same date entered in the THRU field.
3. Up to 8 hours of nonparticipation per day in the NP HOURS field.
4. Nonparticipation hours even if a participant has good cause.
5. Nonparticipation hours for each assigned activity separately.

CARES calculates the monthly W-2 payment based on the following rules:

1. Payment reductions for missed hours are deducted from the payment for the participation period during which hours were missed.
2. In order to affect the next payment, the final date that nonparticipation and good cause hours can be entered into CARES is the date the W-2 Pulldown payment cycle is scheduled. Once the date for W-2 Pulldown has passed, the worker must make payment adjustments via auxiliary payments or recoupment of overpayments.
3. Nonparticipation cannot be entered if the date of the nonparticipation falls outside of the assigned activity dates in the BEGIN DATE or ACTUAL END DATE fields on CARES screen WPCH.
4. A payment reduction is not imposed for failing to participate in activities prior to completing or declining the *BST* the first time it is offered at application.
5. A payment reduction is not imposed on a participant for failing to complete a formal assessment.
6. A payment reduction is not imposed while a formal assessment is assigned on CARES screen WPCH. A payment reduction cannot be imposed until:
    - The formal assessment has been completed;
    - The assessment activity code has been end-dated on WPCH; and
    - The FEP, in consultation with the participant, has made the necessary adjustments to the participant's Employability Plan.

Payment reductions are specific to a W-2 Group and, therefore, do not follow a participant. Even if a participant moves out of the W-2 Group, any payment reduction

for missed hours or penalties associated with that individual during the current participation period are deducted from the next W-2 payment issued to that W-2 Group. Recovery of overpayments continues to follow an individual from W-2 Group to W-2 Group.

For additional information on entering non-participation, see W-2 Manual Appendix – TANF Work Participation Requirements.

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11.2 Good Cause

11.2.1 Good Cause Policy

A participant must notify the *FEP* of the reason for missing an assigned *W-2* activity in order to prevent a payment reduction. The participant must contact the worker within 7 working days following the absence. The FEP will then determine whether the reason for the absence meets any of the W-2 good cause reasons.

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11.2.2 Good Cause Reasons

11.2.2.1 Child Care Availability
11.2.2.1.1 Determining Availability of Child Care
11.2.2.1.2 Demonstrating an Inability to Obtain Child Care
11.2.2.2 Death of an Immediate Family Member

The good cause reasons for failing to comply with the *W-2* assigned activities are:

1. Any required court appearance including a required court appearance for a victim of domestic abuse.
2. Inability to obtain child care that is necessary for the W-2 participant to participate or accept employment, but is unavailable and the W-2 agency was unable to provide or refer for alternate child care arrangements.
3. Lack of transportation with no reasonable alternative, as determined by the *FEP*. In determining the reasonableness of transportation alternatives, FEPs should consider factors such as the length of commute, participant safety and cost of transportation in relationship to income.
4. Participant or W-2 Group member's illness, injury or disability or incapacity. It is expected that a participant will need to remain home occasionally to care for an ill child who has to miss school or daycare or a participant will need to miss an assigned activity due to an unexpected illness or a documented chronic illness, e.g., chronic asthma, panic attacks, disabled child, child with behavioral problems, etc.
5. Accommodations identified in a formal assessment but the accommodations are not available to complete the assigned activity.
6. Conflict with another assigned W-2 activity or job search attempts.
7. Inclement weather that impedes transportation or travel.
8. School emergency.
9. Domestic violence issues as defined in Wisconsin Administrative Rule DCF 101.15(3).
10. Death in immediate family. (See 11.2.2.2)
11. Observance of a religious holiday.
12. Routine medical or school appointments, which cannot be scheduled at times other than during assigned activities.
13. Child's school holiday with the exception of summer break.

14. Any day that the worksite or training site is closed due to a site-specific holiday, e.g., days closed surrounding Christmas, closure the day after Thanksgiving, etc.
15. Other circumstances beyond the control of the participant, but only as determined by the FEP.

11.2.2.1 Child Care Availability

A single parent placed in W-2 Employment Positions cannot be sanctioned for nonparticipation in any W-2 activities during a period of time when he or she is unable to obtain child care for a child under the age of 13. If child care is only available to the participant during specific hours of the day or days of the week, the W-2 agency must make every effort to assign work activities during those hours.

An applicant or participant who needs to secure child care arrangements in order to participate in W-2 activities should be assigned the task of securing child care as part of his or her participation requirements on the Employability Plan (EP). The CARES W-2 activity code associated with this activity is Child Care Related Activities (CC). See W-2 Activity Code Appendix.

The applicant or participant should initially be assigned the CC activity for no less than 5 working days and no more than 10 working days to establish a sense of urgency in obtaining child care. If the applicant or participant has not been successful in obtaining needed child care by the end date of the CC activity, the worker must review the individual's circumstances to determine if the applicant or participant has demonstrated an inability to obtain child care. (See 11.2.2.1.2)

If the applicant or participant has demonstrated an inability to obtain child care, the worker must grant good cause for all non-participation, until:

1. Child care is obtained; or
2. The applicant or participant is no longer demonstrating an inability to obtain child care.

Until child care is obtained (whether good cause is being granted or not), the CC activity must remain assigned on the EP and the applicant or participant must continue to pursue any possible leads about available child care. The worker must continue to closely monitor the applicant's or participant's progress.

Example: Jackie applied for W-2 and was placed in a *CSJ*. The *FEP* develops the EP with Jackie and assigns her to Child Care Related Activities (CC) as well as 10 hours per week of GED classes and 10 hours of structured job search.

Because Jackie lives in an urban setting which generally has a wide range of child care providers, Jackie's FEP gives her 5 working days to find child care. The FEP also connects Jackie to the local Child Care Resource and Referral Network (CCRR).

The FEP explains to Jackie that any hours she misses of her assigned activities will be good caused while she is searching for child care. However, if she does not find child care within 5 working days and cannot demonstrate an inability to find child care then she will begin to receive payment reductions for any future hours she misses.

After the 5 working days, Jackie has not found child care. The FEP discusses with Jackie what steps she has taken and it becomes clear from the conversation that Jackie has not followed through with the referrals she received from CCRR. The FEP directly calls the CCRR to verify that child care slots are available in a licensed child care facility, within a reasonable distance from Jackie's home, and that there is no documentation that the facility would be harmful to the health or safety of her children. With this information in hand, it is clear that Jackie has an ability to obtain child care.

The FEP informs Jackie that she is no longer eligible for good cause due to lack of child care. From that point forward, the FEP applies payment reductions for the hours Jackie misses in her assigned GED lab and job club. The FEP encourages Jackie to find child care as quickly as possible so that she can participate in these assigned activities.

11.2.2.1.1 Determining Availability of Child Care

Child care arrangements are ultimately the responsibility of the parent. However, a W-2 applicant or participant may be unfamiliar with the task of locating a child care provider. In these situations, the W-2 agency must help the applicant or participant.

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

The W-2 staff person must:

1. Explain to the applicant or participant his or her responsibility to obtain any needed child care for the hours of participation in W-2.
2. Determine if informal child care, or formal child care within a reasonable distance from the applicant's or participant's home, is available. Informal child care arrangements may be discussed, but an applicant or participant cannot

be required to use an informal child care arrangement. If another parent is in the home, able and available to care for the child, child care is not needed.

3. Provide information to the applicant or participant about eligibility for W-2 child care assistance and the requirement for the provider to, at a minimum, be provisionally certified to qualify for assistance. (See Child Care Policy Manual)

4. If the applicant or participant does not currently have child care available, refer the individual to the local Child Care Resource and Referral Network (CCRR), which is available to help all parents locate safe and affordable child care throughout the state, and other child care resources in the community. If the referrals do not result in the applicant or participant locating child care, the W-2 agency may require the individual to demonstrate an inability to obtain child care. (See 11.2.2.1.2)

5. If available, offer the use of the W-2 agency on-site child care to the parent until an ongoing child care arrangement is found. A W-2 on-site child care provider must be regulated in order for the parent to leave the premises.

6. Discuss the availability of backup child care arrangements to ensure the applicant or participant is planning ahead for emergency situations when the regular provider is unable to care for the child(ren) or when the child is sick and cannot attend the regular child care program.

11.2.2.1.2 Demonstrating an Inability to Obtain Child Care

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

1. Formal child care is not available within a reasonable distance from the parent's home or work site. Formal child care is considered available if there is at least one licensed or certified child care facility with space available for the child. The certified or licensed child care facility, including a W-2 agency with certified or licensed on-site child care, must not be considered available if there is documentation that the facility would be harmful to the health or safety of the child. Reasonable distance means no more than 60 minutes travel time one-way, using available transportation, from the parent's home to the child care provider's location to the parent's work site. Travel time may be extended up to 90 minutes one-way if there is a good placement opportunity for the participant AND the participant is willing to enter into this arrangement.

   and,

2. Informal child care by a relative or under other arrangements is unavailable or unsuitable. Informal child care is defined as an arrangement in which the child care provider is neither licensed nor certified. Informal child care arrangements may be used by any W-2 participant; however, a participant

cannot be required to use informal child care. (See Child Care Policy Manual, Chapter 1)

If the participant fails to demonstrate an inability to obtain child care, he or she may face payment reductions for non-participation.

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

11.2.2.2 Death of an Immediate Family Member

A participant may be granted up to 3 working days of good cause if there is a death of an immediate family member. However, if travel for funeral services is required or to accommodate cultural tradition, FEPs may grant good cause for up to 7 working days.

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

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

11.2.3 Approving or Denying Good Cause

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

If the FEP determines that the participant's explanation for the absence or the written verification of the absence meets the allowable good cause reasons, the FEP must enter the hours of nonparticipation, the appropriate number of good cause hours, and the good cause *CARES* code on CARES screen WPNH and document the reason for approving the good cause in case comments. If the FEP determines that the participant's explanation for the absence or the written verification of the absence does not meet any of the allowable good cause reasons, the FEP must enter the hours of nonparticipation on CARES screen WPNH and document the reason for denying good cause as well as referencing the number of hours, dates and activities missed in case comments.

When documenting in CMCC the reasons for approving or denying good cause, the FEP must begin the comment with "GCD:". By starting case comments with "GCD:", monitoring staff will be able to easily identify comments related to good cause decisions.

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11.2.4 When to Verify Good Cause

11.2.4.1 Pattern of Absences
11.2.4.2 Verifying Good Cause

A *FEP* must request written verification of good cause if a pattern of absences exists, and the FEP does not believe that a reasonable explanation has been given for the absences or the FEP believes that the participant is misusing the good cause policy. (See 11.2.4.1 for a definition of pattern of absences.)

A FEP must not request written verification verifying good cause for a pattern of absences if the FEP believes that there is a reasonable explanation given for the absences and the FEP does not believe that the participant is misusing the good cause policy.

In addition, the FEP must not request written verification verifying good cause for absences that do not meet the definition of a pattern of absences. For example, *W-2* participants will occasionally need to remain home to care for an ill child who has to miss school or daycare. Participants will also miss assigned activities due to their own unexpected illness. In addition to these types of situations, the FEP must not require written documentation verifying good cause if a participant misses assigned activities due to an already documented chronic illness, e.g., chronic asthma, panic attacks, etc., or known family circumstance, e.g., disabled child, child with behavioral problems, homelessness, domestic violence, etc.

11.2.4.1 Pattern of Absences

If a pattern of absences occur, the FEP may require written good cause verification. A "pattern of absences" are absences that extend beyond 3 consecutive working days or are more than 5 working days in a rolling 30 calendar day period. An absence means being absent from any one activity. For example, if a participant is assigned to work experience and adult basic education on the same day and misses just one of those activities, this is considered an absence. If good cause is accepted for any of the absences, the good cause absences may still be considered as a part of the pattern.

If the person misses beyond 3 consecutive working days or misses more than 5 working days in a rolling 30 calendar day period, but the absences are for the same reason, e.g., car accident, child has flu, etc., this may be considered a reasonable explanation for missing beyond 3 consecutive days and written verification is not necessary. The FEP determines whether there is a reasonable explanation on a case-by-case basis in which

the FEP's knowledge, experience, and familiarity with the case and the community are factors.

Example 1: A participant misses 3 consecutive working days of her assigned activities and calls in on the fourth day because of the illness of her children and explains that one after the other of her four children were ill with a bad flu. Although the absences constitute a pattern, the FEP does not have reason to believe that the participant is misusing the good cause policy. In this scenario, the FEP would not require written documentation of good cause for the missed activities.

Example 2: A participant misses her assigned morning activity 3 consecutive working days because she felt sick. She has no chronic health problems and does not offer an adequate explanation of what was wrong with her. On the fourth day, the participant again calls and says that she is feeling ill and cannot attend her activities. In this scenario, the FEP may require written documentation of good cause for the missed activities because the participant's absences constitute a pattern and the FEP has reason to believe that the participant may be misusing the good cause policy.

Example 3: A participant misses 5 working days in a 30 calendar day period because of school appointments. She brings in written verification for 2 of the days but not all 5 days indicating that her child is undergoing an evaluation for suspected learning problems. The participant calls and says that she will miss the next 2 days for the same reason. Because the participant has missed 5 days, even though 2 of the days she was granted good cause, this does constitute a pattern. The FEP has reason to believe that the participant may be misusing the good cause policy because the participant has a history of not attending activities. In this case, the FEP may require written documentation verifying good cause.

Example 4: A participant misses 2 consecutive days of activities because she is ill. These 2 absences are the first absences the participant has had in several months. Because this does not constitute a pattern, whether or not the FEP believes the participant is misusing the good cause policy, the FEP may not require written documentation verifying the good cause.

11.2.4.2 Verifying Good Cause

If the FEP determines that written verification is necessary for a pattern of absences, the FEP must first check in the Electronic Case File (ECF) to ensure that written verification does not already exist. Examples of written documentation include a signed medical statement, an update to existing medical information from a licensed physician or some other qualified assessing agency, etc. If it does not, the participant must be informed in writing of the verification items required, including the due date. The FEP must give the participant 7 working days from the date the good cause request is made to provide the written documentation. The FEP must document in case comments (CMCC) why the written documentation verifying good cause is required and the FEP must begin the comment with “GCD:”.

FEPs must not penalize participants when they attempt to obtain the written verification and other entities delay their ability to obtain the necessary documents. If the individual does not have the power to produce verification, or if circumstances exist that make the verification requirements unduly burdensome, the W-2 agency must assist the participant in obtaining the necessary documents and the FEP must extend the verification due date. The verification due date may be extended for up to 30 calendar days from the date the good cause verification request is made. In some instances, the W-2 agency may seek the verification directly. (See 4.1.3)

The verification due date cannot be extended from 7 to 30 days at the point when the participant receives *CARES* letter NWSN, which informs participants of a 20% payment reduction. In these circumstances, the nonparticipation has occurred, the participant has had the opportunity to request good cause (within 7 working days of the nonparticipation) and provide any necessary verification of that good cause (within 7 working days of the request for verification, unless extended to up to 30 calendar days). The NWSN letter is sent and it provides a final, but narrow opportunity for the participant to provide good cause for the past nonparticipation.

11.3 20% Payment Reductions

11.3.1 Rectifying 20% Payment Reductions

11.3.1.1 20% Reduction Reports

W-2 policy requires *FEP*s to conduct ongoing informal assessments, which includes the need to discuss with the participant any underlying causes of nonparticipation to identify any barriers that might exist and take steps to address those barriers. (See 11.1.1 and Chapter 5). In addition to working with participants to identify potential barriers, if a participant's payment is going to be reduced by 20% or more, the W-2 agency must:

1. Provide written notice to the W-2 participant of the proposed 20% or more payment reduction and of the reasons for the proposed payment reduction (See 11.3.1.1); and
2. Allow the participant reasonable time to rectify the deficiency, failure or other behavior to avoid the proposed W-2 payment reduction. To rectify means that the participant is given one last opportunity to present good cause for nonparticipation or to present late documentation of completed assigned activities.

The FEP must issue the *W-2 Payment Reduction Notification Letter* (*CARES* letter NWSN) and give the participant one last opportunity to provide good cause.

The FEP must generate CARES letter NWSN no later than the 5 working days following the appearance on the 20% payment reduction report (see 11.3.1.1). The FEP must enter on NWSN the missed activities, the hours missed and the dates the activities were missed. The letter informs the participant to contact the worker as soon as he or she receives the letter to explain why the activities were missed. If the participant is claiming good cause, the FEP determines whether the reason for the missed hours meets any of the good cause reasons and whether to require written verification of good cause (called "proof of good cause" in the letter).

If the participant is submitting late documentation of completed assigned activities, the documentation must be for the dates that the activity was assigned on the Employability Plan.

Because the participant may have to provide written verification, the FEP must also enter on NWSN the date by which the verification must be provided, if required by the FEP. The participant is given 7 working days to provide written verification of good cause. To calculate the date, the FEP must count the next working day after the mailing date as day 1. For example, if the mailing date of the letter is Monday, March 21st, the date by which the individual needs to provide written verification is Wednesday, March

30th. The verification due date cannot be extended from 7 working days to 30 days. (See 11.2.4) The date provided on NWSN is the final date any verification can be received.

11.3.1.1 20% Reduction Reports

In order to assist the W-2 agencies in identifying participants that must be notified of a 20% or more payment reduction, three Web Intelligence (WEBI) reports are located in the "Monitoring Reports W-2 & FSET" folder.

- The first report is the W-2 Cases with 20% or More Benefit Reduction –1st of the Month Report, which runs on the 1st of each month. This report identifies those participants who, as of the 1st of the month, appear to be on track to have their W-2 payment reduced by 20% or more.
- The second report is the "W-2 Cases with 20% or More Benefit Reduction – 16th of the Month Report," which runs on the 16th of each month. This report identifies those participants who, as of the 16th of the month, appear to be on track to have their W-2 payment reduced by 20% or more.
- The third report is the "W-2 Cases with 20% or More Benefit Reduction – At W-2 Pulldown Report," which runs the same night as W2P. Those individuals who appear for the first time on the W-2 Pulldown report have had their benefits reduced, but still need to be notified and given a chance to provide good cause.

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

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

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

If the placement type in the placement (Plcm) column is CMC, it may indicate that the participant's placement was changed from CMC to another paid placement type, but the

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

For those participants that appear on the 1st and 16th of the Month reports, good cause can be entered on CARES screen WPNP in enough time to adjust the final W-2 monthly payment amount. However, for those participants appearing for the first time on the W-2 Pulldown report, due to the CARES payment issuance cycles, FEPs will be unable to change the final W-2 monthly payment amount. Therefore, if the deficiency, failure or other behavior that caused the payment reduction is rectified for those participants appearing for the first time on the W-2 Pulldown report, the FEP must initiate an auxiliary payment in order to supplement the payment amount.

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11.4 Case Closures for Noncooperation

11.4.1 Noncooperation with W-2 Program Requirements

A *FEP* must close a case when a participant fails to cooperate with specific *W-2* program requirements without good cause. The specific cooperation requirements are:

1. A W-2 participant may be required to search for unsubsidized employment throughout his or her participation in a W-2 employment position. (See 2.9.1)
2. A W-2 participant may be required, as determined by the FEP, to apply for and accept other public assistance programs or resources that may be available, prior to being determined eligible for W-2 services or during W-2 participation. (See 2.6.1)
3. A W-2 participant may be required to verify certain eligibility information. Participants have 7 working days from the date of the verification request to provide the needed verification. (See 4.1.3)
4. If an *EP* review does not occur before the date the EP is set to expire because the participant fails to keep an EP review appointment without good cause.
5. W-2 participants are required to report changes in circumstances that may affect eligibility within 10 calendar days after the change occurs, except for temporary absence of a child which must be reported within 5 working days. (See 2.8.1)
6. The FEP and the participant have not had any contact for at least 30 consecutive calendar days and the FEP has made repeated and varied attempts to contact the participant at the participant's home, assigned worksite or the location of any other assigned activities. "Repeated" attempts means the FEP or another W-2 agency representative must make weekly attempts, at least. "Varied" attempts means a combination of attempts to contact, such as worksite visits, home visits, phone calls, letters, etc.

For policies regarding noncooperation with paternity establishment and child support enforcement services, see 15.3.2.

11.4.2 Prior To Closing a Case for Noncooperation

11.4.2.1 Exploring Potential Barriers
11.4.2.2 Rectifying Noncooperation Prior to Case Closure

Prior to closing a case for noncooperation with program requirements, the *FEP* must:

1. Explore for potential underlying barriers;
2. Provide written notice to the *W-2* participant of the proposed case closure and of the reasons for the proposed closure; and
3. Allow the participant reasonable time to rectify the deficiency, failure or other behavior to avoid the proposed case closure.

11.4.2.1 Exploring Potential Barriers

W-2 informal assessment policy requires FEPs to conduct ongoing informal assessments, which includes the need to discuss with the participant any underlying causes of noncooperation. (See Chapter 5) The FEP must explore potential barriers that may be interfering with a participant's ability to cooperate and take steps to address those barriers prior to closing a W-2 case for noncooperation reasons.

Before closing a case for noncooperation, the FEP has a responsibility to:

1. **Initiate action to uncover why the participant has not completed the required activity in the event that unidentified barriers exist.** FEPs must document thoroughly in case comments and on the appropriate CARES screens actions taken to uncover barriers that may be contributing to the noncooperation or other good cause reasons for failing to cooperate**.**

Examples:

- Ask the participant why she/he has not been cooperating and then fully explore the responses. For example, if the participant says, "I have been busy," the FEP should follow up with probing questions. The FEP should continue to question until there is reasonable certainty that the participant has offered all possible reasons for not cooperating.
- Provide the participant with information on how to cooperate with program requirements and the consequences for ongoing noncooperation.

- Conduct home visits.
- Review the history of the case, including the Barrier Screening Tool (BST) results and any formal assessments, to determine if any issues were identified early on in the participant's connection with W-2 that may still be a factor affecting cooperation.
- Offer the BST again. (See 5.4.1)
- Review the Employability Plan to ensure that activities assigned are appropriate. Appropriate activities may include, but not be limited to, education, training, work, treatment, counseling, etc. These activities must be individually designed and based on the participant's strengths, needs, abilities, family circumstances and identified barriers and disabilities. Activities must be designed to assist the participant overcome barriers to employment and provide the skills needed to secure and maintain full-time employment.
- Talk with worksite supervisors and other individuals the participant may be working with such as a child welfare worker or other social service providers.

2. Take steps to address the barriers that may have caused the noncooperation.

Examples:

- Refer the participant to supportive services that are appropriate for assisting with overcoming barriers and work towards finding and maintaining employment.
- Refer the participant for formal assessments in order to identify necessary accommodations.
- Identify and assign appropriate activities.

3. Apply payment reductions if appropriate prior to determining ineligibility.

Although payment reductions are not necessary prior to all case closures, e.g., failing to verify information, it is required prior to closing a case for noncooperation with job search.

11.4.2.2 Rectifying Noncooperation Prior to Case Closure

In addition to exploring potential barriers, if a participant's case is going to close for noncooperation, the W-2 agency must:

1. Provide written notice to the W-2 participant of the proposed case closure and the reason for the case closure; and
2. Allow the participant reasonable time to rectify the deficiency, failure or other behavior to avoid the proposed W-2 payment reduction. Rectifying means that the participant is given one last opportunity to present good cause for failing to cooperate or to present late documentation of completed assigned activities..

The FEP must issue the Notice of Noncooperation with Program Requirements (CARES letter NWNC) and must give the participant one last opportunity to present good cause for failing to cooperate.

The FEP must manually issue NWNC via CARES prior to generating a Notice of Eligibility. The FEP must mark the correct noncooperation reason on NWNC. The letter informs the participant to contact the worker as soon as he or she receives it to explain why the noncooperation occurred. If the participant is claiming good cause, the FEP determines whether the reason for the noncooperation meets any of the good cause reasons and whether to require written verification of good cause (called "proof of good cause" in the letter). (See 11.2.2)

Because the participant may have to provide written verification, the FEP must also enter on NWNC the date by which the verification would need to be provided, if necessary. The participant is given 7 working days to provide written verification of good cause. To calculate the date, the FEP must count the next working day after the mailing date as day 1. For example, if the mailing date of the letter is Friday, January 6th, the date by which the individual needs to provide written verification is Tuesday, January 17th. The verification due date cannot be extended from 7 working days to 30 days. (See 11.2.4.2) The date provided on NWNC is the final date any verification can be received.

If the participant is submitting late documentation of completed assigned activities, the documentation must be for the dates that the activity was assigned on the Employability Plan.

In the case of a missed EP review appointment, the individual must be allowed to make the appointment up within the 7 working days from the date of the CARES letter NWNC. It is assumed in this scenario that the participant missed an EP update appointment that was scheduled prior to the expiration. The written notice will instruct the participant to contact the worker to reschedule. If the participant calls, the W-2 agency must re-schedule the EP meeting. NWNC informs the participant that if the participant does not appear for the re-scheduled appointment, the case will close unless good cause for the missed appointment exists. In order for the agency to reschedule a missed EP review appointment, the participant does not have to have had good cause for missing the first EP review appointment.

If the participant does not comply with what is requested within the 7-working-day timeframe or if the FEP determines that good cause does not exist for the

noncooperation, the worker must generate the case closure and CARES will issue the appropriate Notice of Eligibility. The FEP must not end the participant's W-2 placement until the last day of the 7-working-day timeframe even if the FEP determines prior to the last day of the 7-day timeframe that good cause does not exist. If the participant did not appear for a rescheduled EP review appointment, the FEP must not end the participant's W-2 placement until the last day of the 7-working-day timeframe or the date the EP expires, whichever is later. The Notice of Eligibility contains information on filing a Fact Finding Review if the participant does not agree with the decision.

If a participant reapplies after his or her case has closed due to noncooperation and now he or she has written verification of good cause, agencies must not apply the nonfinancial eligibility policy regarding cooperating with the W-2 agency within 180-days of application. (See 2.2.1)

Example 1: During a review, a participant failed to verify her assets. Prior to initiating the case closure, the FEP first took steps to explore potential barriers that may be interfering with a participant's ability to cooperate. The worker then generated the Notice of Noncooperation with Program Requirements, which gave the participant 7 working days to submit the verification and specified the due date. The worker did not hear from the participant and initiated the case closure. The Notice of Eligibility was sent to the participant notifying the participant of the impending case closure and the right to a Fact Finding Review if she disagreed with the decision.

Example 2: A participant's EP was going to expire on December 16. The participant missed an EP review appointment without good cause on December 2. Prior to initiating the case closure, the FEP first took the steps to explore potential barriers that may be interfering with a participant's ability to cooperate. The worker then generated the Notice of Noncooperation with Program Requirements (NWNC), which informed the participant that she should contact her worker by December 14 (last day of the 7-working day timeframe) for a final EP review appointment. The worker did not hear from the participant and initiated the case closure. The worker ended the placement on WPWW as of December 16 because the EP expiration date was later than the last day of the 7-working-day timeframe. The Notice of Eligibility was sent to the participant notifying the participant of the impending case closure and the right to a Fact Finding Review if she disagreed with the decision.

Example 3: A participant had an ongoing pattern of failing to complete job search without good cause. Despite the FEPs interaction with the participant to uncover potential barriers and applying payment reductions, the participant continued to not participate with job search requirements. Prior to initiating the case closure, the FEP made one last attempt to explore potential barriers that may be interfering with a participant's ability to cooperate. Still, there were no reasons given for the missed activities. The worker then generated the Notice of Noncooperation with Program Requirements, which informed the participant that she should contact her worker. The participant then called the worker and said that she was diagnosed with ulcers and that was causing her to miss her assigned job search activities. The participant was able to provide the FEP with the appropriate medical documentation supporting the diagnosis and the FEP did not close the case. The FEP updated the participant's assigned activities and the employability plan to reflect the ongoing medical attention that was needed to help the participant recover from the ulcers.

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11.5 Incarceration

11.5.1 Incarceration

11.5.1.1 Prisoner Match Data Exchange

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

11.5.1.1 Prisoner Match Data Exchange

The daily Prisoner Match Data *DX* provides information from *SSA* for all individuals included in the *W-2 Group* who are between 18 and 65 years old, as long as there is a valid SSN (Verification code V, C or W) on the *CWW* **Household Members** page during intake, review, person adds, and program adds. CWW sends the request for prisoner match data via the *SOLQ-I* DX from the CWW **General Case Information** page. (See 4.1.5.3)

Three days after CWW runs the data exchange, CWW will set discrepancies and alerts for individuals who have been incarcerated for more than 30 days, and have no release date. The results of the data exchange match information appear on CWW **Prisoner Response Details** page.

When a discrepancy is set, the *FEP* must verify match results through a secondary source and update the case, if necessary.

This secondary verification can be through online resources, phone calls or faxes to the facility or by contacting the individual.

Online Verification Resources

VINELink
For data exchange results inside or outside the State of Wisconsin, agencies can verify incarceration matches through VINELink, the online version of VINE (Victim Information

and Notification Everyday), located at: www.vinelink.com/vinelink. VINELink's home page has information on how to use the query.

FEPs may have to do more than one query if the first online check does not return results. If VINELink does not verify incarceration information, FEPs should access other resources such as direct contact with the facility or contact with the individual.

State Of Wisconsin Offender Locator
For matches within the State of Wisconsin, FEPs can verify the information through the Offender Locator website at: http://offender.doc.state.wi.us/lop/home.do. This website provides records of incarcerated offenders through the Wisconsin Department of Corrections (DOC).

FEPs can also access this site through VINELink. The database only includes adults who are incarcerated in the Wisconsin prison system. It is a good practice to include aliases in your search.

Federal Prisoner Information
For federal prisoner matches, FEPs can verify the accuracy at: https://www.bop.gov/inmateloc/.

If the online queries do not result in verification of incarceration information for individuals in county jails, workers should continue to use resources at the local agency level such as faxes, phone calls and contact with the individual to verify the incarceration information.

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11.5.2 Good Cause for Incarcerated Participants

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

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

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

11.5.3 Huber Program

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

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

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

11.6.0 "Reserved"

This is reserved for a future W-2 topic.

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11.7 Drug Felons

11.7.1 Drug Felons

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

Participants that report receiving a drug felony conviction must submit to a test for use of a controlled substance. The cost of drug testing must be paid for by the local agency. Drug tests taken from another credible source may be used if taken within the last 30 days. If a previous drug test result is offered but is older than 30 days, require a new drug test. Examples of credible sources include, but are not limited to, probation officers, employers, *FEP*s, etc.

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

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11.7.2 Guidelines for W-2 Applicants or Ongoing Participants

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

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

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

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

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

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

W-2 payment reduction resumes at the end of the CMC placement if the 12 month sanction period has not expired while the participant is in the CMC placement.

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

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11.7.3 Regaining Full W-2 Payment

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

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

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11.7.4 Applicability of Drug Tests for W-2 and Foodshare

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

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

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

12 Dispute Resolution

12.1 Introduction

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

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

Individuals who disagree with an agency's decision regarding Medicaid, BadgerCare Plus, Child Care, FoodShare or Refugee Cash and Medical Assistance benefits must file a separate request for a Fair Hearing with the Department of Administration, Division of Hearings and Appeals. Participants must follow the Fair Hearing time frame which is detailed on decision notices. (See Income Maintenance Manual, Section 3, Fair Hearings)

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12.2 Fact Finding Review (First Level Review)

12.2.1 Request For Fact Finding Review

All *JAL* and *EA* applicants and *W-2* applicants and participants have the right to request a Fact Finding Review. The Fact Finding Review is completed by the W-2 agency's Fact Finder. It is the first level of the dispute resolution if an applicant or participant believes:

1. The denial of an application for EA, JAL, or W-2 services was incorrect;
2. The application was not acted upon with reasonable promptness;
3. The W-2 placement was inappropriate;
4. The placement begin date was wrong;
5. The W-2 payment was incorrectly ended, reduced, or subject to an overpayment;
6. The extension to a W-2 time limit was incorrectly denied;
7. The EA amount was incorrect; and/or
8. The denial of a good cause request for non-cooperation with child support was incorrect.

If an applicant or participant requests a Fact Finding Review for a complaint not related to any of the above reasons, the W-2 agency must provide the *Petitioner* with a completed Fact Finding Review Denial Notice (2686) form.

An applicant or participant who requests a Fact Finding Review should be encouraged to use the Request for Wisconsin Works (W-2) Fact Finding Review form (10783). However, the petitioner may use other documentation containing the same information found in the form. A W-2 agency must also accept phone requests for Fact Finding Reviews and must document the phone request using the Request for Wisconsin Works (W-2) Fact Finding Review form (10783).

With the exception of a Learnfare Fact Finding Review request made within 10 calendar days after the date of the Learnfare Penalty Notification, the agency decision stands until it is overturned by a Fact Finding Review or a Departmental Review.

12.2.2 Timeframe For Requesting A Fact Finding Review

12.2.2.1 Timeframe for Requesting Learnfare Fact Finding Reviews

Fact Finding Review requests must be made:

- within 45 calendar days from the mailing date of the Notice of Eligibility for W-2 services and *JAL*s; or
- within 45 calendar days of the mailing date for manual *EA* notices; or
- within 45 calendar days from the effective date of the decision announced in the notice, whichever is later.

If the 45th day falls on a weekend or holiday, the calculated date will be the next working day. If the request is received within the 45-day timeframe, the W-2 agency must schedule a Fact Finding Review.

Fact Finding Reviews are not available if the agency action being contested occurred more than 45 days prior to the Review request. If the request for a Fact Finding Review is received beyond the 45-day timeframe, the W-2 agency must provide the petitioner with a completed Fact Finding Review Denial Notice (2686).

12.2.2.1 Timeframe for Requesting Learnfare Fact Finding Reviews

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

12.2.3 Fact Finding Reasons

A *JAL* or *EA* applicant may request a Fact Finding Review if he or she believes:

1. The denial of an application for EA or a JAL was incorrect;
2. The EA amount was incorrect;
3. An EA application was not acted upon within 5 working days;
4. A JAL application was not acted upon within 12 working days; or
5. The agency's determination of an EA or JAL *IPV* was incorrect.

A W-2 applicant or participant may request a Fact Finding Review if he or she believes:

1. The denial of an application for W-2 was incorrect;
2. The application was not acted upon within 12 working days;
3. The W-2 placement was inappropriate;
4. The placement begin date was wrong;
5. The W-2 payment was incorrectly ended, reduced, or subject to an overpayment;
6. The extension to a W-2 time limit was incorrectly denied;
7. The denial of a good cause request for non-cooperation with child support was incorrect; or
8. The agency's determination of an IPV was incorrect.

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12.2.4 Fact Finder

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

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

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

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

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12.2.5 Fact Finding Review

12.2.5.1 Pre-Fact Finding Review Resolutions

The Fact Finding Review is an informal process to resolve disputes. It permits the *Petitioner* and W-2 agency to present information regarding the action or inaction in dispute. The W-2 agency must date stamp all requests for Fact Finding Reviews on the date the request was received. The agency must notify the petitioner of the scheduled Fact Finding Review appointment within 3 working days after the date the request for Review is received by the agency. The agency must use the Fact Finding Review Appointment Notice form (10782) to notify the individual of the time, place and date of the scheduled Fact Finding Review. The agency must give the petitioner reasonable notice of the scheduled Fact Finding Review and must hold the Review within 8 working days of receiving the request.

If any party requests that the Fact Finding Review be rescheduled and has a reasonable reason for the request, the agency must reschedule the Fact Finding Review. The Fact Finder is responsible for determining the reasonableness of the request to reschedule.

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

12.2.5.1 Pre-Fact Finding Review Resolutions

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

If the petitioner agrees to the agency's proposed resolution, the agency must complete the Fact Finding Review Voluntary Withdrawal form (11155) which must be signed by the petitioner. The documented resolution must include any actions agreed upon by both the petitioner and the W-2 agency. If either party fails to take the action(s) by the agreed upon due date, then the form is void and a Fact Finding Review must be scheduled within 8 working days to address the petitioner's complaint.

12.2.6 Fact Finding Review Attendance

The *W-2* agency worker who made the decision being disputed should attend the Fact Finding Review when possible to present the facts regarding the decision. If that worker is unable to attend the Fact Finding Review, another staff person must be present and prepared to represent the agency's actions.

The *Petitioner* and/or her/his representative must also attend the Review. The petitioner may have a representative present to assist in contesting the agency's decision. The process must provide for flexibility. If all parties are not able to attend in person, teleconferencing must be offered.

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

If the petitioner or her/his representative fails to attend the Fact Finding Review without good cause, the request for Review is considered abandoned. (See 11.2.2 for more information on good cause.)

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12.2.7 W-2 Agency Representative's Responsibility at the Fact Finding Review

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

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

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12.2.8 Testimony and Evidence

Once the *FEP* or other *W-2* agency representative has presented documentation to support the agency's action, the Fact Finder must give the *Petitioner* the opportunity to rebut the information. If credibility is an issue, the Fact Finder must determine which party was most credible based on testimony and evidence presented during the Fact Finding Review. Factors used to weigh the evidence include:

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

At the conclusion of the Fact Finding Review, the Fact Finder must ask all parties to sign the Documents Submitted at Fact Finding Review form (370). This form is used to list all evidence/documentation submitted and, to capture the signature of each person attending the Fact Finding Review, swearing to the accuracy or his or her individual testimony.

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.

12.2.9 Fact Finding Decision

The Fact Finder must weigh all factors when making the final decision. The Fact Finder must issue a decision within 5 working days after the Review date, unless the Fact Finder has granted the *Petitioner* a request to submit additional evidence. In these cases, the Fact Finder may extend the decision date as appropriate.

The decision must be documented on the Fact Finding Review Summary and Decision form (10784), or its equivalent. On the same day the Fact Finder reaches a final decision, a copy of the decision must be mailed by 1st class mail to the last known address of the petitioner. The Fact Finder must ensure that the date of the final decision is the same as the mailing date, taking into consideration postal holidays. The notice must include the final decision as well as the appropriate remedy, citing the source of the decision, and provide information regarding the individual's right to appeal the Fact Finding decision by requesting a Departmental Review.

The Fact Finder must deny a request for a Fact Finding Review or refuse to grant relief if the petitioner does any of the following:

1. Withdraws the request in writing; or
2. Abandons the request.

Abandonment occurs if neither the petitioner nor his/her representative appear at the scheduled Review without good cause. (See 11.2.2 for more information on good cause.) The petitioner has 7 working days from the date of the scheduled Fact Finding Review appointment to provide good cause.

12.2.10 Fact Finding Remedies

12.2.10.1 Remedy for Paid W-2 Placements
12.2.10.2 Remedy for Custodial Parent of an Infant (CMC) and At Risk Pregnancy (ARP) Placements
12.2.10.3 Remedy for Job Access Loans
12.2.10.4 Remedy for Emergency Assistance

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

If a W-2 agency is unable to comply with a Fact Finding decision for any reason, the W-2 agency must contact the *Petitioner* and its Regional Administrator/Coordinator on or before the 10th calendar day after the decision date and explain why the decision cannot be carried out timely.

12.2.10.1 Remedy for Paid W-2 Placements

If the decision overturns the agency's denial of an applicant's paid W-2 employment position, the W-2 agency must place the individual in a paid employment position that is appropriate for the individual. An individual is eligible for a payment for the employment position beginning on the date the individual begins participation in a paid placement. No retroactive cash payment for the period prior to participation shall be issued.

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

12.2.10.2 Remedy for Custodial Parent of an Infant (CMC) and At Risk Pregnancy (ARP) Placements

If the decision overturns the agency's denial of a *CMC* placement, the W-2 agency must place the individual in the CMC placement effective the date of the baby's birth or the date of the application, whichever was later, and a retroactive cash payment must be issued.

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

If the decision overturns the agency's denial of an *ARP* placement, the W-2 agency must place the individual in the ARP placement effective the date of the application or the date that all the ARP financial and non-financial requirements have been met, whichever was later, and a retroactive payment must be issued. (See Ops Memo 09-77)

12.2.10.3 Remedy for Job Access Loans

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

12.2.10.4 Remedy for Emergency Assistance

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

12.2.11 Fact Finder File

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

- Request for Wisconsin Works (W-2) Fact Finding Review form (10783) or its equivalent;
- Fact Finding Review Appointment Notice form (10782);
- Fact Finding Review Voluntary Withdrawal form (11155) (if relevant);
- Fact Finding Review Summary and Decision form (10784), or its equivalent;
- Documents Submitted at Fact Finding form (370);
- Audio Recording of the Fact Finding Review; and
- Any additional information or evidence presented by the W-2 agency, the Petitioner, or the petitioner's representative.

The Fact Finder's file must include an audio recording of the Fact Finding Review.

If the petitioner or the petitioner's representative requests a copy of any part of the Fact Finding file, including the audio recording, the agency must provide the requested information. If the cost of providing the information is more than $30, repayment may be sought. (See 12.2.6)

The agency must scan all of the Fact Finding forms and any additional information or evidence presented by the W-2 agency, the petitioner, or the petitioner's representative in to the petitioner's Electronic Case Record.

12.2.12 Reporting Fact Finding Information in CARES

W-2 agencies are required to enter Fact Finding information such as the Fact Finding request date, the Review date, the reason for the Fact Finding request, pre-Fact Finding resolutions, Fact Finding attendance and the results of Fact Finding Reviews into *CARES* screen WPFF by the 10th day of each month for the prior month.

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12.2.13 Summary of Fact Finding Timelines

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

- An applicant or participant must request a Fact Finding Review within 45 calendar days from the mailing date of the Notice of Eligibility for JALs or W-2 services or within 45 calendar days of the mailing date for manual EA notices, or within 45 calendar days from the effective date of the decision announced in the notice, whichever is later.
- The W-2 agency must notify the *Petitioner* of the scheduled Fact Finding Review appointment within 3 working days after the date the request for Review is received by the agency.
- The W-2 agency must schedule the Fact Finding Review within 8 working days from the date the request for Review is received by the agency.
- The Fact Finder must issue a decision within 5 working days after the Review date.
- The Fact Finder must mail a copy of the decision by 1st class mail to the last known address of the petitioner on the same day a final decision is reached.
- The W-2 agency must comply with the Fact Finding decision within 10 calendar days after the decision date.
- The W-2 agency is required to enter Fact Finding information into CARES screen WPFF by the 10th day of each month for the prior month.

If the Fact Finding Review is rescheduled (See 12.2.5), then the dates that the decision must be issued, mailed to the petitioner, acted upon and entered into WPFF are moved back accordingly.

12.3 Departmental Review (Second Level Review)

12.3.1 Requesting a Departmental Review

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

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

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

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

DHA must date stamp requests for a Departmental Review. DHA will promptly notify the W-2 agency of receipt of a request for a Departmental Review. The W-2 agency must submit the Fact Finding file to DHA within 5 working days after receipt of the request. DHA will fully review the W-2 agency's Fact Finding decision by completing a desk review.

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

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

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

DHA must complete its Review within 10 working days of the receipt of the Fact Finding file, unless DHA determines the file is inadequate. If the W-2 agency has requested the Departmental Review, the W-2 agency must comply with the Fact Finder's decision while waiting for DHA to issue its decision.

The Department must deny a request or must refuse to grant relief if the applicant or participant withdraws the request for a Departmental Review in writing.

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12.3.2 Proposed Departmental Review Decisions

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

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

After the 15 calendar day comment period has ended, DHA sends the proposed decision and all comments or objections to the Department of Children and Families (DCF). The Secretary of DCF reviews the proposed decision and issues the final decision. The Secretary's final decision can be to agree or reverse the proposed decision or amend current policy. The final decision made by the Secretary is communicated by DHA to the individual and the W-2 agency. The final decision must be acted upon within 10 calendar days by the W-2 agency if the decision is in favor of the individual.

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

12.3.3 Departmental Review Final Decision

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

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

DHA must issue a copy of the written decision of the Departmental Review to the applicant or participant and the W-2 agency.

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12.3.4 Departmental Review Remedies

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

In order to ensure compliance, *DHA* sends the W-2 agency a Certification of Administrative Action (DHA-18) form along with the decision. This form must be completed and sent back to DHA in order to certify that appropriate action has been taken within 10 calendar days. The form should not indicate what the agency will do, but, rather, what the agency has already done to comply with the order. In addition to sending the form back, DHA requires agencies to include copies or make note of *CARES* screens that have been used to record the action taken. DHA will not close out the case file until there is evidence in CARES that action has been taken.

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

The Division of Family and Economic Security (DFES) may find that the final decision's principles and policies require a change in policy. If so, DFES will make a statewide directive. Until such a declaration, the W-2 agency must continue to follow existing written policies and procedures in all other cases.

The remedies allowed under Departmental Review decisions are the same remedies allowed under Fact Finding Review decisions. (See sections 12.2.10.1 through 12.2.10.4 for more information on remedies.)

12.4.1 Overpayment Tax Intercept Administrative Hearings

The Public Assistance Collection Unit (PACU) located in DCF serves as the State's central collection section for the recovery of delinquent public assistance overpayments. The PACU is responsible for administering the tax intercept program through the Central Recoveries Enhanced System (CRES). Delinquent public assistance overpayments may be collected through the interception of Wisconsin state tax refunds and/or credits. Once the individual is notified of the intended tax intercept action, he or she has 30 calendar days to appeal. Public assistance overpayment tax intercept administrative hearings are conducted by the Division of Hearings and Appeals (DHA).

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

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12.4.2 Role of the W-2 Agency In Tax Intercept Hearings

A tax intercept hearing may be limited to the tax intercept issue or questions of prior payment or debtor identity. However, under certain circumstances the Administrative Law Judge may decide to review the underlying merits of the overpayment. This can include inquiries such as how the overpayment was calculated and whether proper notice to the debtor(s) had been provided. Therefore, the agency must attend the hearing and be prepared to defend the original overpayment determination as well as the tax intercept action. Tax intercept hearings can also be requested for Job Access Loans (JAL). The agency should have the JAL application and repayment agreement available to present at the hearing.

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

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

When a customer requests a hearing on the intended State tax intercept, *DHA* will e-mail a Request for Summary form to *PACU* to determine the appeal type. PACU will forward the Request for Summary form to the agency who established the overpayment to complete and return the summary form to DHA. The agency is required to explain the disputed action which is being appealed in the summary form and include any attachments or supporting documentation. This form must be completed and returned to DHA within 10 days of DHA's e-mail date. Once the summary form is received and processed, DHA will notify W-2 agencies of all requested administrative tax intercept hearings. DHA will also notify the agency with the date, time and location of the tax intercept hearing.

The tax intercept hearing will be held in the *Petitioner*'s current county of residence. If the case has been transferred to another W-2 agency since the overpayment determination, both the current agency and the previous agency will be notified of

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

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13 Fraud

13.1 Program Integrity

13.1.1 Program Integrity

In accordance with Chapter 49 of the Wisconsin state statutes, the *W-2* and Related Programs Contract, and applicable sections of the W-2 Manual, W-2 agencies are required to establish a W-2 fraud program and plan. This requirement includes the development and submission of standard operating procedures for fraud prevention and fraud investigative activities, follow up on case findings, *CARES* case tracking and benefit recovery, and administrative tracking and reporting.

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13.1.2 Structure

As part of their responsibilities for ensuring the integrity of the programs they administer, both *W-2* and *IM* agencies must operate fraud prevention programs to identify and prevent fraud or error from occurring. The agency determining eligibility for a particular program is responsible for fraud prevention and fraud investigation activities in that program.

W-2 agencies should coordinate their fraud prevention and investigation activities with the agency that administers IM programs.

W-2 agencies may establish personnel responsible for performing fraud prevention and investigation activities, or contract out these functions.

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13.1.3 Fraud Standard Operating Procedures

As a contract requirement, each *W-2* agency is required to submit standard operating procedures outlining the internal steps the agency must follow to implement a fraud plan. Milwaukee W-2 agencies are required to submit standard operating procedures to their *DFES*/*BWF* Regional Administrators. *BOS* W-2 agencies are required to submit standard operating procedures to their W-2 Regional Coordinators.

Standard operating procedures must:

1. Describe the agency's plan to identify and address fraud;
2. Identify a Fraud Representative for the agency;
3. Describe the agency's plan to implement a Fraud Prevention Plan;
4. Establish procedures for *FEV*, fraud referrals, and investigations; and
5. Establish procedures to determine when overpayments are the result of an *IPV* and establish procedures for applying IPVs.

W-2 agencies must review their standard operating procedures periodically to ensure that they are current.

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13.1.4 Fraud Program Activities

W-2 agencies must differentiate between the following types of program integrity activities:

1. Routine verification for eligibility determination conducted on all applications and reviews detailed in W-2 Manual Chapters 1, 2, 3, and 17;
2. Selection of cases that exhibit error-prone case characteristics for referral to *FEV*;
3. Selection of potential fraud cases for referral to fraud investigation;
4. Establishment of *IPV*s;
5. Initiation of fraud overpayment claims and collections; and
6. Referral of cases to the local District Attorney's office for criminal prosecution.

Separation of these activities is necessary for proper reporting in the Benefit Recovery and Investigation Tracking System (BRITS).

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13.1.5 Benefit Recovery and Investigation Tracking System (BRITS)

Front-end verification and fraud investigation activities, costs, and investigative results are recorded in the *BRITS*. BRITS replaces the *CARES* Benefit Recovery Subsystem screens BVIR, BVIT, and BVPI that were exclusively used for fraud program reporting. In addition, BRITS is used to record comments for all front-end verification and fraud investigation activities.

W-2 agencies are responsible for tracking all referrals for front-end verification and fraud investigation. There are a number of WebI reports available to assist W-2 agencies in tracking BRITS referrals.

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13.2 Front-End Verification

13.2.1 Front-End Verification

13.2.1.1 Application of Front-End Verification
13.2.1.2 Benefit Delay Prohibited

The primary goal of *FEV* is to prevent fraud, waste, and abuse in the *W-2* program by identifying false reporting and by verifying ineligibility during the application process, reviews, or changes in circumstances. FEV mainly involves intensive verification of error-prone case characteristics or questionable eligibility information provided by individuals for W-2 payments and services including employment position payments and *JAL*s.

13.2.1.1 Application of Front-End Verification

W-2 agencies are responsible for ensuring that enhanced verification is conducted when information supplied by individuals is questionable or error-prone characteristics are present. The *FEV* process is appropriate at application, review, or when individuals report a change. However, FEV should not be routinely required on all new case applications, reviews, or changes. Cases referred for FEV must exhibit characteristics of a potential program error-prone profile. W-2 agencies must establish an error-prone profile for use to determine if a case meets the criteria for an FEV referral. (See 13.2.2)

13.2.1.2 Benefit Delay Prohibited

When a case is referred for *FEV*, the *W-2* agency must not delay eligibility determination. The W-2 agency must observe application and benefit processing deadlines even if the FEV results have not been received. Benefit recovery can be completed at a later date, if an overpayment is established.

13.2.2 Error-Prone Profile

13.2.2.1 Review of Error-Prone Profile
13.2.2.1.1 Prohibited Error-Prone Profile Characteristics
13.2.2.1.2 Residence
13.2.2.1.3 Household Composition
13.2.2.1.4 Assets
13.2.2.1.5 Earned Income
13.2.2.1.6 Unearned Income
13.2.2.1.7 General Criteria

An error-prone profile is a list of characteristics recognized by the *W-2* agency as indicators of error(s) on a case. It allows W-2 agencies to allocate administrative and investigative resources to those cases according to their potential for error. The criteria for an error-prone profile must accommodate situations applicable to the specific agency. For example, there are a high number of jobs in the area that provide opportunities for earning tips. In these situations, the error-prone profile would include not reporting tip income when working a job that routinely receives tips. *FEV* activities may reveal that some characteristics originally thought to show potential errors are irrelevant and not cost effective to pursue.

13.2.2.1 Review of Error-Prone Profile

Because error-prone profile criteria are likely to change over time, the *W-2* agency must evaluate its error-prone profile annually to determine if the profile is actually identifying errors. The recommended target is that 30% of cases referred to *FEV* should result in a referral for fraud investigation. If the W-2 agency does not meet the 30% target, it should remove characteristics that are not error-prone and add other characteristics that may be error-prone.

13.2.2.1.1 Prohibited Error-Prone Profile Characteristics

The following characteristics must not be used when developing an error-prone profile:

1. Race;
2. Color;
3. National origin;

4. Ethnic background;
5. Sexual orientation;
6. Religion;
7. Age;
8. Political belief;
9. Disability;
10. Association with a person with a disability; and
11. Marital status.

Federal regulations specifically prohibit error-prone profiles from targeting migrant farm workers or Native Americans.

13.2.2.1.2 Residence

Error-prone indicators for residence include:

- Conflicting documentation or verification differing from that reported by the individual;
- Recent arrival (within the prior three months) in the agency's county, excluding migrant farm workers, people who are homeless, and residents of shelters;
- Highly mobile families whom rarely stay in one location for more than two or three months; and
- Frequent or prolonged visits outside of the *W-2* Geographic Area.

13.2.2.1.3 Household Composition

Error-prone indicators for household composition include:

- Employable household members listed on the application and then later reported to have moved;
- Collateral contact statement is inconsistent with the individual's statement of household size;
- Landlord's address is same as individual's, but landlord is not included as a household member;
- Landlord is the absent parent or ex-spouse;

- An unmarried individual gives birth to a baby who is given the same last name as a male friend, but client claims male friend does not live with her;
- Client reports someone else pays the rent for several months, but that person is not listed in the home;
- Household reports large increases or decreases in household size or a frequently fluctuating household size; and
- Other household member(s) included on a *JAL* or *EA* application.

13.2.2.1.4 Assets

Error-prone indicators for assets include:

- Individual reports no assets or resources on the application, but has no unpaid bills;
- Individual reports no vehicle, but has no reasonable explanation of the transportation method;
- Individual claims no income for an extended period of time, but offers no satisfactory explanation of how needs were met before applying;
- Information provided by the individual shows a substantial reduction in assets just prior to application for assistance; and
- Reported assets are very near or equal to the asset limits.

13.2.2.1.5 Earned Income

Error-prone indicators for earned income include:

- Reported income is different than *IRS* records or state tax forms;
- Individual's expenses are being met, although individual's reported income is not enough to satisfy the financial obligations;
- Self-employment income reported to have stopped (potential business assets available);
- Individual reports zero income but states someone else paying the bills;
- Household that has an adult wage earner who becomes unemployed and reports no unemployment benefits or reports unemployment benefits have stopped, but employment has not resumed;

- Increase in non-participation without attempts from the individual to provide good cause; and
- Application for *JAL* or *EA* indicates increase in earned income not previously reported.

13.2.2.1.6 Unearned Income

Error-prone indicators for unearned income include:

- Household member claims disability, but does not report *SSI*, *SSDI*, or worker's compensation;
- Application for *JAL* or *EA* indicates source(s) of unearned income not previously reported; and
- Individual owns rental propert(ies).

13.2.2.1.7 General Criteria

General error-prone indicators include:

- Individual has provided contradictory information or made statements inconsistent with information provided during a previous contact in the application or review;
- Case was previously closed for loss of contact or failure to provide essential information;
- Case in which fraud was previously alleged or committed;
- Case in which information provided by applicant is incomplete or not clear;
- Case was previously referred for *FEV*, which resulted in either denial or reduction of benefits; and
- Case was flagged for potential error via the automated process for identifying error prone cases in *CWW*. (See DHS Operations Memo 14-38)

13.2.3 Referrals for Front-End Verification

13.2.3.1 Timeliness of Front-End Verification
13.2.3.2 Sources for Front-End Verification
13.2.3.2.1 Field Investigation
13.2.3.2.2 Information by Collateral Contacts
13.2.3.2.3 Surveillance
13.2.3.2.4 Vehicles & Assets Information
13.2.3.2.5 Income Information

A referral for *FEV* is completed when an investigation is needed to verify specific error-prone characteristics relating to program applications, reviews, or changes in circumstances. When the *W-2* agency suspects fraudulent reporting, the case must be referred for fraud investigation, not FEV.

The steps the W-2 agency must take to initiate and process a FEV referral are as follows:

1. Compare the case characteristics to the agency's error-prone profile;
2. Create a referral for FEV in *BRITS* and specify the error-prone reason(s) of concern; and
3. Provide specific information regarding the referral in BRITS.

13.2.3.1 Timeliness of Front-End Verification

The *W-2* agency must conduct front-end investigations within 30 calendar days from the date the referral was created in BRITS. If a front-end investigation is expected to exceed 30 days, the W-2 agency's fraud representative must record an extension due date in comments and provide an explanation.

13.2.3.2 Sources for Front-End Verification

To verify information that prompted a *FEV* referral, the *W-2* agency must determine the appropriate source(s).

13.2.3.2.1 Field Investigation

When documentary evidence is insufficient to determine eligibility or when a case fits the error-prone profile, a visit to the individual's residence may be appropriate. The *W-2* agency must provide the individual advance notice of the date of the visit and document issuance of the notice in BRITS. Field investigations should take place during normal business hours unless there are special circumstances.

W-2 agencies must follow these steps when conducting field investigations:

1. At the residence, identify yourself to the individual and explain the reason for your visit;
2. Request identification (Social Security card, driver's license, state ID, etc.) from the individual;
3. Treat the individual(s) and all other persons in the household with respect. Do not coerce the individual(s);
4. Ask permission to enter the residence. Do not attempt to enter if the individual refuses to give consent. Do not tell the individual that there will be automatic denial of the case;
5. Inform the individual who gave consent for you to enter the residence that the consent may be withdrawn at any time; and
6. Ask to see areas of the residence. Do not demand access to or inspect areas or items without the individual's consent.

13.2.3.2.2 Information by Collateral Contacts

A collateral contact is an oral or written confirmation of a household's circumstances by a person outside the household.

Examples of acceptable collateral contacts may include:

- Employers;
- Landlords;
- Social service agencies;
- Migrant service agencies; and
- Neighbors of the household who can be expected to provide accurate third-party verification.

13.2.3.2.3 Surveillance

W-2 agencies may use legal surveillance in completing an investigation of residence or household composition.

13.2.3.2.4 Vehicles & Assets Information

Examples of sources to verify vehicles and assets include:

- Department of Transportation;
- Register of Deeds for mortgage or debt information;
- Credit bureaus;
- Banking and other financial institutions, including prepaid debit card accounts; and
- Auto appraisers for collector vehicles.

See Chapter 4 for additional sources to verify assets.

13.2.3.2.5 Income Information

Examples of sources to verify income include:

- State wage matches;
- Contact with employer;
- State and federal tax information;
- Child support records;
- SSA; and
- Financial institutions.

See Chapter 4 for additional sources to verify income.

13.3.1 Fraud Investigation

The primary goal of a fraud investigation is to determine the correctness of an allegation that an applicant or recipient of *W-2* payments and services, including employment position payments and *JAL*s, intended to misrepresent his or her eligibility criteria or committed any act that constitutes an *IPV*.

In most suspected fraud cases referred to an investigator by the W-2 agency:

- A benefit overpayment is suspected and the agency has reason to believe the overpayment is the result of misrepresentation of program eligibility requirements. The misrepresentation of program eligibility or fraudulent activity may be the result of:
  - ♦ False or misleading statements of circumstances,
  - ♦ Failure to report a change in circumstances,
  - ♦ Concealed or withheld facts, or
  - ♦ Violation of a program regulation or State statute relating to program benefits.
- The benefit(s) would not have been provided, but for the false representation.
- The conduct of the applicant or recipient indicates the misrepresentation or fraudulent use of the benefit was done with knowledge and intent.

13.3.2 Referrals for Fraud Investigation

13.3.2.1 Identifying Potential Fraud
13.3.2.2 Timeliness of Fraud Investigation
13.3.2.3 Sources for Fraud Investigation

The steps the *W-2* agency must take to initiate and process a fraud investigation referral are as follows:

1. Assess whether the case meets the agency's fraud referral criteria established in the agency's standard operating procedures;
2. Review the allegations contained in the investigation referral;
3. Conduct the investigation in accordance with the agency's standard operating procedures to substantiate the allegations of fraud;
4. Provide specific information regarding the investigation in *BRITS*. (See 13.1.5); and
5. Initiate the processes for prosecution of fraud cases, applying an *IPV*, and calculating and collecting fraudulent overpayments.

13.3.2.1 Identifying Potential Fraud

Potential fraud may be identified by various sources, including:

- *W-2* agency staff;
- *IM* agency staff;
- Other agency staff (Child Welfare, Child Support, Child Care);
- *FIRE* staff;
- *FDIU*;
- W-2 Fraud and Child Care Anti-Fraud Task Forces;
- Program Integrity Unit;
- Complaints from the general public; and
- Anonymous tips from the general public.

Potential fraud may also be identified using various tools:

- Error-prone profiles;
- Periodic case audits;
- Shared information on automated systems (*CWW*, CARES, and Data Exchanges);
- Case worker alerts (W-2 and IM);
- Automated reporting systems (WebI); and
- *PARIS* interstate matches.

W-2 agencies should establish networks with local agencies to promote communication of fraud referrals. Fraud committed by an individual in one program may be simultaneously occurring in another program.

13.3.2.2 Timeliness of Fraud Investigation

The *W-2* agency must conduct fraud investigations within 90 calendar days from the date the referral was created in BRITS. If a fraud investigation is expected to exceed 90 days, the W-2 agency's fraud representative must record an extension due date in BRITS and provide an explanation.

When a W-2 agency designates fraud investigation activities to a third party, the W-2 agency is responsible for establishing procedures for requesting investigation extensions including the criteria for approval or denial.

13.3.2.3 Sources for Fraud Investigation

To determine the appropriate fraud investigation source(s) to verify the correctness of an allegation that prompted a fraud referral, see 13.2.3.2.

13.3.3 Disposition of Fraud Investigation

When the investigation finds that an individual intended to misrepresent his or her eligibility criteria or committed any act that constitutes an intentional program violation, the *W-2* agency must:

1. Establish an *IPV* or take no action to establish an IPV because the fraud allegation was not substantiated (see 13.4);
2. Determine whether the case meets the agency's criteria for referral to the District Attorney for prosecution for fraud (see 13.5); and
3. Establish overpayments claims to attempt to recover any benefits incorrectly paid to the individual as the result of the fraud (see 13.6).

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13.3.4 W-2 Service Provider Fraud

13.3.4.1 Prohibited Conduct
13.3.4.2 Reporting W-2 Service Provider Fraud

The *W-2* agency and the State have the ability to pursue a civil or criminal action against any entity that receives funds to which it was not entitled. The W-2 agency contracts are specific regarding the responsibility of each W-2 agency to monitor its subcontractors and recover any overpaid amount that resulted for any reason. (See 2013 W-2 Contract, Section XI. D.)

13.3.4.1 Prohibited Conduct

The following conduct by W-2 service providers are prohibited:

1. Knowingly and willfully making or causing to be made any false statement or representation of a material fact in any application for any benefit or payment;
2. Having knowledge of the occurrence of any event affecting the initial or continued eligibility for a benefit or payment under the W-2 program and concealing or failing to disclose that event with fraudulent intent to secure a benefit or payment under W-2 either in a greater amount or quantity than is due or when no such benefit or payment is authorized;
3. Soliciting or receiving kickbacks, cash or other forms of compensation, for referring an individual or individuals arranging or furnishing an item or service for which payment is received under the W-2 program; and

   Note: This provision does not include an amount paid by an employer to an employee who has a bona fide employment relationship with the employer for employment in the provision of covered items or services.
4. Knowingly charging a W-2 recipient for services provided under W-2 or charging a W-2 recipient for non-W-2 services without first notifying the recipient of potential charges.

13.3.4.2 Reporting W-2 Service Provider Fraud

Report W-2 service provider fraud to:

Department of Children and Families
W-2 Fraud Unit

PO Box 8916
Madison, WI 53708-8916

Or e-mail: w2fraud@wisconsin.gov

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13.4 Intentional Program Violation

13.4.1 Intentional Program Violation

13.4.1.1 Intentional Program Violation Determination and Notification
13.4.1.1.1 Intentional Program Violation Determination
13.4.1.1.2 Determining the Date of an Intentional Program Violation
13.4.1.1.3 Intentional Program Violation Notification
13.4.1.2 Intentional Program Violation Penalties
13.4.1.3 Imposing an Intentional Program Violation Penalty
13.4.1.4 Overpayment Recoupment for Intentional Program Violations
13.4.1.5 Additional Intentional Program Violation Enforcement Actions
13.4.1.6 Dispute Resolution Process

A *W-2 IPV* means that an individual did any of the following for the purpose of establishing, using, maintaining, increasing, receiving, transferring or trafficking W-2 payments and services including a *JAL*:

1. Intentionally made a false or misleading statement;
2. Intentionally misrepresented or withheld facts; or
3. Intentionally committed any act that constitutes a violation of state or federal law.

To determine whether to impose an IPV penalty for W-2 applicants, JAL applicants, or W-2 participants, the IPV must have been committed on or after November 1, 2012. An applicant does not have to receive payments or services prior to the agency imposing an IPV penalty.

The following are examples of IPVs:

- Concealing or intentionally not reporting unearned income or assets;
- Failing to report employment;
- Failing to report household composition change (including minor children);
- Failing to disclose/report non-Wisconsin residency;
- Submitting documentation that has been forged or tampered with;
- Submitting false information; or
- Using a JAL for other than an approved purpose.

Reminder: Prior to entering an IPV, the W-2 agency must enter all required fraud information in *BRITS*. (See 13.1.5)

13.4.1.1 Intentional Program Violation Determination and Notification

Within seven working days of receiving a fraud investigation report, the *W-2* agency must:

1. Determine if an *IPV* has occurred;
2. Determine whether an IPV penalty can be applied based on the November 1, 2012 effective date of Wis. Stat. s. 49.151(2); and
3. Notify the individual that he or she has committed an IPV.

13.4.1.1.1 Intentional Program Violation Determination

If the outcome of a fraud investigation confirms that an individual has committed a fraudulent act, the *W-2* agency must ensure that the fraudulent act meets the definition of an *IPV*. (See 13.4.1) It is likely that if the investigation concluded that an act was, in fact, fraudulent, then it will also be an IPV.

If the W-2 agency discovers that more than one act of fraud occurs at the same time, i.e., at application, at eligibility review, or during a change report, then the W-2 agency must impose only one IPV penalty. The agency can only impose subsequent IPV penalties after the individual has completed an IPV penalty period, re-enrolled in the W-2 program, and then violated program rules again. For example, after an individual has completed a 6-month penalty period for a first IPV, re-enrolls in the W-2 program, and then violates the program rules again, the agency can consider imposing a second IPV penalty. The same is true for imposing a third IPV penalty; an individual has to serve the 12-month penalty period for the second IPV, re-enroll in W-2, and then violate the program rules for the third time.

EXAMPLE: Louis applies for W-2 in June 2013 and is determined eligible and placed in a Community Service Job. The following month, the agency discovers that Louis did not report a savings account with a balance of $5,000. The agency imposes an IPV and Louis is disqualified from W-2 for six months. In March 2014, the agency discovers that Louis did not report his part-time employment that began in May 2013. The agency may not impose a **second** IPV since Louis had not re-applied for W-2 and violated program rules again.

In cases where the applicant is eligible for a JAL for an approved loan reason and uses the JAL funds for another reason that still meets a discreet financial crisis, an IPV is not applicable.

EXAMPLE: Joan applies for a JAL for auto repairs. Based on the information she provided on the application, the W-2 agency approves it and issues a check on June 11, 2013. On June 12, 2013, Joan's son Matthew went to the dental office after complaining of a toothache. After the exam, the dentist recommends an emergency root canal procedure. Joan does not have dental insurance and has to pay up-front for this procedure. She uses the JAL to cover this cost, as she does not have any other financial options. The agency determines that the emergency root canal procedure was a discreet financial crisis and does not impose an IPV.

All IPV determinations must be reviewed and approved by a supervisor or a supervisor's designee to ensure uniform application of IPV policy within each W-2 agency.

13.4.1.1.2 Determining the Date of an Intentional Program Violation

If the fraudulent act is committed prior to November 1, 2012, the agency must not impose an *IPV*. If the fraudulent act resulted in an overpayment, however, the *W-2* agency must still process the overpayment.

If it is discovered, through a data exchange or other third-party verified source, that a participant received or retained income while receiving W-2 that would have made them financially ineligible for W-2 and did not report it, the overpayment must start the day the income was received.

EXAMPLE 1: Marquita submits an altered Medical Examination & Capacity form in October 2012 claiming that she can only participate five hours per week. Based on this altered form, her *FEP* places her in a *W-2 T* placement with limited activities assigned. The following year, her FEP learns that Marquita altered the form she submitted in October 2012 by changing 15 hours to 5 hours. The fraudulent act (submitting falsified information) was committed prior to November 1, 2012. The W-2 agency must not apply an IPV penalty.

EXAMPLE 2: When the W-2 agency determines Lisa's initial W-2 eligibility in December 2012, Lisa does not list Tony, her son's father, as part of her household. In February 2013, Lisa reports that Tony is living with her. The W-2 agency subsequently determines that Tony has been living with Lisa since August 2011 and that Tony works full-time making them financially ineligible for W-2. The W-2 agency will apply an IPV because the fraudulent act occurred after November 1, 2012.

EXAMPLE 3: Judy was found eligible for a W-2 T placement in February 2014. Through a third party data exchange, Judy's FEP finds out that Judy received $10,000 as an inheritance on June 12, 2014. When Judy's FEP contacts Judy, Judy states that she spent the money by September 1, 2014. Judy would have been over the asset limit for the calendar months of July and August. Since Judy did not report the change in income timely, her overpayment period starts the day she received the inheritance, June 12, and ends the day before she was again eligible, August 31. If Judy had reported the income timely, there would not have been an overpayment.

EXAMPLE 4: Suki was found eligible for a CSJ placement in April 2016. On May 15, 2016, Suki receives a $5,000 legal settlement. Suki calls her FEP to report the change on May 16, 2016. Suki's FEP advises her to pay ahead on her rent, electric bill, and other utilities to help stabilize her living situation. At a follow-up appointment in July 2016, Suki's FEP asks if she still has any settlement money remaining. Suki says she still has $2,600, and plans on keeping it. Suki's FEP advises Suki that her case will close at the end of July since it will be her second month of being over assets. Suki agrees, and Suki's FEP closes her case on July 31, 2016. There is no overpayment as Suki reported the income timely, and Suki's FEP closed her case timely. If Suki had not reported the income, Suki's overpayment would have started on May 15 and ended when her case closed.

13.4.1.1.3 Intentional Program Violation Notification

The *W-2* agency must notify an individual in writing that he or she committed an *IPV* by generating the IPVI letter from *CWW*. The letter informs the individual:

1. He or she has been determined to have committed an IPV;

2. The date(s) of the fraudulent act;
3. The fraudulent act that resulted in the IPV penalty; and
4. He or she has seven working days to provide any additional information regarding the IPV.

The W-2 agency must allow seven working days for the individual to rectify the IPV.

- If the individual submits additional information related to the IPV within the seven working day timeframe, the W-2 agency must review the additional information and decide if the IPV determination should be overturned.
- If the IPV is overturned, the agency must delete the IPV and must notify the individual that he or she will not receive an IPV penalty. If the IPV is not overturned, the W-2 agency must impose the IPV.

The period of ineligibility begins the first day of the month after the seven working day timeframe. CWW will generate a Notice of Eligibility to the ineligible individual.

EXAMPLE: On May 28, 2013, the W-2 agency receives a fraud investigation report on Mary's case. The Fraud Coordinator reviews the report on June 6, 2013 and determines that the fraudulent act was intentional. On that day, the W-2 agency enters the IPV and generates an IPV notification letter (IPVI) to Mary, giving her until June 17, 2013 to provide any additional information regarding the IPV. On June 18, 2013, the agency imposes the IPV penalty because Mary did not submit new information. This is Mary's first IPV. Mary will be ineligible for W-2 for six months beginning July 1, 2013, and ending December 31, 2013.

13.4.1.2 Intentional Program Violation Penalties

If the *W-2* agency determines that an individual has committed a W-2 or *JAL IPV*, the W-2 agency must impose an IPV penalty denying W-2 and JAL to the individual for the following time periods:

1. Six months for the first IPV;
2. One year for the second IPV; and
3. Permanently for the third IPV.

Once a W-2 agency imposes an IPV penalty, the penalty continues uninterrupted for the duration of the ineligibility period unless reversed under the W-2 dispute resolution process (See Chapter 12). The duration of the ineligibility period is never subject to review.

Each IPV determination is subject to the dispute resolution process.

13.4.1.3 Imposing an Intentional Program Violation Penalty

IPV determinations for *W-2* (including *JAL*s), Wisconsin Shares (child care) and EA are independent of each other. If an individual is determined to have committed a W-2 or JAL IPV, the penalty applies to both W-2 and JAL. If an individual commits a child care IPV, the penalty applies only to child care. If an individual commits an EA IPV, the penalty applies only to EA.

If a W-2 applicant or participant demonstrates an inability to obtain child care as a result of a child care IPV, the W-2 agency must not grant good cause for all non-participation.

EXAMPLE: Cathy applies for W-2 and child care. During the W-2 application process, Cathy states that she and her two children reside in her home. She states that her husband James moved out two months ago and she does not know where he is. The *FEP* completes the W-2 intake and confirms eligibility. The FEP reviews all W-2 forms with Cathy before she signs them. After the appointment, the FEP's co-worker approaches her and states that Cathy is her neighbor and that James resides in the home. The FEP calls Cathy and she admits that James is in the home and that she did provide false information. The FEP discusses the situation with the Fraud Coordinator who decides that Cathy committed a W-2 IPV. The Fraud Coordinator notifies child care of the finding and child care makes the IPV determination for that program. The following month, Cathy is not able to pay her rent. She applies for EA and lists herself, her husband, and two children on the EA application. The W-2 IPV does not prevent Cathy from being determined eligible for EA. She may be eligible for EA if she meets all of the nonfinancial and financial eligibility.

More than one adult in the *W-2 Group* may be determined to have committed an IPV and can be subject to the penalty. Only the individual determined to have committed an IPV must receive the penalty. An individual ineligible for W-2 due to an IPV penalty is an *Included Adult* in the W-2 Group for the purpose of financial eligibility; however, the individual is not eligible for a W-2 placement or services or JAL.

In the case of a two-parent household when one parent is ineligible and the second parent has been determined not to be involved in the IPV activity, the second parent may apply for, and may be, eligible for W-2.

If the W-2 case is closed, or if the individual has already received a JAL, an IPV may still be determined and a penalty applied.

(See Operations Memo 13-10 for instructions on entering W-2 and JAL IPVs in CWW)

13.4.1.4 Overpayment Recoupment for Intentional Program Violations

The *W-2* agency must establish all W-2 overpayments claims in the CARES *BV* Subsystem. CARES automates the collection process by sending the overpayment notice, repayment agreement, and past-due (dunning) notices. CARES also automates recoupment of overpayments from ongoing benefits.

Because an individual's W-2 case will close for an *IPV*, it is not possible to recoup from ongoing benefits. When entering overpayment claims related to IPVs, the agency must use IV as the Error Type on CARES screen BVCL. If a balance still exists when the individual reapplies for, and is found eligible for W-2, CARES will recoup the remaining overpayment from ongoing benefits. (See 10.3.3)

Under no circumstances can the W-2 agency recoup *JAL* payments from W-2 payments, including any JAL payments that occur due to an IPV. When a JAL recipient commits an IPV and receives an IPV penalty, the recipient is still subject to the terms of his or her JAL repayment agreement. (See 17.5)

13.4.1.5 Additional Intentional Program Violation Enforcement Actions

After the *W-2* agency determines that an *IPV* has occurred, the agency may decide to take additional enforcement action(s). The additional enforcement action(s) include:

1. **Refer for possible criminal prosecution**. The W-2 agency must communicate with its Corporate Counsel to discuss and establish thresholds and criteria regarding when to refer individuals to local law enforcement or the district attorney for consideration of possible criminal prosecution.
2. **Obtain a Disqualification Consent Agreement**. If the W-2 agency decides to refer an individual to the District Attorney for prosecution for civil or criminal misrepresentation or fraud, the agency may offer the individual the option to sign a consent agreement with the agency to defer the referral for prosecution. Individuals who choose to sign this waiver still receive an IPV penalty.

13.4.1.6 Dispute Resolution Process

Individuals may appeal an *IPV* determination by requesting a Fact Finding Review. (See Chapter 12) A *W-2* IPV determination and the establishment of an IPV-related overpayment are considered two separate actions. The individual must appeal each action separately.

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13.4.2 Misrepresentation of Identity or Residence

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

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

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

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

13.5 Referral to Prosecution

13.5.1 Referral to Prosecution

13.5.1.1 Referral Criteria
13.5.1.2 Prosecution Alternatives

As a part of the *W-2* agency's fraud standard operating procedures, the W-2 agency must establish internal policies and procedures for identifying fraud cases for referral to prosecution. W-2 agencies are encouraged to develop referral criteria with their local District Attorney's office to make a satisfactory referral to prosecution.

13.5.1.1 Referral Criteria

W-2 agencies must determine if a case should be referred for prosecution based on whether:

1. The completed investigation report supports the allegation of fraud and provides evidence of intent;
2. The investigation was completed in a timely manner;
3. The case meets the local agency's policy and cost effective criteria;
4. The case meets the local District Attorney's prosecution criteria; and
5. The agency designee recommends prosecution.

13.5.1.2 Prosecution Alternatives

There are several alternatives that allow individuals to avoid criminal prosecution in court by agreeing to certain terms at various points of the legal process:

- Pre-Charge Diversion Agreement;
- Pre-Trial Agreement;
- Deferred Prosecution Agreement; and
- Disqualification Consent Agreement.

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13.6 Fraudulent Benefit Recovery

13.6.1 Fraudulent Benefit Recovery

13.6.1.1 CARES and Central Recovery Enhanced System Overpayment Recovery Actions

Fraud overpayments are benefit overpayments issued as a result of a fraudulent act. The *W-2* agency must attempt to recover only the amount of W-2 benefits incorrectly paid to the individual. If fraud is suspected in more than one public assistance program, the W-2 agency should communicate with other affected programs so recovery of all program benefit overpayments can be made.

When an overpayment occurs as the result of an *IPV* (see 13.4), the W-2 agency must process the overpayment as an IPV claim for the purposes of benefit recovery from W-2 payments (see 10.3.3).

The individual may appeal a fraud overpayment by requesting a Fact Finding Review. (See Chapter 12)

13.6.1.1 CARES and Central Recovery Enhanced System Overpayment Recovery Actions

CARES processes overpayment claims, identifies liable individuals, and generates the appropriate notices and worksheets. CARES tracks the repayment of overpayments, issuance of notices of nonpayment, closes a claim when the balance is paid, and identifies and tracks refunds.

CARES sends three dunning or past due notices to the individual before referring delinquent claims for further collection action, as authorized by law, to the *CRES*. CRES is monitored and maintained by the *PACU*. PACU uses the CRES system to initiate delinquent collection actions including State tax intercept and lien and levy for *TANF* programs.

14 Two Parent Households

14.1 Introduction

W-2 is based on the philosophy that both parents are responsible to care for and support their children. The W-2 agency's goal, whenever possible, is to increase the family's total income by helping both parents find and keep employment.

Not all families with two adults are considered two-parent households for purposes of W-2. W-2 has specific policies for two-parent households. A W-2 two-parent household is a *W-2 Group* where both adults:

1. are *Custodial Parent (CP)* who have a child in common (for example, step parents do not meet the definition of a custodial parent however these individuals are considered an *Included Adult* for eligibility purposes);
2. reside in the same household with their child(ren);
3. meet all W-2 eligibility criteria (for example, a custodial parent receiving SSI or a custodial parent who is not a qualified non-citizen are not members of a two-parent household for W-2 purposes because those adults do not meet W-2 nonfinancial eligibility requirements and therefore are "included adults" not eligible adults);
4. are not a *Disabled Adult*; and
5. are not caring for a *Severely Disabled Child* in the W-2 Group.

It is important to note that when one parent in a W-2 Group with two adults does not meet the W-2 eligibility requirements and is considered an "included adult" that W-2 Group still may be eligible for W-2 services. However, the W-2 Group will not be considered a two-parent household for W-2 purposes.

EXAMPLE: Ineesha and Nate Tosh apply for W-2. They are married and have two minor children together. Ineesha receives public employers' disability benefits. Nate has been unemployed for the last six months. The family meets all other W-2 financial and nonfinancial eligibility requirements. Nate is not ready for employment due to barriers identified by the FEP. The family is eligible for W-2, and Nate is placed in a CSJ. However because Ineesha meets the definition of a disabled adult, the W-2 Group is not considered a two-parent household for W-2 purposes. Ineesha cannot be required to participate in W-2 activities.

This chapter discusses the policies related to W-2 Groups that meet the definition of a W-2 two-parent household.

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14.2 W-2 Placements

14.2.1 W-2 Placements for Two-Parent Households at Application

While the goal for *W-2* two-parent households is to increase both parents' earning capacity, only one parent in a W-2 two-parent household can be placed in a W-2 position at any one time. Because only one parent can be placed, the *FEP* must determine which parent is "most employable" and place that parent in the appropriate W-2 placement. **Note:** The other parent is not required to participate in W-2 activities unless the family receives Wisconsin Shares. (See 14.3)

The "most employable" parent is the parent who is best able to most quickly increase the family's income by getting and keeping employment. Below are some examples:

- In a W-2 two-parent household where neither parent is working, the FEP must place the parent who is best able to find the highest paying job the quickest.
- In a W-2 two-parent household where one parent is working, the FEP must place the parent who is best able to increase the family's income the quickest.
- If the parent who is working is unable to increase the family's income by increasing his/her work hours or wages, the FEP must place the non-working parent.

In situations where one or both of the parents in a W-2 two-parent household are not able to get and keep employment due to a disability that would qualify for *SSI*, *SSDI* or other disability benefits, the FEP must place the parent who is best able to most quickly increase the family's income from either disability benefits or employment.

The *FEP* determines which parent to place in close consultation with each of the parents by carefully assessing all of the following factors:

- The short and long-term employability of each parent;
- The wages each parent is able to earn based on his/her skills, abilities and the jobs available in the workforce;
- The activities needed to prepare each parent for unsubsidized employment;
- Total family strengths and barriers, including the need for child care and other supportive services; and
- The amount of income a parent who is unable to work due to disability will receive in the foreseeable future from SSI, SSDI or other disability benefits.

The FEP assesses these factors by meeting with each parent in a W-2 two-parent household and by completing an informal assessment of each parent. The FEP must

offer each parent the *BST* at application and at other times as required by the BST policy. (See 5.4) Unless both parents request the BST be administered to them together, the BST must be administered to each parent separately.

EXAMPLE 1: Kaileigh and Cole Jackson apply for W-2 and meet the definition of a W-2 two-parent household. Kaileigh and Cole are both unemployed. In the past, Kaileigh has worked as a waitress and Cole has worked at the local factory on the line. Although Cole has better long term earning potential, there are not currently any jobs in the area that match his skills. Kaileigh, on the other hand, has many jobs available to her at least part time. Both have barriers to employment but Kaileigh's are easier to address. With this in mind, the FEP determines Kaileigh is the most employable as she is able to get a job more quickly than Cole. The couple agrees that their best plan is to focus on getting Kaileigh a job as quickly as possible. The FEP places Kaileigh in a *CSJ* and encourages Cole to volunteer for activities and services.

EXAMPLE 2: Kimberly Hetto and Jason Lee apply for W-2 and meet the definition of a W-2 two-parent household. Both parents are unemployed and have significant barriers. Jason has more of a work history than Kimberly but he has an uncooperative attitude and does not do well in his mock interviews conducted by the W-2 agency. The FEP determines that Kimberly is most employable because she is best able to prepare for employment and more motivated to work than Jason. The FEP places Kimberly in a CSJ and encourages Jason to volunteer for activities and services.

EXAMPLE 3: Gerri and Jeff Kast apply for W-2 and meet the definition of a W-2 two-parent household. Jeff has significant disabilities that prevent him from working and he wants to apply for *SSI*. Gerri has worked in the past but she currently has a drinking problem and other barriers to employment. She has not worked for several years. Although Gerri says she wants to work on her drinking and other problems, it will likely take her some time to address her issues and prepare for employment. However Jeff would be able to receive SSI in the foreseeable future. The FEP determines Jeff is most able to most quickly increase the family's income by getting SSI. The FEP places Jeff in a *W-2 T* and encourages Gerri to volunteer for activities and services.

EXAMPLE 4: Jim Reed and Brandy Carter apply for W-2 and meet the definition of a W-2 two-parent household. Brandy has a verified medical condition limiting her hours of employment to 2 hours per day or less. She currently works 10 hours per week at Goodwill Industries. Jim and Brandy reside with both of their children who are in high school and do not need child care. In the past, Jim has been the family's primary financial provider. He is currently unemployed and wants to work full-time but has some barriers. The FEP determines that because of Brandy's medical condition, she is unable to increase her hours or her wages. As a result, Jim is the most employable because, after Jim addresses his barriers, he is best able to increase the family's income by working full time. The couple agrees that Jim should try to find a job. The FEP places Jim in a CSJ and encourages Brandy to volunteer for activities and services in addition to her 10 hours working at Goodwill.

EXAMPLE 5: LaKeisha and Marcus Clayton apply for W-2 and meet the definition of a W-2 two-parent household. Marcus works 15 hours per week delivering newspapers and LaKeisha is unemployed. Marcus wants to find another job but has not been able to find one on his own due to his criminal record. LaKeisha struggles with depression. As a result, the FEP determines Marcus is the most employable because he is able to increase the family's income by increasing his hours of work and/or finding a better paying job. The couple agrees that their best plan is for Marcus to get a new better paying job. The FEP places Marcus in a pro-rated CSJ and encourages LaKeisha to volunteer for activities and services.

EXAMPLE 6: Natasha Filbert and Anthony Marques apply for W-2 and meet the definition of a W-2 two-parent household. They have five children. Although Anthony is working full-time, the family still meets financial and nonfinancial eligibility for W-2. Anthony is not able to increase his hours or his wages. Natasha has some barriers but once they are resolved, she is able to work at least part time. The FEP determines Natasha is the best able to increase the family's income and places Natasha in a CSJ. The FEP encourages Anthony to volunteer for retention services provided by the W-2 agency.

14.2.2 Re-Determination of W-2 Placement for Two-Parent Households

Over time, the circumstances of a *W-2* two-parent household may change. For example, one or both of the parents may:

- Leave the *W-2 Group*;
- Lose a job;
- Get a job;
- Lose job hours and/or wages;
- Increase job hours and/or wages;
- Become incapacitated for a short period of time; or
- Become eligible for *SSI*, etc.

When changes occur, the *FEP* must determine if the W-2 Group still meets W-2 eligibility requirements. If the W-2 Group still is eligible, the FEP must determine if the W-2 Group still meets the definition of a W-2 two-parent household. If the W-2 Group still is a two-parent household, the FEP needs to determine if the most employable parent is placed and the appropriate W-2 placement. (See 14.2.1) When necessary, the FEP must change the placement and/or the parent who is placed to ensure that the parent who is best able to increase the family's income the quickest is placed in the appropriate W-2 placement.

EXAMPLE 1: Kaileigh and Cole Jackson meet the definition of a W-2 two-parent household. Several months after being placed in a CSJ, Kaileigh gets a part-time waitress job working 20 hours per week. Kaileigh is looking for another part time job to get her hours up to full time. The FEP places Kaileigh into a pro-rated CSJ. Cole continues to volunteer for W-2 activities as the second parent in a W-2 two-parent household.

EXAMPLE 2: Kimberly Hetto and Jason Lee are a W-2 two-parent household. Kimberly is placed in a CSJ. A month after placement, Jason moves out. Kimberly's and Jason's children are residing with Kimberly. With Jason no longer in the home, the FEP determines this situation no longer meets the definition of a

W-2 two-parent household. Kimberly still is eligible for W-2 and her appropriate placement still is CSJ. Kimberly continues in her CSJ as a single parent case.

EXAMPLE 3: Gerri and Jeff Kast are a W-2 two-parent household. Several months into his *W-2 T*, Jeff qualifies for SSI payment. He provides a copy of the award letter. Jeff no longer meets W-2 nonfinancial eligibility requirements due to his receiving SSI. That means he is now an *Included Adult*, instead of an eligible adult and the W-2 Group no longer meets the definition of a W-2 two-parent household. The W-2 Group, however, is still eligible for W-2. The FEP ends Jeff's W-2 T placement and places Gerri in a W-2 T.

EXAMPLE 4: Jim Reed and Brandy Carter are a W-2 two-parent household. Several months after Jim is placed in a CSJ, he gets a full-time job. Brandy still works 10 hours per week at Goodwill Industries. The FEP determines with Jim's full-time income, the household's income exceeds 115% of the federal poverty level (FPL). Jim agrees to follow-up services, and the FEP changes his placement from a *CSJ* to a *CMF* placement. The FEP determines their W-2 Group still meets the definition of a W-2 two-parent household, and encourages Brandy to continue her voluntary W-2 activities and services.

EXAMPLE 5: LaKeisha and Marcus Clayton are a W-2 two-parent household. Several months into his pro-rated CSJ, Marcus gets a full time job. Despite his employment, the W-2 Group still is below 115% of the FPL. The W-2 Group continues to meet the definition of a W-2 two-parent household. The FEP ends Marcus' pro-rated CSJ placement and places LaKeisha in a W-2 T. LaKeisha has been volunteering for W-2 activities during the months Marcus was placed. She has decided to apply for SSI with help from the W-2 agency. The FEP encourages Marcus as the second parent to volunteer for retention services to support his continued employment.

EXAMPLE 6: Natasha Filbert and Anthony Marques are a W-2 two-parent household. Natasha is placed in a CSJ and Anthony is working full-time. Several months later, Anthony loses his job because he has a short term health problem. The FEP determines that Anthony is now the most employable parent. Because the W-2 Group still meets the definition of a W-2 two-parent household, the FEP ends Natasha's CSJ placement and places Anthony in a CSJ. Natasha agrees to

volunteer for activities and services to support her goal of resolving her barriers to work at least part-time.

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14.3 Participation Requirements for Second Parent in a W-2 Two-Parent Household

Participation requirements for the second parent in a *W-2* two-parent household are determined by whether the family is receiving Wisconsin Shares subsidized child care.

When the second parent is required to participate or volunteers to participate, the *FEP* must create an *EP* for the second parent. (See 6.1)

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14.3.1 Participant Requirements for Second Parent in a Household Receiving Wisconsin Shares

The second parent in a *W-2* two-parent household is required to participate in W-2 activities if the W-2 two-parent household is receiving Wisconsin Shares.

The assigned hours for both parents must add up to 55 total hours. To determine how many hours must be assigned to the second parent, the FEP must subtract the hours assigned to the placed parent (Total Placed Parent Hours) from 55 total hours.

The second parent must be assigned to hours based on the following formula:

55 hours – Total Placed Parent Hours = Hours Assigned to Second Parent

Based on the *FEP*'s determination, in consultation with both parents, the FEP may assign additional activities to the second parent if those additional hours will help prepare the second parent for unsubsidized employment.

EXAMPLE: Mary Jones and Jesus Pena and their two children are part of a W-2 two-parent household and are receiving W-2 services. The W-2 two-parent household is receiving Wisconsin Shares. Mary is assigned to a *CSJ* placement. She is required to participate in Work Experience for 35 hours per week and GED classes for 5 hours per week for a total of 40 hours of assigned activities. To meet the combined total of 55 hours, Jesus must be assigned at least 15 hours of allowable activities:

55 hours – 40 hours assigned to Placed Parent = a minimum of 15 hours for Second Parent

Jesus needs to improve his English skills and he wants to meet with a job developer regarding employment options. The FEP assigns Jesus to 10 hours of English as a Second Language and 10 hours of Employment Search for a total of 20 hours per week. The couple's combined 60 hours per week meet the minimum of 55 hours required for their W-2 two-parent household receiving Wisconsin Shares.

14.3.2 Participation Requirements for Second Parent in a Household Not Receiving Wisconsin Shares

If the *W-2* two-parent household is not receiving Wisconsin Shares, the second parent is not required to participate in W-2 activities. However the second parent may volunteer to participate to W-2 activities that are suggested by, but not required by, the W-2 agency. If the second parent chooses to voluntarily participate in W-2 activities, the W-2 agency must provide the second parent an opportunity to participate in W-2 activities.

The *FEP* must work with both parents to identify activities, taking into consideration the schedules of the parents and children in order to accommodate the fact that the family is not receiving Wisconsin Shares.

EXAMPLE: Leticia and Tom Smith are part of a W-2 two-parent household with their children and are receiving W-2 services. The Smiths are not receiving Wisconsin Shares. Tom is placed in a *CSJ* and is participating in work training experience from 8:00 a.m. until 3:30 p.m., Monday through Friday. The family has two children who are in school from 8:30 a.m. until 3:00 p.m. Monday through Friday. From 9:00 a.m. until 2:30 p.m., Monday through Friday while the children are in school, Leticia may volunteer for W-2 activities that are suggested by, although not required by, the FEP to help Leticia progress toward unsubsidized employment.

14.4 Non-Participation in Two-Parent Households

14.4.1 Payment Reductions for Non-Participation in W-2 Two-Parent Households

Hourly payment reductions (also known as sanctions) only apply to the placed parent in a *W-2* two-parent household. (See 11.1) The *FEP* must not apply an hourly payment reduction when the second parent in a W-2 two-parent household misses required W-2 activities, regardless of whether the household is receiving Wisconsin Shares.

However, when the second parent is required to participate in W-2 activities, the FEP must determine whether there is good cause for the second parent's missed hours of participation and enter that good cause determination. The good cause determination is important because it may be used by the Wisconsin Shares child care program to determine if the second parent's non-participation will affect Wisconsin Shares eligibility.

If either parent in a W-2 two-parent household misses W-2 activities without good cause and these activities are required for Wisconsin Shares eligibility, the family's eligibility for Wisconsin Shares may be affected. (See Wisconsin Shares Manual)

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14.5 W-2 Time Limits

14.5.1 W-2 Time Limits for W-2 Two-Parent Households

See Chapter 2.10.2.1 for the policies relating to W-2 time limits and clocks affecting *W-2* two-parent household cases.

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15 Child Support

15.1 Assignment and Distribution of Child Support Payments

15.1.1 Assignment of Child Support Payments

As a condition of eligibility, all parents in the *W-2* Group are required by law to assign to the state all child support payments paid or accrued while the W-2 Group is in one of the following placements:

- *W-2 T;*
- *CSJ; or*
- *CMC* placement when the individual in a CMC placement previously received *AFDC*, W-2, or *CTS* payments. If an individual currently in a CMC placement did not previously receive AFDC, W-2 T, CSJ, or CTS, child support is not assigned during the CMC placement.

The “assignment” of support means that child support collections can be retained by the state to pay back some or all of the federal and state costs of the cash assistance paid to W-2 participants. Not all of the child support collected is retained by the state.

15.1.2 Distribution of Child Support Payments

As shown in the chart below, current *W-2* participants subject to assignment of child support receive 75% of current child support payments and receive either 75% or 100% of past-due (arrears) child support payments, depending on whether the payment is past-due from the period of W-2 participation or from a period when the W-2 participant was not on W-2.

Type of Child Support	**Portion Paid to the Family**	**Portion Paid to the State**
Current child support payments paid to parents in the W-2 Group subject to assignment of child support*	75%	25%**
Past due child support payments that accrued during months when the parent(s) in the W-2 Group was subject to child support assignment*	75%	25%**
Past due child support payments that accrued during months when the parent(s) in the W-2 Group was <u>not</u> subject to child support assignment	100%	None

* The following W-2 placements are subject to child support assignment: *W-2 T*; *CSJ*; and *CMC* when the individual in a CMC placement previously received *AFDC*, W-2 or *CTS*.

** When the child support paid amount is more than the assigned child support amount, the amount that exceeds the assigned child support amount is paid to the family.

Once a W-2 case closes, all child support received is paid to the family. If current or past due child support is paid when the family is no longer on W-2, the family receives 100% of the child support paid even if the child support previously was assigned to the state.

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

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15.1.3 Informing Applicants about Assignment of Child Support Payments

W-2 agencies are required to give all W-2 applicants the Notice of Assignment Child Support, Family Support, Maintenance, and Medical Support form (2477) and the Good Cause Notice form (2018). (For more information on the Good Cause Notice form, see 15.6.1.)

Those applicants being referred to the local *CSA* or applicants already receiving services from the local CSA must sign the Notice of Assignment form (2477) acknowledging the assignment of child support or at least an understanding of how child support payments are assigned if and when they begin receiving child support payments while receiving W-2 services. If an individual refuses to acknowledge the assignment, the W-2 agency representative must sign the gray shaded box, which indicates the applicant's refusal to acknowledge the assignment. In addition, these referred applicants or applicants already receiving child support services must receive the Your Guide to W-2 Services, Cash Benefits Programs, & Child Support brochure (16232-P).

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15.2 Referral to the CSA

15.2.1 Referral to the CSA

The *W-2* agency must refer the following W-2 applicants to the local *CSA*:

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 Coparent* cases (families where the parents either are not married to each other or were not married to each other when the child was born), and where paternity has not been established by legitimation, court action or paternity acknowledgement. Fathers with children needing paternity establishment are:
    - Acknowledged father, non-conclusive: voluntary acknowledgement without an effect of a judgment of paternity (pre May 1, 1998 in Wisconsin);
    - Alleged father: named by custodial parent as probable father; or
    - Claimed father: father lives with the child, claims to be the father but paternity has not been established.

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

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

An automated referral is sent via CARES screen APGI when W-2 eligibility is confirmed.

W-2 agencies are encouraged to establish a collaborative working relationship with CSAs. Each W-2 agency is encouraged to contact its local CSA regarding any child support issues affecting the W-2 applicant's or participant's family.

15.2.2 Fees for the CSA's Services

The *CSA* will not charge a fee for services provided to *W-2* participants. When a participant leaves the W-2 program or is determined ineligible, child support services will continue automatically. There will be no new application fee or application process necessary. However, if the individual leaves the W-2 program or is determined ineligible and also requests his or her child support case be closed and then reapplies for child support services, the individual is subject to the child support fee structure and to court costs. (See the fees and costs for child support services at http://dcf.wisconsin.gov/cs/fees/)

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15.3 Child Support Cooperation

15.3.1 Cooperation with the CSA

The *CSA* determines whether or not a parent is cooperating with the CSA for:

- paternity establishment;
- support order establishment; and
- child support enforcement

In order to be eligible for *W-2* services or a *JAL*, all parents in the *W-2 Group* must fully cooperate with the CSA in relation to all children for whom the parent is a custodial parent or a noncustodial parent. Note: A parent can be both a custodial parent and a noncustodial parent if the parent does not have custody of all of his or her children.

A custodial parent must cooperate with the CSA by:

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

The CSA must conclude a custodial parent is cooperative if the custodial parent has signed an affidavit attesting to full cooperation and there is no substantial independent evidence or verifiable information that suggests the custodial parent is not cooperating. The W-2 agency must consider a parent to be cooperative with child support if there is an open child support case for the child in question and there is no indicator of noncooperation from the CSA.

An *NCP* must cooperate with the CSA by:

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

Once W-2 eligibility is determined, child support cooperation must continue in order for the W-2 Group to maintain eligibility unless there is a current exemption or good cause for noncooperation.

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15.3.2 Noncooperation with the CSA

15.3.2.1 Noncooperation by Custodial Parents
15.3.2.2 Noncooperation by Noncustodial Parents

The *CSA* determines when a parent is not cooperating with the CSA. An alert is sent to the *W-2* worker via *CARES* from *KIDS* regarding the CSA's determination of a W-2 participant's non-cooperation with child support. KIDS also generates a letter from the CSA to the parent regarding the CSA's determination of the parent's noncooperation with child support.

15.3.2.1 Noncooperation by Custodial Parents

The CSA may determine a custodial parent is not cooperating if the custodial parent does any of the following without adequate reason:

- Misses two consecutive CSA appointments;
- Misses one CSA appointment and fails to respond to a written communication from the CSA within a 90-day period; or
- Fails to appear for a hearing, other legal proceeding, or genetic test.

The CSA must consider any of the following reasons as an adequate reason for a custodial parent's failure to do any of the three noncooperation items above:

- Personal or family illness or injury;
- Family crisis;
- Breakdown in transportation arrangements;
- Inclement weather that causes a general breakdown in travel;
- Failure to receive a hearing notice, appointment notice, or written request for information due to a demonstrable mail problem, address change, or extended time away from home;
- Other reasonable circumstances as determined by the CSA or the Department.

When a custodial parent informs the CSA about any of the adequate reasons above for the custodial parent's noncooperation, the CSA must determine the parent is cooperating due to the adequate reason(s). The CSA may request evidence verifying

adequate reason if there are repeated instances of failure to respond based on the above reasons.

15.3.2.2 Noncooperation by Noncustodial Parents

The CSA may determine a noncustodial parent is not cooperating if the noncustodial parent is the subject of a warrant relating to paternity or support, including a criminal warrant for failure to support, a civil warrant for contempt of court, or an arrest warrant, excluding a warrant issued for failure to complete service of process.

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15.4 W-2 Agency's Follow-up on Noncooperation

15.4.1 Requirements When the CSA Determines Noncooperation

When a parent is not cooperating with the *CSA*, the *FEP* receives an alert indicating the CSA's determination of noncooperation.

The FEP has up to seven calendar days from receiving the alert to act on the alert by pending *W-2* and generating the Notice of Action Needed. If the seventh calendar day is on a weekend or holiday, the FEP has until the next working day to act on the alert. (See 15.6.3) The FEP must not pend W-2 or generate the Notice of Action Needed if a good cause claim exists and has not been denied.

When W-2 is pended and the notice is generated, the parent has seven working days from issuance of the Notice to cooperate with child support or file a good cause claim (see 4.1.3). On (and not earlier than) the 8th working day after the issuance of the notice, if the parent does not begin cooperating or file a good cause claim, the FEP must end the W-2 placement in *CWW* and run eligibility to close W-2.

> **EXAMPLE:** The FEP receives a noncooperation alert on Thursday, January 15, 2015. By seven calendar days later, the FEP checks and sees that there is no new alert indicating noncooperation has ended. The individual also does not have an approved good cause claim or a claim awaiting approval. Therefore, on Thursday, January 22, 2015, the FEP pends W-2 and generates the Notice of Action Needed. The participant then has seven working days from issuance of the notice (until Monday, February 2, 2015) to start cooperating with child support or submit a good cause claim. The participant does not claim good cause or cooperate with child support, so on the eighth working day (Tuesday, February 3, 2015), the FEP closes W-2.

If a parent from the *W-2 Group* reapplies while another parent in the W-2 Group still is not cooperating with child support, the W-2 Group is ineligible for either W-2 services or a *JAL* until the parent cooperates or establishes good cause for noncooperation. During the intake appointment, the FEP must generate the Notice of Action Needed to allow the applicant seven working days to cooperate with child support or claim good cause.

Note: Some individuals are exempt from cooperating with child support. Typically, the CSA does not report noncooperation for exempt individuals. Regardless, if an individual is exempt, the W-2 agency cannot impose any penalty for the individual's noncooperation, and he or she does not have to provide good cause for noncooperation (see 15.5.1).

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15.4.2 W-2 Group with Multiple Child Support Cases

A parent in a *W-2 Group* may be part of more than one child support case. In these situations, it is possible for the *CSA* to determine there is cooperation with child support for one of the child support cases and also determine there is noncooperation for the other child support case. When the *W-2* agency has determined a parent in a W-2 Group is not cooperating with child support and there is no exemption or good cause for the noncooperation, then the entire W-2 Group is ineligible for W-2 due to the parent's noncooperation with child support even if the parent or another parent in the W-2 Group is cooperating with child support.

EXAMPLE: Karina is the custodial parent of her daughter Bella age 5 and the noncustodial parent of her daughter Celeste age 6. Karina and Bella are members of a W-2 Group. Karina owes past-due child support for when she previously was the noncustodial parent of her daughter Bella and also owes current and past-due child support for her daughter Celeste. The CSA determined Karina is cooperating with child support for her daughter Bella and not cooperating for her daughter Celeste. The W-2 agency determined there is no exemption or good cause for Karina's noncooperation. Karina is ineligible for W-2 due to her noncooperation with child support for her daughter Celeste even though Celeste is not a member of the W-2 Group and Karina is cooperating with child support for her daughter Bella.

15.4.3 Three Instances of Noncooperation

A member of a *W-2 Group* who fails to cooperate 3 times without an exemption or good cause remains ineligible until all of the members of the W-2 Group cooperate or for a period of 6 months, whichever is later. If a child support worker notifies the *FEP* that a report of noncooperation was in error, the FEP must not count that instance as one of the 3 instances. The FEP must then contact the W-2 Help Desk to remove the instance from the *CWW* **Child Support Noncooperation Instance Tracking** page to avoid case sanction errors.

EXAMPLE: Marissa applied for W-2 in January 2015 and met with the *CSA* as scheduled. Marissa was found eligible for W-2 and placed in a *CSJ*. However, Marissa refused to respond to the CSA's requests to establish the paternity of her child's father. Marissa's W-2 case was closed in April 2015 and this was her first instance of noncooperation with child support. In June 2015, Marissa again applied for W-2, attended her appointments with the CSA, agreed to paternity establishment for her child, and was found eligible for W-2. However, while receiving W-2, Marissa refused the CSA's requests to pursue child support payments from her child's father without an exemption or a good cause claim. Marissa's W-2 case was closed in August 2015 and this was her second instance of noncooperation with child support. Marissa applied for W-2 again in September 2015. She agreed to pursue child support payments from her child's father, and was found eligible for W-2. While receiving W-2, Marissa did not attend the scheduled legal proceedings to establish the child support payments. Marissa's W-2 case was closed in October 2015 and this was her third instance of noncooperation with child support. Because this was her third instance of failure to cooperate with child support without an exemption or good cause, Marissa was found to be ineligible for W-2 for 6 months due to noncooperation with child support regardless of whether she would choose to cooperate. Marissa would not be able to apply for W-2 again until May 2016 provided she subsequently cooperated with Child Support by participating in the legal hearing to establish the child support payment.

15.4.4 W-2 Agency's Access to the Child Support Automated System

The Child Support automated system *KIDS* includes information about custodial parents' noncooperation with child support. *FEP*s can query KIDS. If FEPs do not have *FIQY* to KIDS, and need access to KIDS noncooperation screens, FEPs can request FIQY access through their agency security officer. An *NCP*'s cooperation must be determined by contacting the *CSA*.

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15.5.1 Noncooperation Exemption for Pregnant Women or Custodial Parents with Newborns

The *W-2* agency determines if there is a noncooperation exemption. There are two possible exemptions:

1. A pregnant woman is exempt from any penalty for noncooperation for the unborn child, regardless of the pregnant woman having custody of born child(ren). However, the pregnant woman must cooperate for any born children in the W-2 group who are over 59 days of age.
2. A custodial parent with a child younger than 60 days is exempt from the requirement to cooperate for that child. However, the custodial parent must cooperate for any children in the W-2 Group who are older than 59 days.

If there is an exemption and the *CSA* sends noncooperation information, the W-2 agency must not impose any penalty for noncooperation, regardless of whether there is good cause.

EXAMPLE: A W-2 Group has three members: Kim, the custodial parent; her child Tia who is 5 years old; and her child Tisha who is 30 days old. The CSA determined Kim is not cooperating with child support for Tisha. The W-2 agency determined that there is an exemption for Tisha because she is under 60 days old. This exemption does not apply to Kim cooperating for Tia because the exemption is only for the custodial parent's noncooperation for the child who is younger than 60 days. Kim must still cooperate with child support for Tia.

15.6 Good Cause Claim for Noncooperation

When an applicant or participant files a good cause claim with the *W-2* agency, the W-2 agency must determine whether there is good cause for the noncooperation. This is also true when a case is open for W-2 and Child Care. Only the W-2 agency determines when there is good cause for the noncooperation.

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15.6.1 Good Cause Notice

The *W-2* agency must provide to all W-2 applicants and participants the Good Cause Notice form (2018) describing the cooperation requirements and the right to good cause as an exception to the child support cooperation requirements.

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

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

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15.6.2 Good Cause Reasons

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

1. Cooperation is reasonably anticipated to result in either physical or emotional harm to the child, including threats of domestic abuse or child kidnapping;
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, except this reason does not result in any exemption from the parent's responsibility to make payments under an existing court order.

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15.6.3 Filing a Good Cause Claim

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

Upon receipt of the Good Cause Claim form, the W-2 agency must notify the *CSA* within 2 working days of the date the Good Cause Claim form was signed. The CSA must not take any further action until the W-2 agency determines whether good cause exists.

An individual who submits a Good Cause Claim form is required to submit at least one document of corroborative evidence and a statement specifying the circumstances that the individual believes provide sufficient good cause for not cooperating. The statement may be written on the claim form.

If an individual does not submit sufficient evidence for the W-2 agency to substantiate the good cause claim, the W-2 agency must notify the individual that additional evidence is required and must outline the types of evidence that may be used as listed in 15.6.4. The W-2 agency must make a reasonable effort to obtain specific documents or information that the individual is having difficulty obtaining.

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

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15.6.4 Types of Corroborating Evidence

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

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

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15.7 Good Cause Claim Investigation and Determination

The *W-2* agency must investigate any good cause claim based on anticipated harm, even if the applicant or participant fails to submit corroborative evidence or evidence is unavailable. (See 15.6.4)

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

The W-2 agency must give the *CSA* the opportunity to review and comment on the agency's findings prior to the W-2 agency's final determination on good cause. The W-2 agency must consider any recommendations from the CSA.

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15.7.1 Good Cause Determination Timeline

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

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15.7.2 Determination that Good Cause Does Exist

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

- Direct the *CSA* to suspend all further case activities if the individual did not request the CSA to proceed without his or her cooperation; or
- Notify the CSA that it may proceed with child support services if the individual wants the CSA to proceed without his or her cooperation. If good cause is granted for items 1 through 4 in 15.6.2, the CSA must send a notice to the person alleged to have caused harm that states the CSA is proceeding without the cooperation of the applicant or participant.

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15.7.3 Determination that Good Cause Does Not Exist

If the *W-2* agency determines that the applicant or participant does not have good cause for failing to cooperate with efforts directed at establishing paternity and obtaining child support payments, and there is no exemption for noncooperation (see 15.5.1), the individual is not eligible for W-2. The W-2 agency must update the **Child Support Information** section of the **CWW Absent Parent** page, which will deny or close W-2. (See 15.4.1)

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15.7.4 Reviewing Good Cause Determinations

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

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

EXAMPLE 1: Joanne was granted good cause for not cooperating with child support because she was working with Catholic Social Services to complete the adoption process for her baby son. Joanne met with her *FEP* 3 months later to update her Employability Plan and the FEP inquired about the adoption services. Joanne told the worker she no longer meets with Catholic Social Services because she decided to keep her baby instead of placing him for adoption. The FEP reviewed the Good Cause Claim form with Joanne and explained that good cause no longer exists for a pending adoption, so Joanne has 10 calendar days before cooperation requirements will be implemented by the *CSA.* During that time, Joanne may file another good cause claim for a different good cause reason.

EXAMPLE 2: Ada was granted good cause due to domestic abuse. She has been fleeing her former abusive partner for the last 6 years. Her former partner is the father of her 8-year old child. The FEP does not review the good cause claim form because of the permanent nature of Ada's domestic abuse circumstances.

15.8 Fact Finding Reviews

15.8.1 Fact Finding Reviews by CSAs For Noncooperation Determinations

A parent who has been determined noncooperative by a *CSA* may petition the CSA for a Fact Finding Review. The parent must submit a request for a Fact Finding Review to the CSA, the CSA will conduct the Fact Finding Review, and the parent or the parent's representative may appear for the Fact Finding Review via telephone conference if the CSA is in a different county than the parent's current residence.

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15.8.2 Fact Finding Reviews by W-2 Agencies For Good Cause Determinations

An individual who is denied good cause by the *W-2* agency for noncooperation with child support and disagrees with the W-2 agency's determination may request a Fact Finding Review by the W-2 agency. In the event that a Fact Finding Review for W-2 and a fair hearing for an *IM* program are based on the same issues and facts, the fair hearing decision takes precedence.

The W-2 agency must provide the *CSA* with reasonable notice of any Fact Finding Review by the W-2 agency that occurs due to the W-2 agency's denial of a good cause.

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16 Learnfare

16.1 Introduction

16.1.1 Program Goal and Requirements

The goal of Learnfare is to help children fulfill their potential in life by providing programs and opportunities that will enable them to attend and complete school, obtain employment, and break the cycle of welfare dependency. The Learnfare requirement to be enrolled in school is balanced by the provision of case management, especially for at-risk children, to address barriers, maintain school enrollment, and improve attendance and achievement.

Learnfare has two program requirements:

1. **School Enrollment.** Children in W-2 Groups are required to be enrolled in school.
2. **Mandatory Case Management.** Members of certain target groups are required to participate in case management. (See 16.3.1)

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16.2 School Enrollment

16.2.1 Children Subject to School Enrollment

A child is required to be enrolled in school if s/he:

1. Is in a *W-2 Group* whose parent is placed in a *CSJ*, *TMP*, or *W-2 T*;
2. Is age 6 through 17 (beginning on the first day of the fall school term), including a *Minor Parent* who is part of the W-2 Group;
3. Has not graduated from high school or obtained a HSED/GED; and
4. Resides with his or her natural or adoptive parent.

A child is exempt from school enrollment requirement if:

1. S/he is excused from attending school under s. 118.15 (3), Wis. Stats;
2. S/he is the caretaker of a child who is less than 45 days old and child care is not available at school and home instruction is not available;
3. Child care is needed for the minor parent to attend school but child care or transportation to and from child care is not available;
4. S/he is prohibited from attending school while an expulsion is pending;
5. S/he was expelled from school and there is no other school available because:
   a. There is no public or private school within reasonable travel time or distance which will accept the child.
   b. There is no private or public transportation available to another school.
   c. There is a public or private school which will accept the child but the tuition charge is prohibitive and the child's school district refuses to pay the tuition.
6. A physician has determined that she should delay her return to school after giving birth;
7. S/he is on the waiting list for a children-at-risk program and such a program is not available;
8. S/he or a family member is ill, injured, or incapacitated. ("Family member" means his/her spouse, dependent child, or parent who lives with him/her);
9. S/he is temporarily incarcerated; or
10. Circumstances beyond his/her control make him/her unable to be enrolled in school.

Additional exemption reasons may be determined by the W-2 agency or justified through the Fact Finding Review.

Any child exempt from the school enrollment requirement is required to participate in case management if s/he is one of the target groups. (See 16.3.1)

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16.2.2 Learnfare School Definition

A school is any one of the following:

1. Public school.
2. Private school.
3. Department of Public Instruction (DPI) registered home educational program including home based and home school instruction.
4. Wisconsin Technical College System (WTCS) school.
5. DPI-approved HS equivalency course of study.
6. Programs, including English as a Second Language (ESL) instruction, leading to a GED test.

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16.2.3 Enrollment Verification

The *FEP* must verify enrollment for each child subject to Learnfare and determine if the child is mandatory for Learnfare case management:

- At the initial *W-2* eligibility determination;
- At each review; and
- When the FEP receives information or has reason to believe that a child in a W-2 Group whose parent is placed in a *CSJ*, *TMP*, or *W-2 T* has become a dropout, *habitual truant*, minor parent, or a child whose W-2 group includes a participant who has been unable to participate in required assigned activities due to the child's school-related problems.

Verification of school enrollment status may be in any form determined effective and efficient by the W-2 agency including documentation provided by or through the school. The W-2 participant has seven working days from the date of the verification request to provide the verification. The verification due date may be extended up to 30 days from the initial request for W-2 services under extenuating circumstances. (See 4.1.3)

The W-2 participant has the primary responsibility for providing the verification. The FEP may assist in obtaining needed documents to expedite the verification process. If the family does not have the power to produce the verification, or requires assistance to do so, the FEP must proceed immediately to seek the verification. (See 4.1.3)

Any instance where a parent refuses to provide verification of school enrollment status will make the W-2 Group ineligible for a W-2 employment position.

While school is in session, the FEP must verify enrollment in the current semester only. When school is not in session, the FEP must verify enrollment for the immediately preceding semester. When making a determination as to whether a child is a *returning dropout*, the FEP must review information from both the current and immediately preceding semesters. To determine if a child is a *habitual truant*, the FEP must review school attendance in the current semester only, unless no more than four weeks have passed since the current semester starts.

16.3 Learnfare Case Management

16.3.1 Groups Mandatory for Case Management

Five target groups are mandatory for case management:

1. Children between the ages of 6 and 17 not enrolled in school;
2. A *Dropout* or a *Returning Dropout*;
3. A *Habitual Truant*;
4. A *Minor Parent*; and
5. A child whose W-2 group includes a participant who has been unable to participate in required assigned activities due to the child's school-related problems.

A child identified as mandatory for case management will remain mandatory until the next review date, unless any of the following occurs:

- The parent of the Learnfare child is no longer placed in a *CSJ*, *TMP*, or *W-2 T* position;
- The child has reached age 18;
- For minor parents, the minor parent has lost his/her child through death or adoption;
- For returning dropouts, the child has completed two consecutive semesters, including the semester during which the child returns to school; or
- The child's school-related problems are remedied and the participant resumes participation in required assigned activities.

Any child enrolled in case management can volunteer to receive Learnfare case management services through the end of the school semester even when s/he is no longer mandatory.

A financial penalty must not be imposed on W-2 Groups whose child\children voluntarily continues\continue to participate in Learnfare case management. (See 16.4.1)

16.3.2 Enrollment in Learnfare Case Management

The *FEP* or Learnfare Case Manager must enroll mandatory children in Learnfare case management within 14 working days of the Learnfare case management referral date.

The *W-2* agency must make the following efforts to enroll a child in Learnfare case management:

1. Upon receiving a referral or having identified that a child is mandatory for case management, the FEP or Learnfare Case Manager will schedule an initial appointment with the child and his/her parent for the purposes of conducting the assessment and completing the Learnfare Case Management Plan. The FEP or Learnfare Case Manager must schedule the appointment at a time when it will not interfere with the child's school or the parent's assigned W-2 activities. The FEP or Learnfare Case Manager will send written notice of the initial appointment to the child and his/her parent 7 working days before the appointment date. The notice shall clearly state that if the child and his/her parent are unable to attend, the child's parent(s) must contact the FEP or Learnfare Case Manager before the scheduled appointment date to reschedule the appointment.
2. If the child and his/her parent fail to report for the initial appointment or fail to reschedule the first appointment, the FEP or Learnfare Case Manager will send a second and last notice. This notice will ask the parent(s) to contact the FEP or Learnfare Case Manager within 5 working days. Otherwise, a financial penalty may be imposed in the next possible payment month. A home visit is strongly encouraged before the financial penalty is imposed.
3. For children not subject to a financial penalty for failure to cooperate with case management (See 16.4.1), the FEP or Learnfare Case Manager should:
   a. Contact parents to schedule the initial appointment by telephone rather than letter.
   b. Contact teachers and administrators who have contact with the child to determine what has been tried with the family and child already, and ask for suggestions on what would be a positive way to approach the child or family.
   c. Attempt to meet with the child at school.
   d. If the Learnfare Case Manager is not the FEP, attend the next scheduled review and explain the services that are available to the child.

16.3.3 Case Management Requirements

Once enrolled in Learnfare case management, case management requirements include:

1. The child and his/her parent must participate in the assessment and development of the Learnfare Case Management Plan and the parent must sign the Plan once completed.
2. If the child is a dropout, the parent must provide verification of the child's return to school and attendance within 7 working days of the date a school is available.
3. The child and his/her parent must attend meetings scheduled and moderated by the *FEP* or Learnfare Case Manager. Meetings will be scheduled so as not to interfere with the parent's assigned W-2 activities. No more than one mandatory meeting will be scheduled per month.

   The FEP or Learnfare Case Manager must notify the child and his/her parent 7 working days before the scheduled meeting date. If the child and his/her parent fail to report for the meeting or fail to reschedule the meeting, the FEP or Learnfare Case Manager will send a written notice. This notice will ask the child or his/her parent to contact the FEP or Learnfare Case Manager within 5 working days. Otherwise, a financial penalty may be imposed in the next possible payment month. (See 16.4.1)
4. The individual(s) assigned activities (child, parent or both) must engage in activities identified by the FEP or the Learnfare Case Manager in the Learnfare Case Management Plan as being necessary to maintain school enrollment or improve school attendance.

16.3.4 Learnfare Case Management Plan

16.3.4.1 Learnfare Case Management Activities

A Learnfare Case Management Plan is required for each child subject to Learnfare case management and must include:

1. Goals for the child during Learnfare case management;
2. Description of the activities planned;
3. Planned begin and end dates for each activity;
4. Agencies/parties that will provide the services; and
5. Signature of the parent(s).

The Learnfare Case Manager must coordinate with the *FEP* if the Learnfare Case Management Plan includes required activities for the parent. (See Chapter 6 for more information on the *W-2* Employability Plan.)

The Learnfare Case Management Plan must integrate plans prepared by other local government agencies, community-based organizations, judicial entities, or professional health providers with whom the Learnfare participant is currently involved or the Learnfare Case Manager deems appropriate. It must also incorporate any plans already developed by the school to address school attendance/achievement or at-risk indicators.

The school or school district should be the primary provider of services to Learnfare participants. Therefore, collaboration and coordination with the school is essential to the development of the Learnfare Case Management Plan.

16.3.4.1 Learnfare Case Management Activities

As part of the Learnfare Case Management Plan, W-2 agencies must provide services which maintain school enrollment, improve school attendance, and prepare children for a career.

For those children in high school, Learnfare case management should focus on graduation, career and/or employment planning, job readiness, and job seeking/job retention activities as appropriate.

For those children in elementary and middle schools, Learnfare case management should focus on maintaining school enrollment and attendance.

For minor parents, Learnfare case management should also focus on parenting skills and family planning. The overall goals for Learnfare case management with minor parents are to complete school, prepare children for a career, and delay subsequent pregnancies until the minor parents are ready emotionally and economically to support additional children.

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16.3.5 Good Cause for Failing to Cooperate with Learnfare Case Management

Good cause for failing to cooperate with Learnfare case management includes any of the following circumstances:

1. Child care is needed for the child or minor parent to participate in case management, but child care is not available.
2. Transportation is needed to and from child care for the minor parent's child, but neither public nor private transportation is available.
3. Court-required appearance or temporary incarceration. Any court appearance for a victim of domestic abuse is considered a court-required appearance.
4. Observance of a religious holiday.
5. Death of a relative. (See 11.2.2.2)
6. Family emergency.
7. Illness, injury, or incapacity of the child or a family member (spouse, child, or parent) living with the child.
8. Medical or dental appointment for the child or his/her child.
9. Breakdown in transportation.
10. A Fact Finding Review identifies circumstances that justify good cause.
11. Other circumstances beyond the control of the child or his/her parents, but only as determined by the *FEP* or Learnfare Case Manager.

The FEP or Learnfare Case Manager must determine if a child and his/her parent had good cause for failing to cooperate with Learnfare case management. (See 11.2.2)

16.4 Learnfare Financial Penalty

16.4.1 Determining a Financial Penalty

*W-2 Group*s may have a financial penalty imposed if all of the following conditions are met:

1. The child continues to fail to meet the school attendance requirement;
2. Individuals assigned activities on the Learnfare Case Management Plan have failed to cooperate;
3. Good cause for failing to cooperate with case management has not been presented; and
4. A Fact Finding Review was not requested within 10 days from the Learnfare Penalty Notification date.

The following groups are required to participate in case management, but are not subject to a financial penalty for failure to cooperate:

- *Minor Parent*s enrolled in school;
- *Habitual Truant*s;
- *Returning Dropout*s; and
- A child whose W-2 group includes a participant who has been unable to participate in required assigned activities due to the child's school-related problems.

The financial penalty is $50 per month per child, not to exceed $150 per W-2 Group per month. If a financial penalty is entered into *CARES* for a *CSJ* or *W-2 T* position, a notice will be sent indicating that the W-2 payment may be reduced for a Learnfare financial penalty.

The notice or letter will inform the participant that they have 10 days to request a Fact Finding Review from the date on the notice. A penalty cannot be imposed during that 10 day time period. If the participant requests a Fact Finding Review within the 10 day period, the *FEP* must not impose a penalty until after the Fact Finding decision is determined, unless the participant withdraws the petition in writing or abandons the petition. (See 12.2.1)

A financial penalty must take effect in the next possible benefit month after the sanctionable event has occurred. The FEP or Learnfare Case Manager may impose a financial penalty every month until the sanctionable event is cured.

A financial penalty must not be imposed on children who voluntarily continue to participate in Learnfare case management.

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17 Job Access Loans

17.1 Introduction

*JAL*s are short-term interest-free loans that are intended to meet immediate and discrete expenses that are related to obtaining or maintaining employment. *W-2* agencies must not use JALs in place of W-2 services or other appropriate financial resources. In order to obtain eligibility for a JAL, the applicant must meet W-2 financial and non-financial eligibility and the additional JAL eligibility criterion listed in 17.2.1. There is no entitlement to a JAL.

Local W-2 agencies must approve or deny JAL applications based upon the eligibility criteria outlined in this Chapter. Local agencies may not develop more narrow JAL eligibility guidelines.

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17.2 Eligibility Determination

17.2.1 Eligibility Criteria

17.2.1.1 JAL Eligibility for Minor Custodial Parents
17.2.1.2 JAL Eligibility for Noncustodial Parents

In order to be determined potentially eligible for a *JAL*, an individual must meet the following criteria:

1. Be a *Custodial Parent (CP)* (See 2.3.1 for adult CPs or 17.2.1.1 for minor CPs) or
2. Be a *NCP*; (See 17.2.1.2)
3. Meet all other *W-2* non-financial and financial eligibility criteria as defined in W-2 Manual Chapters 2 and 3;
4. Need the loan to address an immediate and discrete financial crisis that is not the result of the individual's failure to accept a bona fide offer of employment or the individual's termination of a job without good cause. The individual must be either:
    - Employed and need the loan to continue employment; or
    - Have a bona fide job offer and need the loan to obtain employment;
5. Not be in default in the repayment of any current JAL or cash assistance overpayment recoupment;
6. Not be a migrant worker; and
7. Have an acceptable repayment plan as defined below:
    - The W-2 agency has completed a budget with the applicant which demonstrates the applicant's ability to repay the loan in cash within the agreed upon repayment timeframe making regular monthly payments.
    - The W-2 agency works with the applicant to develop an agreed upon repayment plan which may include in-kind community service work. At least 25% of the loan must be repaid in cash.
    - The initial repayment period may be up to 12 months and may be extended to 24 months at the time of repayment renegotiation.
    - No outstanding balance due can exceed $1,600 in any 12 month period for any one loan recipient.

JAL applicants meeting these eligibility criteria are not entitled to a loan, but may be approved for a loan as long as funding is available.

17.2.1.1 JAL Eligibility for Minor Custodial Parents

If the *JAL* applicant is a minor custodial parent, the minor parent must:

1. Turn 18 years of age within two months of applying for the JAL;
2. Live in one of the following supervised, alternative living arrangements:
   a. Kinship care;
   b. Foster home;
   c. Group home; or
   d. An adult supervised independent living arrangement approved by the W-2 agency; and
3. Have a high school diploma or its equivalent.

17.2.1.2 JAL Eligibility for Noncustodial Parents

In order for a *NCP* of a dependent child to be eligible for a *JAL*, the NCP must be subject to a child support order and the custodial parent of the dependent child must be:

1. In a W-2 placement (paid or unpaid);
2. Receiving Wisconsin Shares child care assistance; or
3. Receiving FoodShare

17.2.2 Eligibility Determination Process

All *JAL* applicants must meet with a *FEP* to complete the interactive application process and to sign the JAL Combined Application and Repayment Agreement form (2482). This form documents the JAL application date and loan amount requested. The second section of the form acknowledges receipt of the loan and serves as a loan repayment agreement. Loan recipients must sign the lower half of the form to document receipt of the loan check at the time the check is provided to the loan recipient. The form must be scanned into *ECF*.

The *W-2* agency must process all JAL applications within 12 working days unless additional time is needed to obtain verification. (See 4.1.3) W-2 agencies must have procedures in place to process expedited applications with 2 working days when the applicant has an immediate need for the JAL to maintain a current job or start a job for which the person has a bona fide job offer.

Individuals interested in receiving a JAL who are not in a W-2 placement must complete the W-2 application process within the standard 12 working days timeframe. (See 1.4.4) The W-2 agency must waive all up-front job search activities for JAL applicants as JALs are for individuals who are already employed or have a bona fide job offer. The W-2 agency must not require JAL applicants to complete the *BST* or the informal assessment process.

Individuals interested in receiving a JAL who are in an open W-2 placement must complete a modified application process. These JAL applicants have already met W-2 financial and nonfinancial eligibility criteria. To determine eligibility for JAL, a W-2 agency FEP must meet with the JAL applicant to complete the JAL Combined Application and Repayment Agreement form (2482). The FEP must request any additional documentation related to the other JAL eligibility criteria. W-2 agencies must not substitute JALs in place of W-2 services or other appropriate financial resources.

NOTE: Individuals remain eligible for a *CMF* placement even after their income and assets exceed W-2 limits. All CMF cases must meet nonfinancial eligibility requirements to continue receiving case management services.

When the JAL request has been in applied status in CARES for 30 days, the worker will receive an alert as a reminder to act on the JAL. If after 60 days the agency has not acted upon a JAL request, CARES will automatically deny the request and issue a denial letter to the JAL applicant. The loan applicant must then reapply.

17.2.3 JAL Budget as Part of the Application Process

The *W-2* agency must complete a budget with all *JAL* applicants. As a step in the eligibility process, the *FEP* must use *CARES* screen BVJW to develop a budget using cash as the only means to repay the loan. The FEP must print out BVJW screen and scan it into *ECF* as documentation of whether the applicant can afford the loan.

Note: Once eligibility is determined, the FEP and the applicant can renegotiate the terms of the loan repayment. Up to 75% of the debt can be repaid through documented in-kind community service work. (See 17.5.3)

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17.3 Uses of JAL Funds

17.3.1 Approved Uses of JAL Funds

17.3.1.1 JALs for Housing
17.3.1.2 JALs for Fines

W-2 agencies have the authority to approve or deny proposed uses of *JAL*s. Acceptable uses of JAL funds include:

- Car loans, including down payments and repairs to provide transportation to work;
- Fees for obtaining a driver's license; or
- Clothing/uniforms for work.

17.3.1.1 JALs for Housing

In some circumstances, JALs may also be provided for housing and for the payment of fines.

In rare circumstances, JALs may be approved to cover the costs of rent or security deposits. First, JAL applicants must meet all of the eligibility requirements listed in 17.2.1. Second, the applicant must have exhausted all other housing resources including *EA*. (See EA Manual) Third, the W-2 agency must carefully review the budget to ensure the applicant can cover existing housing and other expenses and pay off the loan. Below are two examples of when issuing a JAL for housing is appropriate.

EXAMPLE 1: For the past year, Jaya and her children have been living with her mother in Oregon, WI and working part-time. She lost her job two months ago and has just received a bona fide job offer with Capital Machinery in north Madison, 20 miles from her mother's house. Her start date is next week. Jaya needs a JAL for $1,000 to cover her first month's rent and security deposit so that she can move to Madison to be closer to her job. She has found an apartment in Madison that is both close to her job and close to her child care. If she moves, she will be able to take the bus to both her job and her child care provider.

Jaya meets all of the eligibility requirements for a JAL. She has exhausted all other housing resources, including EA. She is not eligible for EA because she does not have an eviction notice and does not meet the definition for doubled up housing. The W-2 agency has carefully reviewed the budget with Jaya. With her new salary, she is financially able to cover her ongoing housing costs and other

expenses and be able to make the $83 per month payment to pay off her JAL in 12 months.

The W-2 agency approves Jaya's JAL and works with her to establish a repayment agreement that includes both cash and in-kind payments.

EXAMPLE 2: Ursula is currently employed 30 hours per week at a fast food restaurant. She recently missed 10 days of work because her daughter Lucia had surgery. Ursula does not have sick leave. Because of the missed hours, she was unable to pay her rent and received an eviction notice. Ursula is short on her rent by $400 and needs a JAL to avoid an eviction. If Ursula loses her housing she will not be able to keep her job. Ursula's next door neighbor babysits for Lucia when she is at work. If Ursula has to move into a shelter, her neighbor will not be able to babysit. Ursula's rent is due in 2 days and her next pay check is not expected for 7 more days.

Ursula meets all of the eligibility requirements for a JAL. She has exhausted all other housing resources, including EA. Ursula is not eligible for EA because she received EA 10 months ago when her daughter Lucia first became sick. The W-2 agency has carefully reviewed the budget with Ursula. With her salary, she is financially able to cover her ongoing housing costs and other expenses and is able to make the $33 per month payment to pay off her JAL in 12 months.

The W-2 agency approves Ursula's JAL and works with her to establish a repayment agreement that includes both cash and in-kind payments.

17.3.1.2 JALs for Fines

Under certain conditions, JALs may be approved to cover the payment of fines that, if unpaid, may result or have already resulted in the suspension of a person's driver's license or the ability to obtain a driver's license. JALs for this purpose must meet additional criteria.

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

1. Assist the applicant in identifying the fines preventing him/her from obtaining a license. This includes identification of the amount owed, and the existence of any other barriers to obtaining a license. This may be done with the assistance of *DMV* or other community agencies.

2. Verify with the DMV that payment of the fine will result in the applicant's eligibility for driver's license reinstatement, occupational license, or an initial driver's license.
3. Make the JAL check payable to the JAL recipient. If there are several fines owed to more than one court or municipality, only one check will be issued. However, the sum of the loaned funds for any one individual cannot exceed $1,600 in a 12 month period.

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

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17.3.2 Prohibited Uses of JAL Funds

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

- Alleviating a financial crisis that is the result of the individual's failure to accept a bona fide offer of employment or the individual's termination of a job without good cause; (See 11.2.2)
- Paying any fine related to operating a motor vehicle under the influence of drugs and/or alcohol, including but not limited to, fines for Operating While Impaired, Blood Alcohol Content, and Implied Consent Violations.
- Covering expenses that are or could be covered by the *EA* program;
- Purchasing personal items such as clothing (not work related) household appliances, etc; or
- Paying taxes

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

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17.4.1 Loan Amounts

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

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17.4.2 Loan Issuance

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

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17.4.3 Financial Counseling

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

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17.5 Repaying the Loan

17.5.1 Repayment Agreement

During the application process, the loan recipient and the *FEP* will develop a repayment agreement. Although *JAL* applicants must be financially able to repay the full loan in cash, JAL recipients may choose to repay up to 75% of the loan through in-kind community service. (See 17.5.3) A minimum of 25% of the loan must be repaid in cash.

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

The initial repayment period may be up to 12 months and can be extended an additional 12 months if necessary, for a total of 24 months.

Regardless of when the loan is issued, the first payment is due on the 25th of the following month. All payments must be recorded in *CARES* by the end of the month. Each month CARES will issue a statement summarizing payments made to the account and the balance due. CARES will also issue a past due notice each month a payment has not been received or does not meet the expected repayment agreement.

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17.5.2 Repayment by Cash

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

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17.5.3 Repayment Through In-Kind Community Service

Although *JAL* applicants must be financially able to repay the full loan in cash, JAL recipients may choose to repay up to 75% of the loan through in-kind community service. The *FEP* must remind recipients choosing to repay part of their loan with in-kind community service, that individuals who miss three payments (either cash or in-kind, or both) will go into loan default. Loans in default are paid through tax intercept. At that point, there is no way to repay any portion of the loan through in-kind community service.

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

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

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

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

Documentation of in-kind work received by a local agency must be entered into *CARES* within 5 days of receipt.

17.5.4 Collections

On a monthly basis *CARES* will issue a loan summary describing the payments received, the outstanding balance, and the next payment due date. If no payment or a partial payment has been recorded in CARES by the end of the month, a dunning or past due notice will be mailed.

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

In most cases, *JAL*s cannot be written-off in bankruptcy proceedings. If a loan recipient files bankruptcy and has included the JAL, the W-2 agency should submit the bankruptcy notice to the *PACU*: PO Box 8938 Madison WI 53708-8938 Fax: 608/266-8302.

17.5.5 Overdue Payments

A *JAL* payment and or in-kind service is considered past due if not received in full and reported in *CARES* by the 25th of the month; however, agencies have until the end of the calendar month to enter payments without causing a past due notice to be generated. CARES will issue a notice to inform the loan recipient of the past due payment. This notice is called a “dunning” notice. A second past due payment generates a second dunning notice to the participant.

After the third missed payment and dunning notice, *PACU* will certify the debt to the Wisconsin Department of Revenue to recover the outstanding balance. Once the loan is considered delinquent, which is defined as 3 missed payments over the life of the debt, the entire outstanding balance must be recovered in cash whether or not the initial repayment agreement included a partial repayment through in-kind community service.

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18 Refugee Cash & Medical Assistance

18.1 Introduction

18.1 Introduction

The *Refugee Act of 1980* created the federal Office of Refugee Resettlement (ORR) within the U.S. Department of Health and Human Services, which provides funding to state and local programs for the resettlement of refugees. *Refugee(s)* are individuals who have had to leave their homeland and are unable to return because of a well-founded fear of persecution. The goal of U.S. refugee resettlement is to help refugees achieve economic self-sufficiency as quickly as possible after their arrival in the United States. Please note that in this chapter "refugee," unless otherwise indicated, will include *refugee(s)*, *asylee(s)*, *Cuban-Haitian entrant(s)*, certain *Amerasian(s)*, *victim(s) of trafficking* and any other categories eligible for refugee benefits under federal law. (See section 18.2.4.1 for a complete list).

Refugee Cash Assistance (RCA) and Refugee Medical Assistance (RMA) are two programs available to recently arrived refugees. In Wisconsin, RCA is modeled after *Wisconsin Works (W-2)*, the state's Temporary Aid for Needy Families (TANF) program, and RMA is part of the *Medical Assistance* (MA) program. RCA and RMA are available for refugees who meet the financial requirements of the W-2 and MA programs, but are otherwise ineligible- such as single individuals, childless couples, minor teen parents and two-parent families without children under 18 years of age. RCA and RMA eligibility is time-limited, with refugees typically eligible for up through eight months from their date of arrival in the United States.

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18.2 Refugee Cash Assistance (RCA)

18.2.1 RCA Overview

RCA is administered by states or other designated entities. In Wisconsin, RCA models itself after the *W-2* program and is administered by W-2 agencies with guidance from the Refugee Programs Section of the Wisconsin Department of Children and Families' Division of Family and Economic Security (DFES)/Bureau of Working Families (BWF).

Refugee(s) are often victims of war, political turmoil and/or oppression and typically arrive to the U.S. with few, if any, material possessions. While refugees with children under the age of 18 may qualify for *W-2* assistance, others (such as single individuals or couples without children under the age of 18) will not. The goal of the RCA program is to provide a basic standard of living to those recently arrived refugees who do not qualify for W-2 and to promote rapid economic self-sufficiency. RCA recipients must participate in mandatory employment and training activities until either attaining employment or the end of the RCA benefits period in order to attain economic self-sufficiency.

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18.2.2 RCA Application Process

18.2.2.1 Applying for RCA
18.2.2.2 Requesting RCA
18.2.2.3 Completing the RCA Application
18.2.2.4 Determining Eligibility and Making an RCA Placement
18.2.2.5 RCA Application Processing Timeframe

W-2 agencies are responsible for processing *RCA* applications. In large part, RCA policy regarding processing applications mirrors W-2 policy.

18.2.2.1 Applying for RCA

Any individual may apply for RCA. Outside of Milwaukee, refugees who wish to apply for RCA must apply at the W-2 agency serving their W-2 geographical area. Similarly, refugees living in Milwaukee's West Central and Southern areas must apply for RCA at their geographical area's "refugee one-stop." Refugees living in Milwaukee's Northern or East Central W-2 geographical areas, in which RCA and *RMA* cases are not processed, must apply for services at the West Central W-2 geographical office.

If the W-2 agency at which an individual applies for RCA is not a county or tribe and the individual is also applying for Income Maintenance (IM) programs (such as FoodShare or *Medical Assistance*), the W-2 agency must coordinate services with the agency providing the IM Programs. See W-2 Manual 1.4.1.1 for a list of the specific requirements regarding coordination of service between W-2 and IM agencies.

There are times when an individual may not be able to complete the RCA application forms personally. The paper registration form (which may be referred to as the "DOC 1" by voluntary agencies or Volags) may be accepted from an applicant's authorized representative. See W-2 Manual 1.4.1.2 for examples of authorized representatives. Refugees typically give permission for their *Volag* caseworker to act as their authorized representative. As in the W-2 program, when an applicant chooses to use an authorized representative, both the applicant and the authorized representative must complete the Authorization of Participant Representative form (2375). The agency cannot refuse an authorized representative unless the authorization itself is questionable. The authorized representative is responsible for submitting the signed paper registration form and/or application and any required documents.

18.2.2.2 Requesting RCA

An individual may apply for RCA at any time by submitting a signed paper registration form.

Typically the refugee's *Volag* assists in submitting this form. The RCA application process officially begins on the date the applicant or authorized representative gives the agency a signed version of the paper registration form.

While in most cases the Voluntary Agency (Volag) will help the refugee to apply for RCA, the W-2 agency must ask the client if they have a sponsoring Volag and must notify the refugee's Volag if this is not the case. This initial contact with the Volag caseworker is a convenient time to inquire about assistance received as well as any job quit or employment refusal in the 30 days prior to the application, both of which affect RCA eligibility (see 18.2.4.5).

A signed copy of the paper registration form must be scanned into *Electronic Case File (ECF)*.

18.2.2.3 Completing the RCA Application

No later than 5 working days after the date the agency receives a signed paper registration form (see 18.2.2.2), the W-2 agency must schedule and hold a personal interview between the *Financial and Employment Planner (FEP)* and the applicant. During this interactive interview the *FEP* gathers information about the RCA group's financial and non-financial eligibility. While RCA eligibility cannot be tested through *CARES* and RCA payments are not issued through *CARES/CWW*, the FEP should enter the collected financial and non-financial eligibility information into CARES so that the information can be properly stored and later accessed. If the applicant has applied for other programs administered through CARES, the information may already be present in the system. In such cases, the FEP should update the CARES information as necessary to ensure that it is correct and up-to-date.

All applicants requesting RCA services must complete and sign an RCA application, either:

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

Note: The FEP should request W-2 in order for CWW to issue the Application Summary at the completion of the interactive interview. The FEP should remember to suppress any generated W-2 notices so as not to confuse the applicant.

All other adults in the RCA *assistance group* must also sign the RCA application.

By signing the RCA application, the individual attests that:

- All information provided in the application is correct and complete and
- He or she understands and agrees to basic policies of the RCA program, such as the fraud rules and the right of the W-2 agency to request and receive information from other sources.

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

The application must be signed in the presence of a W-2 agency representative, even if an authorized representative is signing the application. If an application is signed with a mark, two witnesses' signatures are required.

The paper registration form and Wisconsin Works (W-2) and Related Programs Application paper form (if used) must be scanned into *Electronic Case File (ECF)*.

The following forms must be given to RCA applicants during the application process:

- RCA Participation Agreement form (DCF-F-DETM15011), which outlines an RCA applicant's rights and responsibilities and is available in English and several other languages. (Refugee Cash and Medical Assistance forms, in several languages, can be found on the Forms webpage). If the form is not available in an appropriate language, another method of communication must be used, such as verbal translation into the refugee's native language. The form must be provided to RCA applicants and reviewed during the application process. Applicants must sign the form to acknowledge that they understand its content. The signed form must be scanned into ECF.
- Rights and Responsibilities- A Help Guide (DWSP-398-P) must also be given to the applicant during the application process.

18.2.2.4 Determining Eligibility and Making an RCA Placement

When a cash assistance application is received, determine eligibility for *W-2* before determining eligibility for RCA. A refugee is not eligible for RCA if he or she is eligible for or receiving W-2 cash assistance. This applies to all refugees whether they refuse

W-2 benefits or are ineligible for W-2 due to failure to comply with any eligibility requirement, including W-2 participation requirements.

The *FEP* must determine RCA eligibility within 7 working days after his or her first meeting with the RCA applicant using all financial and non-financial eligibility criteria. (See 18.2.4 and 18.2.5). In extenuating circumstances, when the individual needs additional time to gather verification, the eligibility process can be extended up to 30 days from the date the agency receives a signed paper registration form. (See W-2 Manual 4.1.3).

The *RS* or FEP can assign up-front job search activities as part of the non-financial eligibility criteria. (See W-2 Manual 2.9.2).

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

During this 7 day period, the FEP must also work with the applicant to determine the most appropriate placement for the applicant. RCA uses three placements based on the W-2 program placements for Trial Employment Match Program (TEMP), Community Service Jobs (CSJ), and W-2 Transitions (W-2 T). The RCA placement is assigned on the basis of level of job readiness. For example, the CSJ placement would typically be used for refugees who are employable but have barriers such as language, education or work experience (note: like a W-2 client, an RCA client can be placed into a partial CSJ), whereas the W-2T placement would typically be used for refugees with more severe personal or family physical, mental or cognitive barriers. The W-2 agency may also make a subsidy payment to an employer to help a refugee obtain employment, in accordance with the rules for the Trial Employment Match Program.

The monthly RCA payment amount for adults and teen parents will be the same as the corresponding W-2 payment for each month in which the participant meets the employment and training requirements. When minor children living with adult caretaker relatives form their own assistance group while awaiting an eligibility determination for *Kinship Care*, they must be paid at the CSJ payment level unless they have severe physical, mental or cognitive barriers which warrants a W-2 T level payment.

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

- Results of the informal assessment; (See W-2 Manual 5.2)
- Results of the educational needs assessment (See W-2 Manual 5.3)
- Results of the Barrier Screening Tool (BST), if completed, (See W-2 Manual 5.4.1)

- Progress made in up-front job search, if assigned; (See W-2 Manual 2.9.2) and
- Results of any other vocational evaluations or formal assessment obtained during the application process (See W-2 Manual 5.1.1)

18.2.2.5 RCA Application Processing Timeframe

Below are the RCA application processing timeframes to which all W-2 agencies must adhere:

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

18.2.3 RCA Assistance Groups

The income and assets of *RCA assistance group* members are considered together (see 18.2.5.1 and 18.2.5.2) and the group receives a single cash benefit.

An RCA assistance group consists of an either an applicant or an applicant and his or her spouse. An unmarried refugee 18 years or older forms his or her own RCA group, even if living with other RCA groups.

Minor teen parents and their children form another type of RCA assistance group. If either parent turns 18 during the RCA eligibility period, determine W-2 eligibility. Remove the group from RCA if the 18-year-old parent is found to be eligible for a W-2 paid placement.

EXAMPLE 1: A household consists of six refugees living together: a husband, wife and child over age 18, the wife's sister and her husband, and the mother's unmarried brother. The household would consist of four RCA assistance groups:

- Husband and wife: one RCA assistance group
- Child over age 18: one RCA assistance group
- Wife's sister and husband: one RCA assistance group
- Wife's unmarried brother: one RCA assistance group

One or more minor siblings living in a single household with adult caretaker relatives instead of their parents form one RCA assistance group. However, one or more non-sibling minors living in a single household with adult caretaker relatives would each form individual RCA groups.

EXAMPLE 2: A household 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. The household would consist of the following assistance groups:

- Mother, father and their minor children: one W-2 assistance group

- Niece and nephew who are brother and sister: one RCA assistance group
- Nephew with no siblings: one RCA assistance group

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18.2.4 RCA Non-Financial Eligibility

18.2.4.1 Immigration Status
18.2.4.2 Date of Entry to the U.S.
18.2.4.3 Wisconsin Residency
18.2.4.4 Ineligibility for W-2 Paid Placement and Non-Receipt of SSI and Kinship Care
18.2.4.5 Job Quit or Refusal Within 30 Days Prior to Application
18.2.4.6 Employment and Training
18.2.4.6.1 Employment and Training Requirements
18.2.4.6.2 Exemptions
18.2.4.6.3 Appropriate Employment and Training Requirements
18.2.4.6.4 Refusal to Comply and Sanctions in the RCA Program
18.2.4.7 Not Be Enrolled as Full-Time Student in Higher Education
18.2.4.8 Not Be Enrolled in Matching Grant Program

To be non-financially eligible for *RCA*, a refugee must:

1. Possess a qualifying immigration status;
2. Have been in the United States eight months or less (except for asylee(s) and victim(s) of trafficking, for whom the eight month clock begins as of the date they are granted asylum or *certified as a victim of trafficking*, respectively);
3. Be a resident of Wisconsin;
4. Be ineligible for a W-2 paid placement, and not be receiving Supplemental Security Income (SSI) or Kinship Care;
5. Not have quit a job or refused a job offer within the 30 days prior to application;
6. Comply with employment and training requirements;
7. Not be enrolled as a full-time student in higher education; and
8. Not be enrolled in the Matching Grant program.

Note: As in W-2 policy, an applicant who does not provide a Social Security number may still be eligible for RCA if they apply for one and provide proof of the application. (See W-2 Manual 2.7.1).

18.2.4.1 Immigration Status

To qualify for Refugee Cash and Medical Assistance, individuals must provide proof, in the form of documentation issued by the U.S. Department of Homeland Security, of one of the following immigration statuses:

1. Paroled under section 212(d)(5) of the Immigration and Nationality Act (INA);
2. Admitted as a refugee under section 207 of the INA;
3. Granted asylum under section 208 of the INA;
4. Cuban-Haitian entrant(s), in accordance with the requirements in 45 CFR section 401.2;
   i. 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.
   ii. 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.
   iii. A national of Cuba or Haiti who has an application for asylum pending with the United States Citizenship and Immigration Service (USCIS) and with respect to whom a final, nonappealable, and legally enforceable order of removal, deportation or exclusion has not been entered.
5. Certain Amerasian(s) from Vietnam who are admitted to the U.S. as immigrants pursuant to section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (as contained in section 101(e) of Public Law 100-202 and amended by the 9th proviso under Migration and Refugee Assistance in Title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Acts, 1989 (Public Law 100-461 as amended));
6. Victims of trafficking who have been certified by the U.S. Department of Health and Human Services, Office of Refugee Resettlement under section 107 (B) of the Victims of Trafficking and Violence Protection Act of 2000;
7. Iraqis and Afghans with “special immigrant status.” These groups have been admitted to the U.S. in Lawful Permanent Resident status; however for a limited time upon arrival they are treated as if they are in refugee status for public benefits purposes.
8. Admitted for permanent residence, provided the individual previously held one of the statuses identified above. (Note that it is highly unlikely for an individual with this immigration status to meet the 8 month time limit requirement).

Refer to the following Refugee Status Documentation guide for information on the types of documents that verify the immigration statuses listed above. For information on appropriate CARES coding for the immigration statuses listed above, refer to the W-2 Non-Citizen Eligibility Desk Guide.

If a refugee is not able to verify his or her immigration status with paper documentation, attempt to verify the status using the web-based *Systematic Alien Verification for Entitlements (SAVE)* program. Scan the information found using SAVE into *ECF*.

18.2.4.2 Date of Entry to the U.S.

Refugees are eligible for Refugee Cash and Medical Assistance only during the eight month period following their date of entry to 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. This eight month time limit applies to each person, not to each case.

EXAMPLE 1: A refugee's date of entry to the United States is 8/14/2012 and their eight month eligibility for Refugee Cash and Medical Assistance ends on 4/13/2013. If the refugee applies for cash assistance on 8/16/2012 and is placed into a CSJ payment level, ($653/month), issue a pro-rated initial payment of $337.03 for 8/16/2012 through 8/31/2012 ($653/31 days in month x 16 days of eligibility = $337.03) and issue a pro-rated final payment of $273.84 for 4/1/2013 to 4/13/2013 ($653/31 days in month x 13 days of eligibility= $273.84).

EXAMPLE 2: A refugee's date of entry to the United States is 1/14/2012 and their eight month eligibility period for Refugee Cash and Medical Assistance ends on 9/13/2012. If the refugee submits an application for RCA on 10/1/2012, deny the application because the period of eligibility has lapsed.

The "date of entry" for *asylee(s)* is the date they are granted *asylum*. The "date of entry" for *victim(s) of trafficking* is the certification date found in the *certification* letter issued by the DHHS Office of Refugee Resettlement. In the case of a child victim, an interim assistance letter or eligibility letter will be issued. Find more information and a sample certification letter at the Office of Refugee Resettlement website.

EXAMPLE 3: An alien enters the United States on 2/3/2012 and is granted asylum on 7/16/2012. The eight month Refugee Cash and Medical Assistance eligibility period is 7/16/2012 through 3/15/2013.

Note: If an asylee includes his or her spouse on the asylum application and asylum is granted, the spouse has the same "entry" date (i.e., asylum grant date) as the principal asylee. In some cases, though, an asylee spouse may be outside of the U.S. and not included on the asylum application. To bring the spouse to the U.S., the principal asylee must complete form I-730, Refugee/Asylee Relative Petition. In such cases, the spouse's physical date of entry to the U.S. is the date from which to determine his or her RCA period. This date will be noted on the I-730 (and I-94 and Visa 92).

Note: Individuals who are seeking but have not been granted asylum are ineligible for Refugee Cash and Medical Assistance. See *asylum-seeker(s)* and *asylee(s)*.

18.2.4.3 Wisconsin Residency

To be eligible for RCA benefits in Wisconsin, a refugee must be a resident of Wisconsin. Apply W-2 residency requirements when making this determination. (See W-2 Manual 2.2.1.4).

Secondary migrant(s) to Wisconsin (refugees who move to Wisconsin from a different state) may be eligible for RCA. If there is reason to believe the secondary migrant was receiving RCA in the previous state, use appropriate verification request procedures to request verification that the RCA benefits in the other state have been terminated (see 18.2.6.1.2). If the individual has made a reasonable effort and cannot obtain the required verification, does not have the power to produce verification or requires assistance to do so, the W-2 agency must assist the individual. (See W-2 Manual 4.1.3). In such cases, contacting the worker in the other state would likely be the most efficient way of verifying the information.

Secondary migrants who were receiving RCA in another state must submit a cash assistance application in Wisconsin in order to be RCA-eligible. They are subject to the same financial and non-financial eligibility criteria as other refugees, including the eight month eligibility time-limit.

EXAMPLE 1: A refugee moves from Minnesota to Wisconsin and submits a cash assistance application on 7/3/2012. The refugee's immigration document shows that his date of arrival to the U.S. was 10/10/2011; RCA eligibility therefore ended

6/9/2012. Deny the application based on expiration of the eight month eligibility period.

EXAMPLE 2: A refugee moves from Illinois to Wisconsin on 7/20/2012 and submits a cash assistance application on 7/24/2012. During the interview, the refugee states that she was receiving RCA in Illinois. The worker pends the case for proof that Illinois RCA benefits have ended. The verification is received timely and shows that Illinois RCA benefits ended on 7/19/2012. If the refugee is otherwise eligible, the worker should issue a pro-rated RCA payment for 7/24/2012 – 7/31/2012 and issue appropriate RCA monthly payments thereafter.

18.2.4.4 Ineligibility for W-2 Paid Placement and Non-Receipt of SSI and Kinship Care

When a cash assistance application is received, first determine eligibility for *W-2*. If the applicant meets W-2 financial eligibility requirements but does not meet non-financial eligibility requirements or is not eligible for a paid W-2 placement, determine eligibility for RCA.

If an adult refugee becomes ineligible for W-2 due to a change in circumstances in which there is no longer a dependent child in the household, determine eligibility for RCA for any remainder of the initial eight month residence period in the United States.

Refer refugees who are age 65 or older, or who are blind or disabled, for application to *Supplemental Security Income (SSI)* (Refer to Wisconsin Works Manual 7.4.3 for guidance about SSI advocacy). Inform these refugees that current federal laws limit SSI eligibility to seven years after arrival unless citizenship is obtained. A refugee is eligible for RCA while an SSI determination is being made and until he or she actually receives an SSI payment. (See Wisconsin Works Manual 2.2.1.10) If you learn, however, that SSI has been paid for the same month as an RCA payment, attempt to recover the RCA payment.

Refugees who are minors and living with adult caretaker relatives instead of their parents should be referred for application to *Kinship Care*. A refugee is eligible for RCA while a Kinship Care determination is being made. When Kinship Care begins, RCA eligibility is lost.

18.2.4.5 Job Quit or Refusal Within 30 Days Prior to Application

A refugee that has refused to accept an appropriate offer of employment or voluntarily quit appropriate employment in the 30 calendar days prior to filing the RCA application is ineligible for RCA, unless a good cause reason exists. See 18.2.4.6.3 for guidelines on determining "appropriate" employment. Contact the refugee's *Volag* worker when processing the application to determine if such a refusal or job quit has occurred. A refugee who quit or refused a job within the 30 calendar days prior to application would regain RCA eligibility on the 31st day after such job quit or refusal has taken place.

To determine if a refugee who has quit or refused employment possesses a good cause reason, refer to Wisconsin Works Manual 11.2.2. W-2 workers must apply good cause policy 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 refusing such employment.

18.2.4.6.1 Employment and Training Requirements

All adult RCA recipients must enroll in employment and training activities and must participate in such activities within 30 days of receiving RCA benefits. The employment and training requirements used in the RCA program differ from W-2 work participation requirements in that they are designed to meet the needs of newly arrived refugees who typically possess little or no English skills. Participation in the employment and training activities is meant to ensure that RCA clients attain economic self-sufficiency within their eight-month RCA eligibility period. A refugee has attained economic self-sufficiency when their income allows them to afford basic necessities such as rent, food and transportation.

RCA clients may fulfill their RCA employment and training requirement by participating in the *FoodShare Employment and Training (FSET)* program (if they are FSET-eligible) or a specialized refugee employment and training program.

Employment and training service agencies must work with RCA recipients to develop individual *Employability Plan (EP)* (see W-2 Manual 6.1 and 6.2) that fit into a *Family self-sufficiency plan*, where applicable. These plans must specify clear employment objectives and concrete steps needed to obtain the clients' goal. Individual *Employability Plan (EP)*s must be updated at least once every 6 months (see W-2

Manual 6.2.2) and must address concurrent language training needs and employment services needs of the individual and/or couple.

Refugee employment and training services may include but are not limited to:

1. Employment services including world-of-work and job orientation, job clubs, job workshops, job development, referral to job opportunities, job search, job placement and follow-up;
2. Employability services, including interest, aptitude and skills testing;
3. English as a Second Language (ESL) and/or Vocational English as a Second Language (VESL) courses;
4. Vocational training;
5. Skills recertification (see 18.2.4.7);
6. Subsidized employment;
7. Work experience; and
8. Assistance in obtaining Employment Authorization Documents (EADS)

Note: All employers are required by law to ensure that their employees are eligible to work in the U.S. Individuals who are granted immigration status as refugees are authorized to work indefinitely in the U.S. Refugees can fulfill the employer requirement by showing their I-94 form (with an unexpired refugee admission stamp) for a temporary period of time while they work towards obtaining permanent work authorization, by showing their Employment Authorization Document (EAD) or, if they have been in the U.S. for at least one year, a permanent resident card.

RCA eligibility workers must track recipients' participation in their required employment and training activities.

18.2.4.6.2 Exemptions

No adult is exempt from the employment and training requirement, but all activities in the individual's *employability plan (EP)* must be appropriate for the individual and consistent with his or her needs and abilities.

18.2.4.6.3 Appropriate Employment and Training Requirements

As a condition of RCA eligibility, adult clients must participate in the employment-related services listed in 18.2.4.6.1, go to any appropriate job interview arranged by the employment and training agency and accept any appropriate offer of employment.

To be considered appropriate, employment and training services and job offers must:

1. Be within the scope of the participant's employability plan.
2. 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 based on information from a physician or psychologist indicating that participation would impair the individual's physical or mental health.
3. Not have a total daily commuting time (to and from home to the site) that normally exceeds 2 hours.
4. Meet federal, state and local health and safety standards.
5. Not discriminate on basis of age, sex, race, creed, color or national origin.
6. Have a wage that meets or exceeds the appropriate federal or state minimum wage law.
7. Not require daily or weekly hours of work that exceed the number of hours usually worked in the job.

Appropriate work can be temporary, permanent, part-time, full-time, or seasonal. Training must be designed to meet local employers' requirements so that the individual is competitive in the local labor market and the training must be likely to lead to appropriate employment, as defined above.

Participants are not required to accept an offer of employment if:

1. The job is vacant due to a strike, lockout or other bona fide labor dispute.
2. The employment would violate the rules of his/her existing union membership. However, employment not governed by the rules of his/her union may be appropriate.

18.2.4.6.4 Refusal to Comply and Sanctions in the RCA Program

RCA participants must participate in all assigned work training activities or education and training activities outlined in the *employability plan (EP)*. If an RCA participant cannot participate in an assigned activity, the agency must encourage the participant to call their caseworker prior to the activity time. A participant has 7 working days after an absence from an assigned RCA employment and training activity to notify his or her worker of the reason for the absence. The worker can then determine whether the reason meets one of the good cause reasons.

If a refugee fails to meet employment and training requirements and good cause is not found, sanction the individual. A sanction is defined as a stoppage of RCA payments for a set period of time due to client non-cooperation. Apply the first sanction for a three-month period. If the same individual again fails to meet employment and training

requirements, apply the sanction for six months. A second sanction will permanently terminate a client's RCA payments because of the eight month RCA eligibility period.

If the RCA *assistance group* contains an individual other than the sanctioned client, RCA payments may continue if that other individual is not also being sanctioned.

18.2.4.7 Not Be Enrolled as Full-Time Student in Higher Education

Refugees who are enrolled as full-time students in an institution of higher education are not eligible for RCA. However, a professional in need of recertification services in order to practice his or her profession in the U.S. is allowed to attend a full-time college or professional training program provided that the individual is employed, the training is approved as part of the individual's employability plan, and the training program does not last longer than one year.

18.2.4.8 Not Be Enrolled in Matching Grant Program

If an RCA applicant group is participating in the federal *Matching Grant* program which is administered through *Volag*, they are not eligible for W-2 or RCA. When you contact the Volag to inform them that an applicant has applied for RCA and to inquire about job quit and refusal (see 18.2.2.2), also determine if the applicant is participating in the Matching Grant Program.

If a refugee is no longer participating in the Matching Grant program, he or she regains eligibility for RCA for the remainder of the eight month RCA eligibility period. Verify with the refugee's Volag worker that he or she is no longer participating in Matching Grant.

To properly deny an RCA application due to participation in Matching Grant, issue a manual negative notice explaining that the applicant is not eligible for RCA because he or she is receiving Matching Grant funds. The notice should mention that they can re-apply for RCA after their participation in Matching Grant ends.

18.2.5 RCA Financial Eligibility

18.2.5.1.1 $2500 Gross Asset Test
18.2.5.1.2 Asset Availability
18.2.5.2.1 115% Gross Income Test
18.2.5.2.2 Prospective Income Eligibility
18.2.5.2.3 Estimating Income
18.2.5.2.4 Income Availability
18.2.5.2.5 Fluctuating Income
18.2.5.2.6 Prorating Income
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18.2.5.2.8 Counting Income
18.2.5.2.8.1 Deeming
18.2.5.2.8.2 Self-Employment Income
18.2.5.2.8.3 Census Employment and Other Temporary Employment Income
18.2.5.2.9 Disregarded Income

In addition to meeting the *RCA* non-financial eligibility criteria, applicants must also meet financial eligibility criteria to be considered eligible for RCA. RCA financial eligibility testing consists of both an asset and an income test. As in the *W-2* program, minor parents do not have to pass the asset and income tests. (See W-2 Manual 3.1)

18.2.5.1.1 $2500 Gross Asset Test

At application, the RCA *assistance group* must have total countable assets that are less than or equal to $2,500, excluding any reception and placement assets provided by the Volag.

18.2.5.1.2 Asset Availability

Only assets that are actually available for use may be counted. An asset is considered “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.

Note: Any assets remaining in the refugee's country of origin are considered disregarded for RCA.

18.2.5.2.1 115% Gross Income Test

At application, the RCA assistance group must have total countable income that is less than or equal to 115% of the *FPL* for the size of the RCA assistance group.

The FPL changes in February of each year. See 3.2.1 for current FPL amounts.

18.2.5.2.2 Prospective Income Eligibility

Available earned and unearned income is tested prospectively for RCA eligibility. The FEP makes a best estimate to determine what income will be received by the participant each month.

18.2.5.2.3 Estimating Income

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

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

To get the best estimate of monthly unearned income for the RCA group, the FEP 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. An RCA assistance group must be prospectively ineligible for two consecutive months before the case closes.

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

18.2.5.2.4 Income Availability

As with assets, only income that is actually available for use may be counted. Income is considered available when the individual has a legal interest in it and has the legal ability to make it available for support or 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.

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.

18.2.5.2.5 Fluctuating Income

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

18.2.5.2.6 Prorating Income

Income received on a yearly basis or less often may be converted to a monthly amount. The agency may count only income that is predictable in amount and frequency, such as land contract income or income from a trust fund. Count the prorated income beginning in the month it is received.

18.2.5.2.7 Changing Estimated Income

Once determined eligible for RCA, if the RCA assistance group has income and it is expected to exceed the 115% gross income limit (see 18.2.5.2.1) for at least two consecutive months, the group becomes ineligible for RCA. Participants must report any change in earned or unearned income within 10 calendar days of the occurrence (see 18.2.6.6). The FEP must redetermine the best estimate for income when any change in the income's source, rate of pay, or payment schedule has been reported.

18.2.5.2.8 Counting Income

All earned and unearned income of all RCA *assistance group* members is counted in determining the 115% gross income test (see 18.2.5.2.1) unless specifically disregarded. See W-2 Manual 3.2.9 for a list of income that should be disregarded.

In some cases, the husband and wife in an RCA assistance roup may have different arrival dates. In such a case, consider any applicable income of the first-arrived spouse (such as employment earnings) when determining RCA eligibility for the group based on entry of the newly-arrived spouse. In these cases, the assistance group would remain eligible for RCA through the end of the newly arrived spouse's 8 month RCA eligibility period.

18.2.5.2.8.1 Deeming

United States Citizenship and Immigration Services (USCIS) requires certain individuals who are admitted as permanent resident aliens to have a sponsor sign an affidavit of support to ensure that the immigrant does not become a public charge. In these cases, the sponsor's income may be counted or "deemed" to be available to the sponsored alien when determining financial eligibility for W-2 or other public benefits.

Refugees' relationship to sponsors, however, differs from the relationship described above. A refugee is typically "sponsored" by a *Volag*, whose role is to help the refugee effectively settle into their new community and become socially and economically self-sufficient. In some cases a refugee may also be "sponsored" by individuals or groups in the community (such as church groups), and may be given additional help by friends or relatives (often themselves refugees) who are more acclimated to the community. These agency and individual sponsors DO NOT meet the *USCIS* definition of a sponsor because they do not have legal obligations to provide financial support to the refugee. W-2 agencies should not, therefore, deem a sponsor's income for any of the groups listed with refugee status even if they obtain permanent resident status.

EXAMPLE: A single female refugee arrives to the U.S. on 3/1/2012 and is assigned to the local Volag. The woman has relatives in the community who arrived as refugees two years ago, and are able to further help her with her integration into American life. When determining RCA financial eligibility, the income of the woman's relatives should not be counted.

If a refugee has a sponsor (other than a Volag) from whom they are receiving direct income, count the amount of income actually received by the refugee from the sponsor.

18.2.5.2.8.2 Self-Employment Income

If a refugee begins to receive self-employment income, the W-2 agency must count the gross receipts from the self-employment business. As in W-2, gross receipts must not be adjusted based on expenses. If IRS tax forms were completed for the previous year, use these forms to calculate the self-employment income. RCA's short 8 month time period however, means that IRS tax forms from the previous year will most likely not be available. In such cases, calculate the income using average monthly anticipated earnings.

18.2.5.2.8.3 Census Employment and Other Temporary Employment Income

Income from temporary employment, including employment as a census enumerator, is counted when determining RCA financial eligibility.

18.2.5.2.9 Disregarded Income

All earned and unearned income of all RCA *assistance group* members is counted in determining the 115% gross income test (see 18.2.5.2.1) with the exception of the income listed in W-2 Manual 3.2.9.1.

Note in particular that State Department Refugee Resettlement *Reception & Placement (R&P) assistance payments* cash income is disregarded.

18.2.6 RCA Case Processing Requirements

18.2.6.1 RCA Eligibility Verification Requirements
18.2.6.1.1 Introduction
18.2.6.1.2 Information Requiring Eligibility Verification
18.2.6.1.3 Requesting Verification from RCA Participants
18.2.6.1.4 Frequency of Verification
18.2.6.1.5 Income and Eligibility Verification System (IEVS) and Data Exchange (DX)
18.2.6.2 Requesting and Protecting RCA Participant Information
18.2.6.2.1 Requesting Information from Third Party Sources
18.2.6.2.2 Protecting RCA Participant Information
18.2.6.3 Documenting RCA Participant Information
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18.2.6.8 Requirements for RCA Notices
18.2.6.9 Payment Issuance and Reimbursement
18.2.6.10 RCA Overpayments and Underpayments

18.2.6.1 RCA Eligibility Verification Requirements

18.2.6.1.1 Introduction

The *W-2* agency must verify financial and non-financial information provided by the members of the *RCA assistance group* to determine whether the group qualifies for or remains eligible for RCA.

18.2.6.1.2 Information Requiring Eligibility Verification

A list of eligibility criteria along with suggested sources of allowable verification can be found in W-2 Manual 4.1.2.

18.2.6.1.3 Requesting Verification from RCA Participants

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

If extenuating circumstances exist that make the verification requirements unduly burdensome or the verification submitted by the individual is questionable or contradictory, the W-2 agency may extend the verification due date. For RCA applicants, the verification due date may be extended up to 30 days from the date the agency receives a signed paper registration form. (Keep in mind, though, that federal regulations require an RCA eligibility determination to be made within 30 days of the date of application). For RCA participants, the verification due date may be extended for up to 30 days from the date of the initial request for verification.

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

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

Questionable verification or reporting supplied by applicants or participants must be referred for fraud investigation (see W-2 Manual 13.3.1).

18.2.6.1.4 Frequency of Verification

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

- Identity
- Social Security Number and
- Birth Date

To assure that these items are only verified once, the *FEP* must scan copies of the documents used to verify these items into *ECF* in the appropriate folder based upon the document type. Because RCA applicants may be applying for other public benefits such

as FoodShare, the FEP should check ECF for necessary verification before requesting these from the RCA applicant.

Other eligibility criteria should be reviewed when new information is reported or received through a data exchange. See 18.2.6.1.5.

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

See W-2 Manual 4.1.5 for information on the systems used and required agency action.

18.2.6.2 Requesting and Protecting RCA Participant Information

18.2.6.2.1 Requesting Information from Third Party Sources

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

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

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

Eligibility must be reassessed when information from third party sources is received.

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

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

18.2.6.2.2 Protecting RCA Participant Information

Follow the guidelines in the W-2 Manual 4.2.2 regarding the safeguarding of RCA participants' information.

18.2.6.3 Documenting RCA Participant Information

18.2.6.3.1 Record of Verification

As in the W-2 program, RCA eligibility information requiring verification must be either "validated" or "documented." See W-2 Manual 4.2.2 for guidelines on validation and documentation.

18.2.6.3.2 Case Comments

Workers processing RCA cases should follow the guidelines on case comment usage found in W-2 Manual 4.3.3.

18.2.6.4 Storing RCA Participant Information

The standards regarding storage of W-2 participants' data also applies to RCA participants. See the following parts of the W-2 manual for more information:

- Electronic Case File (ECF) (W-2 Manual 4.4.1)
- Scanning Requirements (W-2 Manual 4.4.2)
- Record Retention Requirements (W-2 Manual 4.4.3)
- Access to ECF by an Authorized Representative (W-2 Manual 4.4.4)
- Scanning Consistency Within an Agency (W-2 Manual 4.4.5)
- Storing Confidential Information (W-2 Manual 4.4.6)

18.2.6.5 Fraud

The W-2 agency is responsible for ensuring the integrity of the RCA program that it administers. As with the W-2 program, the W-2 agency must accomplish this responsibility by operating a fraud prevention program to identify and prevent

errors/fraud at application, and investigating or referring possible fraud for investigation.

Fraud in the RCA program 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 an RCA payment. An example of participant fraud is when an individual reports being unemployed during a period of time an employer reported earnings for that individual. However, it is important to keep in mind (especially for refugee populations) that a misstatement by an individual due to the individual's misunderstanding on what constitutes income may not be considered fraud.

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

See also W-2 Manual 13.2.1 for guidance on preventing fraud by using front-end verification and W-2 Manual 13.3.1 for more information on fraud investigation.

18.2.6.6 Changes

The participant's RCA change-reporting responsibilities are detailed in the "Responsibilities" section of the Participation Agreement (form DCF-F- DETM15011), which the participant is required to sign. RCA participants are required to notify the W-2 agency of certain changes (including changes in income, assets and family structure) within 10 calendar days of their occurrence. Additionally, participants must inform the agency of any changes in their mailing address or phone number. The agency must respond to reports in a timely manner and keep case data up to date.

When a refugee reaches the eight month time limit for RCA eligibility, review the case file to determine possible eligibility for W-2 due to changed circumstances.

18.2.6.7 Reviews

Due to RCA's short eligibility period there is no required review, but eligibility should be reviewed whenever a participant is scheduled for a regular review of any other benefits administered by the W-2 agency.

18.2.6.8 Requirements for RCA Notices

In order to comply with federal RCA policy regarding notices, refer to the following guidelines:

- The client must sign the Participation Agreement (form DCF-F-DETM15011) which communicates RCA time limits, employment and training requirements, consequences of non-participation, and client rights.
- Use the Refugee Cash Assistance Eligibility Notice of Decision (form DCF-F-DETM13753) to inform an applicant that he or she is eligible for RCA.
- Use the Refugee Cash Assistance Ineligibility Notice of Decision (form DCF-F-DETM13758) to inform an applicant that he or she is ineligible for RCA.
- A notice of RCA termination must be provided at least 10 days prior to the termination date. Remember that a W-2 determination must be made when RCA is terminated due to time expiration (see 18.2.6.6).
- Use the Refugee Cash Assistance Sanctions Notice of Decision (form DCF-F-DETM13770) to inform a client that a sanction is being imposed on his or her RCA case.
- Use the Refugee Cash Assistance Work Programs Notice of Referral (form DCF-F-DETM13768) to inform clients of referrals to work programs.
- Use the Sample RCA Overpayment Notice (form DCF-F-DETM15725) to notify an RCA client of an overpayment and the Refugee Cash Assistance Repayment Agreement (form DCF-F-DETM15721) to record an RCA repayment agreement between the client and the agency.

The forms listed above are available in English and several refugee languages common in Wisconsin and can all be found on the DCF Forms webpage. If a form is not available in an appropriate language for a refugee client, another acceptable means of communication must be used, such as verbal translation into the refugee's native language.

18.2.6.9 Payment Issuance and Reimbursement

Since *CARES* is not programmed to support the RCA program, W-2 agencies must issue RCA payments manually. The initial RCA payment must be made within five days of the eligibility determination (see 18.2.2.5) and each payment thereafter must be made by the first of the month. Refer to 18.2.4.2 for guidance on pro-rating RCA payments.

W-2 agencies are reimbursed for the RCA payments and related administrative costs separate from their W-2 contract allocation. W-2 agencies must utilize the Central Office Reporting (CORe) system to submit RCA expenses to *DCF*. CORe instructions, account information and reports can be found on the CORe webpage..

RCA clients can be placed into either subsidized employment (in accordance with the rules governing W-2 Trial Employment Match Program (TEMP)), Community Service

Jobs (CSJ), or W-2 Transitions (W-2T) (see 18.2.2.4). RCA payment amounts are consistent with W-2 payment amounts for these placements (see W-2 Manual 10.1)

18.2.6.10 RCA Overpayments and Underpayments

W-2 agencies must maintain a procedure to ensure the recovery of overpayments and correction of underpayments for the RCA program.

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18.2.7 RCA Fair Hearing Process

The state will use the fair hearing procedure outlined in the Income Maintenance Manual.

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18.3 Refugee Medical Assistance (RMA)

18.3.1 RMA Overview

RMA is administered by states or other designated entities. In Wisconsin, RMA provides the same level of benefits as *Medical Assistance* and is considered part of the Wisconsin Medicaid/BadgerCare Plus program, though it is funded separately. RMA is administered by *W-2* agencies with guidance from the Refugee Programs Section of the Wisconsin Department of Children and Families' Division of Family and Economic Security (DFES)/Bureau of Working Families (BWF).

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18.3.2 RMA Application Process

18.3.2.1 Applying for RMA
18.3.2.2 Completing the RMA Application
18.3.2.3 RMA Application Processing Timeframe

While *W-2* agencies have contractual responsibility for receiving and processing *RMA* applications, they must work with economic support agencies to ensure that eligibility for all regular *BC+* subprograms is tested first.

18.3.2.1 Applying for RMA

Any individual may apply for RMA by submitting a paper registration form. Outside of Milwaukee, refugees who wish to apply for RMA must apply at the W-2 agency serving their W-2 geographical area. Similarly, refugees living in Milwaukee's West Central and Southern areas must apply for RMA at their geographical area's refugee "one-stop." Refugees living in Milwaukee's Northern or East Central W-2 geographical areas, in which *RCA* and RMA cases are not processed, must apply for services at the West Central W-2 geographical office.

W-2 agencies must encourage anyone who expresses an interest in applying for RMA to file an application as soon as possible and must provide any information, instruction or materials needed to complete the application process.

The applicant may be assisted by any person he or she chooses in completing the application.

In certain cases, an authorized representative or other designated individual may sign the application for the applicant. The information listed in BadgerCare Plus Eligibility Handbook 25.5 provides details about this process and should be applied to the RMA program. Refugees typically give permission for their *Volag* caseworker to act as their authorized representative. See Authorized Representative form.

As in Medicaid/BadgerCare Plus policy (see BadgerCare Plus Eligibility Handbook 25.4), an application for RMA is considered valid when it includes the applicant's name, address and signature. The date that the agency receives the valid application is the filing date and the signatures of two witnesses are required if the application is signed with a mark (see BadgerCare Plus Eligibility Handbook 25.5.1).

As in Medicaid/BadgerCare Plus policy, if an applicant contacts the wrong agency, he or she should be redirected immediately to the agency responsible for processing the application. If an application is received in the wrong agency, it must be date stamped and redirected to the agency responsible for processing that application no later than the next business day. The filing date remains the date it was originally received by the wrong agency (see BadgerCare Plus Eligibility Handbook 25.3.1).

18.3.2.2 Completing the RMA Application

The agency must schedule a face-to-face interview after receiving the paper registration form. During the interview, the worker will gather more detailed information about the RMA *assistance group* in order to determine RMA eligibility.

A signed copy of the paper registration form must be scanned into *ECF*.

If a refugee attempted to apply for RMA by submitting an ACCESS or telephone application instead of a paper registration form, honor the application's filing date and determine eligibility for RMA according to the timeframe in 18.3.2.3. This application must be scanned into ECF.

18.3.2.3 RMA Application Processing Timeframe

The date the application is received is the filing date. RMA applications must be processed within 30 days of this filing date.

18.3.3 RMA Assistance Groups

The income and assets of *RMA assistance group* members are considered together when determining RMA financial eligibility (see 18.3.5). An RMA assistance group consists of either an unmarried adult refugee (18 years or older) or a married couple without dependent children. Do not consider an RMA applicant as part of another refugee's RMA assistance group unless they are married.

EXAMPLE: A refugee household consists of a husband, wife, their two unmarried adult daughters (aged 18 and 20) and the husband's brother. There are four RMA assistance groups in the household:

- Husband and wife: one RMA assistance group
- Unmarried adult daughter, aged 18: one RMA assistance group
- Unmarried adult daughter, aged 20: one RMA assistance group
- Husband's brother: one RMA assistance group

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18.3.4 RMA Non-Financial Eligibility

18.3.4.1 Immigration Status
18.3.4.2 Date of Entry to the U.S.
18.3.4.3 Wisconsin Residency
18.3.4.4 Ineligibility for Medicaid/BadgerCare Plus
18.3.4.5 Not Be Enrolled as Full-Time Student in Higher Education
18.3.4.6 Provide Name of Resettlement Agency

To be eligible for *RMA*, a refugee must:

1. Possess a qualifying immigration status;
2. Have been in the country eight months or less (except for asylee(s) and victim(s) of trafficking, for whom the eight month clock begins as of the date they are granted asylum or *certified as a victim of trafficking*, respectively);
3. Be a resident of Wisconsin;
4. Be ineligible for BadgerCare Plus or Medical Assistance;
5. Not be a full-time student (unless part of an individual's employment plan); and
6. Provide the name of his or her resettlement agency to the worker.

Special notes:

- As in MA policy, an applicant who does not provide a Social Security number may still be eligible for RMA if they apply for one and provide proof of the application. (See Medicaid Eligibility Handbook 10.1).
- Unlike RCA policy (see 18.2.4.8) participation in the Matching Grant program does not disqualify a refugee from RMA.
- A refugee cannot be required to apply for or receive *RCA* as a condition of eligibility for RMA.

18.3.4.1 Immigration Status

Use RCA immigration status requirements when determining eligibility for RMA. (See 18.2.4.1).

Refer to the following refugee immigration document verification guide for information on the types of documents that verify the immigration statuses listed above. For information on appropriate CARES coding for the immigration statuses listed above, refer to the W-2 Non-Citizen Eligibility Desk Guide.

If a refugee is not able to verify his or her immigration status with paper documentation, attempt to verify the status using the web-based *Systematic Alien Verification for Entitlements (SAVE)* program. Scan the information found using SAVE into ECF.

18.3.4.2 Date of Entry to the U.S.

Follow the eight month time-limited eligibility policy for RCA when determining eligibility for RMA. (See 18.2.4.2). Like RCA, RMA benefits may need to be prorated depending on a refugee's date of entry to the U.S.

> **EXAMPLE:** A refugee's date of entry to the U.S. is 8/14/2012 and his 8 month eligibility for Refugee Cash and Medical Assistance ends on 4/13/2013. If the refugee meets financial and non-financial eligibility criteria, the first month's benefits should start on 8/14/2012 and the last month's benefits should end on 4/13/2013.

18.3.4.3 Wisconsin Residency

To be eligible for RMA, a refugee must be a resident of Wisconsin. To determine if an individual is a resident of Wisconsin for RMA purposes, apply the Medicaid residency requirements listed below (these are also listed in Medicaid Eligibility Handbook 6.1).

The individual must:

1. Be physically present in Wisconsin. There is no required length of time the person has to have been physically present, and
2. Express intent to reside here.

Secondary migrant(s) to Wisconsin (refugees who move to Wisconsin from a different state) may be eligible for RMA. If there is reason to believe the secondary migrant was receiving RMA in the previous state, use appropriate verification request procedures to request verification that the RMA benefits in the other state have been terminated. (See Medicaid Eligibility Handbook 20.1 for general verification rules and Medicaid Eligibility Handbook 20.7 for the appropriate verification request timeline). While the applicant has

primary responsibility for providing verification, you must assist him or her in obtaining verification if he or she has difficulty in obtaining it. (See Medicaid Eligibility Handbook 20.5). In such cases, contacting the worker in the other state would likely be the most efficient way of verifying the information

Secondary migrants who were receiving RMA in another state must submit a medical assistance application in Wisconsin in order to be RMA-eligible. They are subject to the same financial and non-financial eligibility criteria as other refugees, including the eight month eligibility time-limit.

EXAMPLE: A refugee moves from Minnesota to Wisconsin on 7/20/2012 and submits a refugee medical assistance application on 7/24/2012. During the interview, the refugee states that she was receiving RMA in Minnesota. The worker pends the case for proof that Minnesota RMA benefits have ended. The verification is received timely and shows that Minnesota RMA benefits ended on 7/31/2012. If the refugee is otherwise eligible, the worker should issue RMA benefits beginning on 8/1/2012. The last day of RMA eligibility would be determined by applying the 8 month time limit.

18.3.4.4 Ineligibility for Medicaid/BadgerCare Plus

When a healthcare request is made, determine eligibility for all *MA* subprograms, including BadgerCare Plus, first. If the applicant is not eligible for any of these subprograms, then determine eligibility for RMA.

Note: If a refugee who is receiving *Medical Assistance* becomes ineligible for these programs because of earnings from employment, transfer the refugee onto RMA without a formal eligibility determination.

18.3.4.5 Not Be Enrolled as Full-Time Student in Higher Education

A refugee who is enrolled as a full-time student in an institution of higher education is not eligible for RMA unless the enrollment is approved as part of his or her individual employability plan.

18.3.4.6 Provide Name of Resettlement Agency

Refugees must provide the name of the resettlement agency (*Volag*) that is sponsoring them. While the vast majority of refugees are resettled by the Volag, keep in mind that some may not have this formal sponsor relationship with a Volag. *Secondary migrant(s)*, for example, would have ended their formal relationship with their original sponsoring Volag when they moved out of state.

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18.3.5 RMA Financial Eligibility

18.3.5.1 Special Procedure for RCA Recipients Ineligible for Medicaid or BadgerCare Plus
18.3.5.2 RMA Applicants Not Receiving RCA
18.3.5.3 Countable Income
18.3.5.4 Disregarded Income
18.3.5.5 Spend-Down
18.3.5.6 Countable Assets

18.3.5.1 Special Procedure for RCA Recipients Ineligible for Medicaid or BadgerCare Plus

All recipients of *RCA* who are not eligible for *Medical Assistance* are considered financially eligible for *RMA*. This means that an RCA recipient who is ineligible for Medicaid or BadgerCare Plus and who applies for RMA does not need to be financially tested for RMA; they are considered automatically financially eligible for RMA based on the fact that they met the RCA financial eligibility criteria.

18.3.5.2 RMA Applicants Not Receiving RCA

In contrast to RCA recipients who apply for RMA (see 18.3.5.1), RMA applicants who are not receiving RCA do need to be tested financially. To be eligible for RMA, these applicants need to meet both the income and asset tests of the AFDC-related medically needy financial eligibility criteria.

18.3.5.3 Countable Income

Count only the income available on the date of application, not prospectively. Do not take into consideration income changes that occur between the filing date and the application processing date when determining RMA financial eligibility. (Note that this policy significantly differs from Medicaid policy). Such employment income is disregarded so as not to discourage refugees from seeking and finding early employment.

EXAMPLE: A refugee arrives to Wisconsin on 8/14/2012, applies for healthcare on 8/16/2012, and reports no income. On 8/25/2012, the refugee begins part-time work and on 8/26/2012, the worker processes the RMA application. The worker should not count the refugee's earned income when making the eligibility determination.

In some cases the husband and wife in an *assistance group* may have different arrival dates. If this is the case, consider any countable income of the first-arrived spouse (such as employment earnings) when determining RMA eligibility for the group based on entry of the newly-arriving spouse. The newly-arrived spouse would remain eligible for RMA through the end of his or her 8 month RMA eligibility period.

18.3.5.4 Disregarded Income

All earned and unearned income of RMA *assistance group* members is counted toward the AFDC-related medically needy financial eligibility criteria with the exception of the income listed in the Medicaid Eligibility Handbook 15.3.

Note in particular that Department of State Refugee *Reception & Placement (R&P) assistance payments* cash income and RCA payments are disregarded.

18.3.5.5 Spend-Down

If an RMA *assistance group* fails the medically needy income test because their net income exceeds the medically needy income limit, the group can still qualify for RMA if they can meet a Medicaid deductible. Calculate the group's deductible by applying the guidelines in Medicaid Eligibility Handbook 24.5.

18.3.5.6 Countable Assets

Follow Wisconsin's Medicaid policy regarding the types of assets that should be counted and how to determine if an asset is available when determining an RMA assistance group's assets.

The assistance group's assets must be within the AFDC-related medically needy asset limit before any member of that group can qualify for RMA.

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18.3.6 RMA Case Processing Requirements

18.3.6.1 RMA Eligibility Verification Requirements
18.3.6.1.1 Introduction
18.3.6.1.2 Information Requiring Eligibility Verification
18.3.6.1.3 Requesting Verification from RMA Participants
18.3.6.2 Changes
18.3.6.3 Reviews
18.3.6.4 RMA Notices
18.3.6.5 Manual Eligibility Determinations and RMA Benefit Issuance

18.3.6.1 RMA Eligibility Verification Requirements

18.3.6.1.1 Introduction

The *W-2* agency must verify financial and non-financial information provided by the members of the *RMA assistance group* to determine whether the group qualifies for RMA.

When verifying information for the RMA program, apply the following guidelines:

- Only verify items necessary to determine eligibility for RMA;
- Do not verify information already verified unless you believe the information is fraudulent or differs from more recent information;
- Do not exclusively require a particular type of verification when various types are possible; and
- Do not target special groups on the basis of race, religion, national origin, etc for special verification requirements.

18.3.6.1.2 Information Requiring Eligibility Verification

Refer to Medicaid Eligibility Handbook 20.3.1 for a list of items that must be verified for the Medicaid program; these items, where applicable, must also be verified for the RMA program.

18.3.6.1.3 Requesting Verification from RMA Participants

The worker has a responsibility to use all available data exchanges to verify information, but the applicant has primary responsibility for providing verification. Do not deny RMA eligibility when the applicant does not have the ability to produce verification. Assist the applicant in obtaining verification if he or she has difficulty in obtaining it.

Unlike *Medical Assistance*, information that requires verification for RMA (see 18.3.6.1.2) only needs to be verified at time of application.

Verification requests must be made in writing and the applicant must be given a minimum of ten calendar days to provide the verification. As in Medicaid policy (see Medicaid Eligibility Handbook 20.7.1.1), do not deny eligibility for failure to provide the required verification until either the 11th day after requesting verification or the 31st day after the application filing date, whichever is later.

18.3.6.2 Changes

If a refugee has been determined eligible for RMA and begins to receive either earned or unearned income, these earnings do not affect RMA eligibility. Once a refugee has been determined eligible for RMA, he or she remains eligible through the end of their 8 month eligibility period, no matter the amount of their earnings. Because changes in earned and unearned income have no bearing on ongoing RMA financial eligibility, RMA recipients are not required to report income changes.

Similarly, RMA recipients are not required to report non-financial changes, such as a change in address or household composition.

18.3.6.3 Reviews

Due to RMA's short eligibility period there is no required review.

18.3.6.4 RMA Notices

The following RMA forms should be used for the situations described:

- The lower portion of the Refugee Cash Assistance Eligibility Notice of Decision (form DCF-F-DETM13753) to inform an applicant that he or she is eligible for RMA.

- The lower portion of Refugee Cash Assistance Ineligibility Notice of Decision (form DCF-F-DETM13758) to inform an applicant that he or she is ineligible for RMA.

The forms listed above are available in English and several refugee languages common in Wisconsin and can be found all in one location on the Forms website. If a form is not available in an appropriate language for a refugee client, another acceptable means of communication must be used, such as verbal translation into the refugee's native language.

18.3.6.5 Manual Eligibility Determinations and RMA Benefit Issuance

Eligibility processing for RMA needs to be done manually using form HCF 10110 (previously DES 3070). The medical status codes that may be applicable for this population are the following:

MA Subprogram	Med Stat	Description	CARES category
Refugees, Occasional DOH Funding	88	Refugee, no T19, RMAP, no $	non-CARES
Refugees, Occasional DOH Funding	89	Refugee, institutionalized, no T19, RMAP, no $	non-CARES

In the majority of cases, the medical status code "88" should apply.

Due to security reasons, the form should not be submitted through e-mail. Send the completed form to:

1. FAX: (608) 221-8815 or
2. Mail: Forward Health iChange
   P.O. Box 7636
   Madison, WI 53707-7636

Find more detailed information about step-by-step HCF 10110 processing in Process Help 81.2 – 81.4. (A WAMS ID is required to enter Process Help).

A Forward Health card will be issued to refugees found eligible for RMA.

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18.3.7 RMA Fair Hearing Process

The state will use the fair hearing procedure outlined in the Income Maintenance Manual.

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19 Other W-2 Resources

19.1 Emergency Payments

W-2 agencies must determine eligibility for an emergency payment for a participant who has an emergency need and is awaiting a first W-2 payment. Participants in a *CSJ* placement, *CMC* placement, and *W-2 T* placement, are eligible in the period prior to their first W-2 payment.

Emergency payments are one-time payments designed to meet an emergency need at the beginning of a W-2 episode. They are not an additional W-2 benefit. Emergency payments do not tick the clock because they qualify as non-recurrent, short-term benefits under the TANF definition of assistance.

Emergency payments may be used for needs such as shelter, food and work-related expenses, etc. They should be used in conjunction with other supports available to participants including *EA*.

There is no limit on the emergency payment amount; each W-2 agency may choose to establish a range of payments (e.g., between $25 and $750). The W-2 agency may also choose to limit the payment to no more than once every 12 months. Participants are not required to repay emergency payments.

Emergency payments are not tracked through the *CARES* system, though workers should enter information about the payment in the case comments if a participant has received this payment.

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19.2.1 Transportation Services

The *W-2* agency must provide transportation assistance services to applicants and participants when it is necessary to ensure participation in W-2 activities. The types of transportation services provided may vary from agency to agency based on the options in the area that are both available and reasonable. W-2 agencies must determine the types of transportation options that are reasonable to each participant's needs. A reasonable transportation option must meet all of the following criteria:

- The transportation option is safe;
- All out-of-pocket transportation costs are reasonable with respect to the applicant's or participant's income;
- The one-way travel time between home, childcare, and work or activities is no more than 60, or in some cases 90 minutes (See 11.2.2.1.2); and
- All relevant factors have been considered, (e.g. whether the option is the most convenient and reliable one that also meets the other criteria).

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19.2.2 Eligibility for Transportation Services

All *W-2* applicants and participants are eligible for transportation assistance, so long as the transportation is necessary for W-2 activities and childcare. W-2 applicants are eligible for transportation assistance only if the transportation is necessary for up-front job search activities and childcare. W-2 participants in any W-2 placement are eligible for transportation assistance only if the transportation is necessary for W-2 activities and childcare.

If the W-2 agency wishes to use W-2 funds to provide transportation assistance to individuals who are not in a W-2 placement or who are not assigned to up-front job search, (e.g. persons receiving assistance through the *EA* Program), then the individual must apply for W-2 and the *FEP* must place the person in a W-2 case management position or assign up-front job search.

W-2 agencies must provide public transportation resources whenever the services are available, and will reasonably meet the participant's needs. In determining the best transportation alternative, the FEP must consider the reasonability criteria listed in 19.2.1. If public transportation is not available or reasonable, the W-2 agency may provide the participant with private or personal transportation resources. For example, the W-2 agency may pay for gas cards, private van services or refer the participant to the W-2 Job Access Loan program (Chapter 17). If public transportation is not an option, the W-2 agency must take whatever reasonable measures are necessary to overcome transportation barriers.

19.2.3 Transportation Assistance Ticking the 60-Month Clock

A *W-2* participant who receives transportation assistance is subject to all *TANF* requirements pertaining to the 60-month lifetime limit and other nonfinancial specifications such as cooperation with child support.

TANF assistance includes payments, vouchers, and other forms of benefits designed to meet a family's ongoing needs (food, clothing, shelter, utilities, household goods, personal care items, and general incidental expenses).

W-2 participants in an unpaid, case management only, placement will not have their 60-month clock ticked for transportation if any of the following apply:

- They are employed for at least one hour per month;
- They are engaged in job search/readiness activities requiring child care;
- The transportation is not provided for longer than four months; or,
- The transportation services are provided via a group transportation or transportation capacity building project (e.g. someone who rides a TANF funded expanded bus route is not receiving assistance because the service does not have a direct monetary value to the individual family).

Therefore, several factors determine whether issuing transportation assistance to a participant in a case management only placement will tick the 60 month clock. When transportation assistance will have the effect of ticking a 60 month clock, the *FEP* must advise the participant of the potential impact and weigh the cost of using months of lifetime eligibility against the benefit of the service before assistance is given.

W-2 participants in *CMC*, *ARP*, *CSJ*, pro-rated CSJ, or *W-2 T* will not have their 60-month clock ticked for transportation because the clock will tick due to the receipt of TANF cash assistance.

19.3 Caretaker Supplement

The Wisconsin Department of Health Services (DHS), which administers the state's *SSI* program, also administers the Caretaker Supplement (CTS) program. The program provides a monthly payment in addition to the SSI payment to help with the support of SSI recipients' dependent children. A monthly *CTS* payment is issued for each eligible child. The payment amount is two hundred fifty dollars ($250) for one eligible child and one hundred fifty dollars ($150) for each subsequent eligible child in the household.

County or tribal social/human services agencies are responsible for administering the CTS program and providing policy information to the SSI recipient.

For the purpose of budgeting income for *W-2* eligibility, W-2 agencies must treat the monthly CTS payment as unearned income received by the SSI recipient. Retroactive CTS payments are treated as a lump sum payment.

For additional information about the CTS program, see the CTS webpage at: http://www.dhs.wisconsin.gov/ssi/caretaker.htm.

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19.4 Kinship Care

The Department of Children and Families contracts with local social/human services agencies to administer the Kinship Care program. The program provides monthly payments to relatives (e.g. grandparents, aunts, uncles, etc.) who care for a minor relative child. Kinship Care is an alternative to placing these children in a foster home or other type of out-of-home placement, unless foster care placement or other out-of-home placement is in the best interests of the child.

Kinship Care can be either court-ordered, as an alternative to a foster care placement, or be voluntary based on the circumstances of individual families. The Kinship Care payment amount is two hundred twenty dollars ($220) per child per month. In addition, Kinship Care children whose placement is court-ordered are categorically eligible for Medicaid, the Supplemental Nutrition Assistance Program (SNAP), and the Free School Lunch Program. The assumption is that children in Kinship Care are financially needy without income, except possibly child support.

The income and assets of the relative who cares for the Kinship Care child are not considered in the Kinship Care eligibility determination. Relatives receiving Kinship Care payments have no work requirements from the Kinship Care program. *W-2* agencies may refer a relative who potentially can care for a Kinship Care child to the appropriate local county or tribal social/human services agency.

For additional information about the Kinship Care program, see the Kinship Care webpage at: http://dcf.wisconsin.gov/kinship/.

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19.5 Burial Reimbursement

The Department of Health Services (DHS) administers the Wisconsin Funeral and Cemetery Aids Program (WFCAP) which provides reimbursement to eligible needy families, such as *W-2* participants, when the estate of the deceased individual is insufficient to pay the funeral and/or cemetery expenses.

The program may pay one thousand dollars ($1,000) or the cemetery expenses that are not paid by the estate of the deceased and/or other persons, whichever amount is lower. No payment is made for cemetery expenses if the costs for cemetery expenses exceed four thousand five hundred dollars ($4,500). The program may pay the lesser of one thousand five hundred dollars ($1,500) or the funeral expenses not paid by the estate of the deceased and/or other persons. No payment is made for funeral expenses if the costs for funeral expenses exceed three thousand five hundred dollars ($3,500).

For additional information on WFCAP, see the WFCAP at:
http://www.dhs.wisconsin.gov/em/wfcap/index.htm.

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19.6 Emergency Assistance

EA is a *W-2* Related Program that provides funding to families with a child(ren) who meet all EA eligibility criteria. In addition to other financial and nonfinancial eligibility criteria, to be eligible for EA, the applicant must be experiencing a current emergency due to homelessness, impending homelessness, energy crisis, fire, flood, or natural disaster. EA policy, eligibility criteria, application, and payment processing information are available in the Emergency Assistance Manual.

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Appendix

Appendix - Activity Codes

Definitions and Codes for Work Program Activities in CARES

AA – AODA Assessment
Valid for the following programs: W-2, LF, CF
Report this activity when participants are involved in an Alcohol and Other Drug Abuse (AODA) assessment by a qualified AODA provider.

***For Federal Work Participation**: Hours count as "Core" for no more than 240 hours for a single parent of a child under age six and 360 hours for all other work-eligible individuals. Hours may be counted for no more than 4 consecutive weeks. Timeframe for these limits is the preceding 12 months.*

AD – Disability and Learning Assessment
Valid for the following programs: W-2, LF, CF
Report this activity when participants are involved in a formal assessment by DVR or other qualified assessing agency. This assessment will identify the appropriate level of work needed, accommodations, and learning capacity of the participant.

***For Federal Work Participation**: Hours count as "Core" for no more than 240 hours for a single parent of a child under age six and 360 hours for all other work-eligible individuals. Hours may be counted for no more than 4 consecutive weeks. Timeframe for these limits is the preceding 12 months.*

AL – Physician's Assessment
Valid for the following programs: W-2, LF, CF
Report this activity when participants are involved in a physician's assessment to determine the participant's physical limitations due to medical conditions.

***For Federal Work Participation**: Hours count as "Core" for no more than 240 hours for a single parent of a child under age six and 360 hours for all other work-eligible individuals. Hours may be counted for no more than 4 consecutive weeks. Timeframe for these limits is the preceding 12 months.*

AM – Mental Health Assessment
Valid for the following programs: W-2, LF, CF
Report this activity when participants are currently involved in a mental health assessment by a qualified mental health provider.

***For Federal Work Participation**: Hours count as "Core" for no more than 240 hours for a single parent of a child under age six and 360 hours for all other work-eligible*

individuals. Hours may be counted for no more than 4 consecutive weeks. Timeframe for these limits is the preceding 12 months.

AV – Domestic Violence Assessment and Supportive Services
Valid for the following programs: W-2, CF
Report this activity for a participant who is receiving services for domestic violence. This includes assessment and supportive services, such as counseling, temporary shelter, legal assistance, etc.

***For Federal Work Participation**: This activity is not counted for Federal Work Participation requirements.*

BE – Adult Basic Education (ABE)
Valid for the following programs: W-2, CF
Report this activity for participants who are engaged in an Adult Basic Education (ABE) course that is not tied to participation in a job skills training. ABE is instruction designed to focus on the areas of reading, mathematics, communication skills, social studies, physical sciences, health, and career education. ABE consists of 3 levels:

1. Level 1, or Beginning ABE:
   Instruction designed for adults whose academic functioning level is comparable to grades 0 - 5.9.
2. Level 2, or Intermediate ABE:
   Instruction designed for adults whose academic functioning level is comparable to grades 6.0 - 8.9.
3. Level 3 or Adult Secondary Education (ASE):
   Instruction, which delivers competencies, academic or occupational, comparable to that offered in secondary schools (grades 9.0 - 12.9).

Up to one hour of unsupervised study time for each hour of class time plus supervised study time may also be assigned under this activity and tracked for attendance purposes. A statement from the educational program indicating the amount of study time required must be used to determine the assignment of hours.

***For Federal Work Participation**: Hours count as "Non-Core."*

CA – AODA Counseling
Valid for the following programs: W-2, LF, CF
Report this activity when the participant attends AODA Counseling prescribed by an AODA-related Health Care professional.

***For Federal Work Participation**: Hours count as "Core" for no more than 240 hours for a single parent of a child under age six and 360 hours for all other work-eligible individuals. Hours may be counted for no more than 4 consecutive weeks. Timeframe*

for these limits is the preceding 12 months.

CC – Child Care Related Activities
Valid for the following programs: W-2
Report this activity for an applicant or participant who is engaged in activities to secure child care arrangements in order to participate in work activities. This may include contacting a child care resource and referral network, researching availability of child care, touring child care facilities, and interviewing child care providers.

***For Federal Work Participation**: This activity is not counted for Federal Work Participation requirements.*

CD – Caring for Disabled Child
Valid for the following programs: W-2
Report this W-2 activity for the hours of care provided by a participant for a dependent child with a disability or incapacitation. Additionally, a medical provider must document the need for the participant to be the sole provider of care. This code should not be used for CMC participants.

***For Federal Work Participation**: Reporting this activity for a participant will exclude that family from Federal Work Participation calculations.*

CE – Career Planning & Counseling
Valid for the following programs: W-2, LF, CF, TMJ
Report this activity for participants receiving services geared towards assessment of a participant's career interests and guidance in the career planning process. Examples of activities include:

- Career assessments, including work patterns, skills and abilities
- Educational needs assessments, (e.g. TABE Testing)
- Career exploration/job shadowing,
- Reviewing labor market information and training opportunities, and
- Career guidance and counseling.

***For Federal Work Participation**: Hours count as "Core" for no more than 240 hours for a single parent of a child under age six and 360 hours for all other work-eligible individuals. Hours may be counted for no more than 4 consecutive weeks. Timeframe for these limits is the preceding 12 months.*

CF – Caring for Other Family Member
Valid for the following programs: W-2
Report this W-2 activity for the hours of care provided by a participant for a W-2 Group member with a disability or incapacitation other than a child or care of a foster child. Additionally, a medical provider must document the need for the participant to be the

sole provider of care. Reporting this activity for a participant will exclude that family from TANF Work Participation calculations.

***For Federal Work Participation**: Reporting this activity for a participant will exclude that family from Federal Work Participation calculations.*

CL – Learnfare Counseling
Valid for the following program: LF
Report this activity when the Learnfare participant is engaged in counseling to address one or more barriers to school attendance or problems identified by the participant that are not addressed by any other counseling participation.

These meetings should be used by staff to assist participants in gaining a better understanding of themselves in relation to school or family, or to make other personal adjustments to succeed in reaching educational goals.

CM – Mental Health Counseling
Valid for the following programs: W-2, LF, CF
Report this activity when the participant engages in Mental Health counseling that has been prescribed by a mental health professional.

***For Federal Work Participation**: Hours count as "Core" for no more than 240 hours for a single parent of a child under age six and 360 hours for all other work-eligible individuals. Hours may be counted for no more than 4 consecutive weeks. Timeframe for these limits is the preceding 12 months.*

CP – Child Support Payment
Valid for the following programs: CF
Use this tracking status when a Children First participant routinely pays his/her child support payment. It may be used simultaneously with all other activities.

CR – Career Advancement Services
Valid for the following programs: W-2, CF, TMJ
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;
- Enrolling in appropriate education/training programs, e.g. apprenticeships, career pathways, etc.; and
- Accessing career advancement opportunities offered through the employer, like career ladders program.

The length of time in this activity should reflect the time spent developing the career plan and doing career exploration.

***For Federal Work Participation**: Hours count as "Core" for no more than 240 hours for a single parent of a child under age six and 360 hours for all other work-eligible individuals. Hours may be counted for no more than 4 consecutive weeks. Timeframe for these limits is the preceding 12 months.*

CS – Community Service
Valid for the following program: CF
Report this activity when a participant is engaged in community service activities. Community service activities may include:

- volunteer work,
- participation in a community activity, and
- other types of community service.

The type of community service activity should be documented in case notes.

CT – Customized Skills Training
Valid for the following programs: CF
Report this activity when training is arranged and engaged to meet the specific employment needs of an employer, such as addressing labor shortages for a specific occupation, where the employer is involved in developing the training program.

In addition, there is an agreement that the employer will employ individuals who successfully complete the training program.

DR – Drivers Education
Valid for the following programs: W-2, LF, CF
Report this activity when a participant is enrolled in a course of study that includes both classroom and behind-the-wheel instruction designed to prepare the student to pass the Wisconsin Driver's License Examination.

This activity may also be used to reflect those hours a participant attends classes in order to have a Driver's License reinstated.

***For Federal Work Participation**: This activity is not counted for Federal Work Participation requirements.*

EC – Child Care for Employment Skills Training (2 Year)
Valid for the following programs: W-2
Report this activity for tracking when a W-2 participant is receiving up to two years of FEP authorized child care to enable the participant to engage in voluntary educational and training activities.

EI – Employer Intervention Services
Valid for the following programs: W-2, LF, CF
Report this service when it is directed at the employer to facilitate the resolution of job retention barriers faced by the participant. These services could include:

- enhancing communication channels between the employer and participant,
- employer counseling,
- suggesting acceptable work-site accommodations, and
- other on-site interventions with the employer on behalf of the participant.

The length of the service should reflect the time working with the employer.

***For W-2**: This activity is used to record and track employer intervention services provided by the W-2 agency. To record employment retention activities required by the participant, use the Job Retention Services (JR) activity code.*
***For Federal Work Participation**: This activity is not counted for Federal Work Participation requirements.*

EL – ESL (English as a Second Language)
Valid for the following programs: W-2, LF, CF
Report this activity for participants who are engaged in English as a Second Language (ESL) course that is not tied to participation in job skills training. ESL is a course of study intended to teach English skills related to reading, writing, speaking, and listening to students whose primary language is not English. The purpose of assigning ESL is to prepare participants for employment.

Up to one hour of unsupervised study time for each hour of class time plus supervised study time may also be assigned under this activity and tracked for attendance purposes. A statement from the educational program indicating the amount of study time required must be used to determine the assignment of hours.

***For Federal Work Participation**: Hours count as "Non-Core."*

EN – Enrollment
Valid for the following programs: W-2, LF, CF
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, TMJ
This activity is automatically entered when Enrollment with Orientation is reported for a participant by completing WPEN.

ES – Employment Search
Valid for the following programs: W-2, CF, TMJ

Report this activity for participants who are engaged in employment search that is tailored to the needs of the individual and includes some or all of the following activities:

- Time used to research prospective employers;
- Meeting with a job developer;
- Attending a structured job search workshop;
- Making contact with prospective employers whether by phone, in person or via internet to learn of job openings;
- Completing applications for vacancies;
- Preparing for job interviews; and
- Interviewing for jobs.

Activity may be completed independently or in a group setting. When traveling to job interviews, the travel time between interviews may be counted towards hours of participation. Travel time to the first job interview and the time spent returning home after the last one cannot be counted.

***For Federal Work Participation**: Hours count as "Core" for no more than 240 hours for a single parent of a child under age six and 360 hours for all other work-eligible individuals. Hours may be counted for no more than 4 consecutive weeks. Timeframe for these limits is the preceding 12 months.*

FC – Family Member Treatment/Counseling
Valid for the following programs: W-2
Report this activity when a participant is attending appointments on a weekly basis for another W-2 Group member's medical, AODA mental health needs, or other treatment/counseling

***For Federal Work Participation**: This activity is not counted for Federal Work Participation requirements.*

GE – GED (General Educational Development)
Valid for the following programs: W-2, LF, CF
Instruction designed to prepare adults for the Tests of General Educational Development (GED). A Certificate of General Educational Development is issued by the Department of Public Instruction (DPI) upon attainment of satisfactory scores on the GED tests. A person must be a Wisconsin resident who is at least 18 years and six months old OR whose high school class has graduated in order to take the GED tests.

Up to one hour of unsupervised study time for each hour of class time plus supervised study time may also be assigned under this activity and tracked for attendance purposes. A statement from the educational program indicating the amount of study time required must be used to determine the assignment of hours.

***For Federal Work Participation**: Hours count as "Non-Core," except for Teen Parents*

ages 18 and 19 with no High-School diploma who can meet their Federal Work Participation requirement by participation in this activity.

HE – HSE (High School Equivalency Diploma)
Valid for the following programs: W-2, LF, CF
Adult educational activities designed to prepare adults to take the tests and courses that lead to a High School Equivalency Diploma (HSED). An HSED is earned by taking all of the GED tests and a health, citizenship, employability skills, and career-awareness program OR completing any missing high school credits. Additional information on HSED or GED can be obtained from the Wisconsin Department of Public Instruction website.

Up to one hour of unsupervised study time for each hour of class time plus supervised study time may also be assigned under this activity and tracked for attendance purposes. A statement from the educational program indicating the amount of study time required must be used to determine the assignment of hours.

***For Federal Work Participation**: Hours count as "Non-Core," except for Teen Parents ages 18 and 19 with no High-School diploma who can meet their Federal Work Participation requirement by participation in this activity.*

HR – Housing-Related Activities
Valid for the following programs: W-2, CF
Report this activity for those participants experiencing a housing crisis and in need of stabilizing their living situation. This may include guided or self-directed housing search, relocating to get out of a domestic abuse situation and housing education sessions at community agencies.

This activity should be used in conjunction with assignment to other W-2 activities until permanent housing is secured.

***For Federal Work Participation**: This activity is not counted for Federal Work Participation requirements.*

JR – Job Retention Services
Valid for the following programs: W-2, CF, TMJ
Report this activity when services are provided directly to participants to assist them with maintaining unsubsidized employment. The types of services that can be provided include:

- Reviewing workplace demands and employer expectations
- Mediation of conflicts on the job;
- Strategies to help the individual stay employed
- Job specific problem solving
- Crisis resolution

For Federal Work Participation: *Hours count as "Core" for no more than 240 hours for a single parent of a child under age six and 360 hours for all other work-eligible individuals. Hours may be counted for no more than 4 consecutive weeks. Timeframe for these limits is the preceding 12 months.*

JS – Job Skills Training
Valid for the following programs: W-2, CF

Assign this activity:

1. When a participant enrolls in a short-term job skills training (no less than 40 hours of class room time and no more than 516 hours in length) that the W-2 agency has worked with the participant to arrange.
2. To individuals who enter W-2 already engaged in a job skills training program and:
   a. The individual has one semester/6 months or less to complete their program, but no more than 516 hours remaining; and
   b. The W-2 agency determines that completing the program will help the individual obtain employment.

The training must provide skills to help the participant obtain employment or to advance or adapt to the changing demands of the workplace. Training may include customized skills training to meet the needs of a specific employer or it can be general training that prepares an individual for a specific occupation within a particular employment sector. The training activity must be specific to the participant's immediate employment goal.

Up to one hour of unsupervised study time for each hour of class time plus supervised study time may be assigned under this activity and tracked for attendance purposes. A statement from the educational program indicating the amount of study time required will be used to determine the assignment of hours.

Examples of job skills training include:

- Welding
- Hospitality
- Data Entry
- Medical Assistant

Total assigned hours must never exceed 40 hours per week.

For Federal Work Participation*:* Hours count as "Core" for no more than 12 months during the lifetime of the participant. After 12 months, hours count as "Non-Core."

LA – Court-Related/Legal Appointments
Valid for the following programs: W-2, CF
Activities where participant is scheduled for court-ordered appointments for self and/or children. This may include:

- child welfare home visits and Wrap-Around staffing sessions,
- child support hearings and legal meetings with attorneys,
- probation and parole appointments, and
- Huber-related activities.

***For Federal Work Participation**: This activity is not counted for Federal Work Participation requirements.*

LF – Life Skills
Valid for the following programs: W-2, CF
Report this activity for participants who are engaged in activities that teach basic life skills that allow them to succeed in the workforce. Activities may include:

- Balancing life and work;
- Budgeting;
- Household management;
- Interpersonal skills;
- Decision making skills;
- Time management;
- Strengthening parenting skills and understanding family relationships;
- Family nutrition;
- How to work with the government, legal and school systems;
- How to request reasonable accommodations, and how to understand equal opportunity employment laws; and
- How to select quality child care, and develop a plan for back up child care emergencies and when the child or provider is sick.

***For Federal Work Participation**: Hours count as "Core" for no more than 240 hours for a single parent of a child under age six and 360 hours for all other work-eligible individuals. Hours may be counted for no more than 4 consecutive weeks. Timeframe for these limits is the preceding 12 months.*

LS – Literacy Skills
Valid for the following programs: W-2, CF
Report this activity for participants who are engaged in a literacy skills course that is not tied to participation in job skills training. Literacy Skills is a course aimed at teaching reading, writing, math, and communication skills necessary to prepare a participant to participate in ABE, occupational programs, or unsubsidized employment. Instruction may be provided in a formal educational institution, through a literacy council, or through another provider.

Up to one hour of unsupervised study time for each hour of class time plus supervised study time may also be assigned under this activity and tracked for attendance purposes. A statement from the educational program indicating the amount of study time required must be used to determine the assignment of hours.

***For Federal Work Participation**: Hours count as "Non-Core."*

MN – Mentor/Coach

Valid for the following programs: W-2, CF

Report this activity for participants assigned hours in which they are required to interact with their mentor/coach. Mentoring pairs more skilled or experienced individuals with a newly employed participant to help him/her succeed in the workplace. The agency maintains ongoing supervision of, and support for, mentors and mentees.

***For Federal Work Participation**: Hours count as "Core" for no more than 240 hours for a single parent of a child under age six and 360 hours for all other work-eligible individuals. Hours may be counted for no more than 4 consecutive weeks. Timeframe for these limits is the preceding 12 months.*

MO – Job Readiness/Motivation

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

Report this activity for applicants and participants who are engaged in classes and activities specifically designed to prepare them for work. Activities are geared at learning general workplace expectations, work behavior and job retention skills necessary to successfully compete in the labor market.

A high-quality job readiness program uses various techniques and approaches to build self-esteem and increase self-confidence. Attendance at scheduled sessions must last at least one hour. Examples of job readiness/motivation sessions include:

- Workshops on effective job seeking and interviewing skills;
- Resume creation, preparation, development and updating;
- Developing networking skills;
- Communication skills, personality types, and ability to relate to others;
- Instruction in workplace expectations (including instruction on appropriate attire);
- Workshops on self-esteem, goal setting, etc.;
- Courses on basic computer skills and use of internet; and
- Workshops on soft skills like punctuality, attendance, following directions, teamwork, getting along with others in the workplace, etc.

Activity may be completed independently or in a group setting.

***For Federal Work Participation**: Hours count as "Core" for no more than 240 hours for a single parent of a child under age six and 360 hours for all other work-eligible individuals. Hours may be counted for no more than 4 consecutive weeks. Timeframe*

for these limits is the preceding 12 months.

MP – Ongoing Medical/Personal Care
Valid for the following program: W-2, CF
Report this activity when a participant is involved in ongoing medical appointments or during timeframes when a participant cannot be assigned to other work activities due to medical restrictions that are expected to last more than six months. The medical restrictions and the expectation that the activity will last more than six months must be certified by a qualified medical or mental health professional.

***For Federal Work Participation**: This activity is not counted for Federal Wok Participation requirements.*

NB – NCP TEMP/Public Employer
Valid for the following programs: W-2
Report this activity for a W-2 noncustodial parent placed in a TEMP job within the public sector (employer is a government entity). The hours assigned under this activity should be equivalent to the number of hours the participant engages each week in a TEMP job. The activity ends when the TNP placement ends.

Only one member of a W-2 Group may be reported in this activity at a time.

***For Federal Work Participation:** This activity is not counted for Federal Work Participation requirements because TEMP participants are not included in the Federal Work Participation rate.*

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.

NV – NCP TEMP/Private Employer
Valid for the following programs: W-2
Report this activity for a W-2 noncustodial parent placed in a TEMP job within the private sector (employer is not a government entity). The hours assigned under this activity should be equivalent to the number of hours the participant engages each week in a TEMP job. The activity ends when the TNP placement ends.

Only one member of a W-2 Group may be reported in this activity at a time.

For Federal Work Participation: *This activity is not counted for Federal Work Participation requirements because TEMP participants are not included in the Federal Work Participation rate.*

OC – Occupational Testing
Valid for the following programs: W-2, LF, CF
Report this activity for participants engaged in testing related to employment. Testing may include:

- Exploration,
- Aptitude,
- Skills, and
- Interest testing and interpretation.

For Federal Work Participation*: Hours count as "Core" for no more than 240 hours for a single parent of a child under age six and 360 hours for all other work-eligible individuals. Hours may be counted for no more than 4 consecutive weeks. Timeframe for these limits is the preceding 12 months.*

OJ – On-The-Job Training (OJT)
Valid for the following programs: W-2, LF, CF, TMJ
Report this activity when a participant is in a paid job that is subsidized by a program other than W-2 or Transform Milwaukee Jobs (TMJ). This includes, but is not limited to:

- Workforce Investment Act (WIA) OJT,
- Division of Vocational Rehabilitation (DVR) Work Experience,
- Trade Adjustment Assistance (TAA) Act OJT,
- Youth Apprenticeship,
- Adult Apprenticeship,
- Employment subsidized by:
  - Experience Works,
  - Senior Community Services Program,
  - Volunteers in Service to America (VISTA) workers.

For Federal Work Participation*: This activity is not counted for Federal Work Participation requirements.*

OR – Program Orientation
Valid for the following programs: W-2, LF, CF
Report this activity when an individual participates in a set of activities designed to orient the individual to the employment and/or training program.

It may be used to indicate that orientation has occurred for an individual currently open (enrolled) in a different work program.

Example: An individual is currently open for W-2 and then becomes a Children First participant.

PA – Parenting Skills
Valid for the following programs: W-2, CF
Report this activity for participants who are engaged in activities that teach effective parenting skills. Activities may include:

- Parenting techniques
- Nutrition
- Family planning
- Behavior modification

***For Federal Work Participation**: This activity is not counted for Federal Work Participation requirements.*

PD – Personal Development
Valid for the following programs: W-2, CF
Report this activity for participants who are engaged in activities that promote a healthier lifestyle but the activity has not been determined to be medically necessary. The activity must be assigned with the goal of moving the participant towards employment. These activities may include, but are not limited to:

- Personal journaling
- Motivational reading
- Exercise at home
- Smoking cessation
- Weight loss promotion
- Ongoing support groups for domestic violence, Alcoholics Anonymous, Narcotics Anonymous, etc.

***For Federal Work Participation:** This activity is not counted for Federal Work Participation requirements.*

PR – Physical Rehabilitation
Valid for the following programs: W-2
Report this activity for participants who are engaged in an activity that meets the following criterion:

1. Determined to be medically necessary;
2. Anticipated to last six months or less; and
3. Geared towards helping the individual recover from a medical condition so that s/he may enter or re-enter the workforce.

The determination that the activity is medically necessary and the expectation that the rehabilitation activity will last six months or less must be certified by a qualified medical or mental health professional.

This activity should not be assigned when a participant is in the process of applying for SSI or SSDI and the W-2 agency or another provider is providing related advocacy services.

***For Federal Work Participation**: Hours count as "Core" for no more than 240 hours for a single parent of a child under age six and 360 hours for all other work-eligible individuals. Hours may be counted for no more than 4 consecutive weeks. Timeframe for these limits is the preceding 12 months.*

RS – Regular School (K - 12)
Valid for the following programs: W-2, LF, CF
Report this activity when the participant is:

- Enrolled in an education program (kindergarten through 12th grade levels) at a public or private school,
- At a Wisconsin Technical College System (WTCS) school in a program that will include a high school diploma, or
- At a Department of Public Instruction (DPI) registered home educational program including home based and home school instruction.

Up to one hour of unsupervised study time for each hour of class time plus supervised study time may also be assigned under this activity and tracked for attendance purposes. A statement from the educational program indicating the amount of study time required must be used to determine the assignment of hours.

***For Federal Work Participation**: Hours count as "Non-Core," except for Teen Parents ages 18 and 19 with no High-School diploma who can meet their Federal Work Participation requirement by participating in this activity.*

SD – SS(D)I Advocacy/Application
Valid for the following programs: W-2
Report this activity when the W-2 participant is in the process of obtaining SSI or SSDI and the W-2 agency or another provider is providing related services. Examples include meeting with an SSI advocate or attorney, working with the FEP on filling out the SSI forms, attending hearings, etc.

Note: No hours of participation are reported with this activity. It is entered for tracking purposes.

SW – Paid Work Experience in the public sector, not funded by TANF
Valid for the following program: W-2, CF
This is a supervised paid work training activity in a public sector organization such as a government entity in which the subsidized wages to the participant are provided by a source other than TANF funds.

This activity includes activities conducted by the W-2 agency or other work training provider to prepare a participant for a specific work site and the job site must have a training site supervisor.

The activity must serve a useful public purpose or be a project in which its costs are partially or wholly offset by revenue generated by such projects. The program funding agency must provide Worker's Compensation and Unemployment Insurance.

***For Federal Work Participation**: Hours count as "Core".*

SZ - Paid Work Experience in the private sector, not funded by TANF
Valid for the following program: W-2, CF
This is a supervised paid work training activity in a private sector entity in which the subsidized wages to the participant are provided by a source other than TANF funds.

This activity includes activities conducted by the W-2 agency or other work training provider to prepare a participant for a specific work site and the job site must have a training site supervisor.

The activity must serve a useful public purpose or be a project in which its costs are partially or wholly offset by revenue generated by such projects. The program funding agency must provide Worker's Compensation and Unemployment Insurance.

***For Federal Work Participation**: Hours count as "Core".*

TB – TEMP/Public Employer
Valid for the following programs: W-2
Report this activity for a W-2 custodial parent placed in a TEMP job within the public sector (employer is a government entity). The hours assigned under this activity should be equivalent to the number of hours the participant engages each week in a TEMP job. The activity ends when the TMP placement ends.

Only one member of a W-2 Group may be reported in this activity at a time.

***For Federal Work Participation:** This activity is not counted for Federal Work Participation requirements because TEMP participants are not included in the Federal*

Work Participation rate.

TC – Technical College Activities
Valid for the following programs: W-2
Assign this activity when CSJ and W-2 T participants are:

1. Enrolled full-time (up to 15 hours per week) in a program offered through the Wisconsin Technical College System that requires between one and two years of class-time to complete; and
2. Employed or assigned 25 hours of work activities per week.

The 25 hours must include the study time required for the program (see new Technical College Study Time - TT activity defined below) as well as other work activities that relate to the training the participant is engaged in that will improve the likelihood of obtaining employment once the training is completed. This may include activities such as work study/internships, career planning and counseling, job shadowing and work experience activities that relate to the training program.

For Federal Work Participation: *Hours count as "Core" for no more than 12 months during the lifetime of the participant. After 12 months, hours count as "Non-Core."*

TM – Transform Milwaukee Jobs (Subsidized)
Valid for the following program: TMJ
Report this activity for hours of work in a subsidized job when the individual is enrolled in the subsidized work phase of TMJ.

TT - Technical College Study Time
Valid for the following program: W-2
Assign this activity when study time is needed for the participant to successfully complete a Technical College program. Up to one hour of unsupervised study time for each hour of class time plus supervised study time may also be assigned under this activity and tracked for attendance purposes. A statement from the educational program indicating the amount of study time required must be used to determine the assignment of hours. The study time must be counted towards the 25 hour Technical College work requirement (see definition for Technical College - TC activity).

Only assign this activity when the participant is assigned Technical College – TC.

For Federal Work Participation*: Hours count as "Core" for no more than 12 months during the lifetime of the participant. After 12 months, hours count as "Non-Core."*

TU – Transform Milwaukee Jobs (Unsubsidized)
Valid for the following program: TMJ
Report this activity when an individual engages in unsubsidized employment during any of the three phases of TMJ.

TV – TEMP/Private Employer
Valid for the following programs: W-2
Report this activity for a W-2 custodial parent placed in a TEMP job within the private sector (employer is not a government entity). The hours assigned under this activity should be equivalent to the number of hours the participant engages each week in a TEMP job. The activity ends when the TMP placement ends.

Only one member of a W-2 Group may be reported in this activity at a time.

For Federal Work Participation: *This activity is not counted for Federal Work Participation requirements because TEMP participants are not included in the Federal Work Participation rate.*

UA – Unassigned
Valid for the following programs: CF
Report this only if a participant has completed the enrollment process, is between assignments and is currently not assigned to any other activity.

UC – Up-front Career Planning
Valid for the following programs: W-2, CF
Report this activity for applicants who receive up-front services geared toward assessment of an individual's career interests and guidance in the career planning process. Examples of activities include:

- Career assessments;
- Educational needs assessment (e.g. TABE Testing);
- Career exploration/job shadowing;
- Reviewing labor market information and training opportunities; and
- Career guidance and counseling

This activity must be ended at time of W-2 placement.

For Federal Work Participation*: This activity is not counted for Federal Work Participation requirements.*

UE – Up-front Employment Search
Valid for the following programs: W-2, CF
Report this activity for applicants who are engaged in up-front employment search that is tailored to the needs of the individual and includes some or all of the following activities:

- Time used to research prospective employers;
- Meeting with a Job Developer;
- Attending a structured job search workshop, such as Job Club
- Making contact with prospective employers whether by phone, in person or via internet to learn of job openings;

- Completing applications for vacancies;
- Preparing for job interviews;
- Interviewing for job.

This activity must be ended at time of W-2 placement.

***For Federal Work Participation**: This activity is not counted for Federal Work Participation requirements.*

UR – Up-front Job Readiness / Motivation
Valid for the following programs: W-2, CF
Report this activity for applicants who are engaged in up-front classes or activities specifically designed to prepare them for work. Activities are geared at learning general workplace expectations, work behavior and job retention skills necessary to compete successfully in the labor market.

A high-quality job readiness program uses various techniques and approaches to build self-esteem and increase self-confidence. Attendance at scheduled sessions must last at least one hour. Examples of job readiness/motivation sessions include:

- Workshops on effective job seeking and interviewing skills;
- Resume creation, preparation, development and updating;
- Developing networking skills;
- Communication skills, personality types, and ability to relate to others;
- Instruction in workplace expectations (including instruction on appropriate attire);
- Workshops on self-esteem, goal setting, etc;
- Course on basic computer skills and use of internet; and
- Workshops on soft skills like punctuality, attendance, following directions, teamwork, getting along with others in the workplace, etc..

Activity may be completed independently or in a group setting.

This activity must be ended at time of W-2 placement.

***For Federal Work Participation**: This activity is not counted for Federal Work Participation requirements.*

VA – Vocational Adult Basic Education
Valid for the following programs: W-2, CF
Report this activity for participants who are assigned to an Adult Basic Education (ABE) course this is completed as a part of a job skills training program. The course must be of limited duration and be a necessary or regular part of the job skills training. ABE is instruction designed to focus on the area of reading, mathematics, communication skills, social studies, physical sciences, health, and career education. ABE consists of three levels:

1. Level 1, or Beginning ABE:
   Instruction designed for adults whose academic functioning level is comparable to grades 0-5.9.
2. Level 2, or Intermediate ABE:
   Instruction designed for adults whose academic functioning level is comparable to grades 6.0-8.9.
3. Level 3 or Adult Secondary Education (ASE) Instruction which delivers competencies, academic or occupational, comparable to that offered in secondary schools (grades 9.0-12.9).

Up to one hour of unsupervised study time for each hour of class time plus supervised study time may also be assigned under this activity and tracked for attendance purposes. A statement from the educational program indicating the amount of study time required must be used to determine the assignment of hours.

***For Federal Work Participation**: Hours count as "Core" for no more than 12 months during the lifetime of the participant. After 12 months, hours count as "Non-Core."*

VE – Vocational English-as-a-Second-Language
Valid for the following programs: W-2, CF
Report this activity for participants who are assigned to an English-as-a-Second-Language (ESL) course that is completed as part of a job skills training program.

The course must be of limited duration and be a necessary or regular part of the job skills training. ESL is a course of study intended to teach English-speaking skills related to reading, writing, speaking and listening to students whose primary language is not English.

Up to one hour of unsupervised study time for each hour of class time plus supervised study time may also be assigned under this activity and tracked for attendance purposes. A statement from the educational program indicating the amount of study time required must be used to determine the assignment of hours.

***For Federal Work Participation**: Hours count as "Core" for no more than 12 months during the lifetime of the participant. After 12 months, hours count as "Non-Core."*

VL – Vocational Literacy Skills
Valid for the following programs: W-2, CF
Report this activity for participants who are assigned to a Literacy Skills course that is completed as part of a job skills training program. The course must be of limited duration and be a necessary or regular part of the job skills training.

Vocational Literacy Skills is a course of study aimed at teaching reading, writing, math and communication skills necessary to prepare a participant to participate in job skills

training. Instruction may be provided in a formal educational institution, through a literacy council or through another provider.

Up to one hour of unsupervised study time for each hour of class time plus supervised study time may also be assigned under this activity and tracked for attendance purposes. A statement from the educational program indicating the amount of study time required must be used to determine the assignment of hours.

***For Federal Work Participation**: Hours count as "Core" for no more than 12 months during the lifetime of the participant. After 12 months, hours count as "Non-Core."*

WE – Work Experience
Valid for the following programs: W-2, LF, CF
This is a supervised unpaid work training activity with either:

- a public business or organization,
- private not-for-profit business or organization, or
- a private-for-profit business or organization.

Work Experience includes orientation activities conducted either by the W-2 agency or the work training site provider that prepare a participant for a specific work site.

The activity must serve a useful public purpose or be a project whose cost is partially or wholly offset by revenue generated by such projects. The program agency must provide Workers Compensation liability for the Work Experience job site.

The job site must have a work training site supervisor.

***For Federal Work Participation**: Hours count as "Core."*

WF – Working Full-Time
Valid for the following programs: W-2, LF, CF
Report this activity when a participant is working in unsubsidized employment 30 or more hours per week (or an average of 30 hours per week or more for the month).

If the participant works more than one job and the sum of hours worked for all jobs meets 30 or more hour per week (or an average of 30 hours per week or more for the month), the Working Full-Time activity is reported.

***For Federal Work Participation**: Hours count as "Core."*

WP – Working Part-Time
Valid for the following programs: W-2, LF, CF
Report this activity when a participant is working in unsubsidized employment less than 30 hours per week (or an average of less than 30 hours per week for the month).

(Note: If the participant begins an additional unsubsidized job and the sum of work hours from all jobs meets the 30 hours per week rule, then the Working Part-Time activity should be completed and the participant should be reported in the Working Full-Time activity only.)

***For Federal Work Participation**: Hours count as "Core."*

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Appendix - W-2 Agency Civil Rights Obligation

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

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

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

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

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

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

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

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Appendix - W-2 Forms and Publications

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

To access DCF forms and publications from the Internet, please visit http://dcf.wisconsin.gov/forms/.

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

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

While the majority of our forms and publications are available on the Internet Forms Repository or the Publications Repository, the Division of Family and Economic Security also stores some of its forms and publications at the Wisconsin Department of Administration (DOA) Document Sales and Distribution Center in Madison, in addition to having forms and publications available in the repositories.

A number of the forms and publications that are required to be provided during the W-2 application process as well as other publications that are offered in a format other than 8.5 x 11 are stored at the center. Forms and publications stored at the center can be obtained free of charge. For a complete list of the W-2 forms and publications stored at the center, or to order W-2 forms and publications, please visit http://docsales.wi.gov/.

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

Department of Children and Families
Division of Family and Economic Security
Attention: DFES Forms Officer
P.O. Box 8916
Madison, WI 53708-8916

Phone number: 608-422-6328
E-mail: jeannie.holtan@wisconsin.gov

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Appendix - Non-Citizen Eligibility Documentation

Click on the link below to access this W-2 Manual appendix in .pdf format.

Non-Citizen Eligibility Documentation

Appendix - Job Centers

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

Job Centers

Appendix - Refugee Assistance Program (RAP) Tools

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

Volags and Other Agencies Contact List

Sample Eligibility Letter from Department of Health and Human Services

Sample Certification Letter from Department of Health and Human Services

Refugee Status Documentation

Appendix - TANF Work Participation Requirements

W-2 Work Participation Documentation, Verification and Supervision Policy and Procedures.

Click on the link below to access Ops Memo 07-55, or the Documentation, Verification and Supervision Criteria chart.

Page Last Updated: 02/09/17

Appendix - W-2/DVR Technical Assistance Guide

Click on the link below to access this W-2 Manual appendix in .pdf format.

W-2/DVR Technical Assistance Guide

Appendix - Benefit Issuance Guide

Click on the link below to access the Benefit Issuance Guide

Benefit Issuance Guide

Page Last Updated: 01/10/17

Glossary

A

Address: Address refers to the actual place where the household resides. • Applicants and participants must provide an address unless they are homeless, migrant workers, or newly arrived in Wisconsin. Verification of address is not required. • A household does not have to reside in a permanent dwelling. • A household may use a general delivery or PO box address. “Address” is different than “residence.”

Amerasian(s): An individual born in Korea, Vietnam, Laos, Kampuchea or Thailand after December 31st, 1950 and before October 22, 1982 who was fathered by a United States citizen.

Applicant: An individual who applies for any service of the W 2 and Related Programs including support services.

Arrearage: A payment for past payments owed.

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

assistance group: An individual or group of individuals whose income and assets are tested together when applying for public benefit programs, including Refugee Cash and Medical Assistance. Criteria for determining assistance groups can vary between different public benefit programs.

asylee(s): An individual who meets the definition of a refugee and has traveled to a new country on his or her own, applied for and received a grant of asylum.

asylum: Protection granted by a nation to an individual who cannot return to his or her home country based on a fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

asylum-seeker(s): An individual who is seeking but has not yet been granted asylum.

At Risk Pregnancy Placement (ARP): An At Risk Pregnancy (ARP) placement is a W-2 paid case management placement without any required participant activities for an unmarried woman 18 or older who meet W-2 non-financial and financial eligibility except that an ARP participant must not be the custodial parent of a dependent child. As defined by W-2 ARP policy, there must be verification of: her third trimester pregnancy; the pregnancy is an at risk pregnancy; and she is unable to work due to the at risk pregnancy.

B

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

Barrier Screening Tool (BST): Tool used to identify the potential presence or risk of a personal barrier to normal functioning in an employment setting.

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

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

C

CARES Worker Web (CWW): The web based computer program used in Wisconsin to collect information and determine eligibility for the W-2, JAL, FoodShare, Badger Care, and Wisconsin Shares programs.

CARES/CWW: (Client Assistance for Reemployment and Economic Support/CARES Worker Web) - The eligibility determination system used to administer the W-2 and income maintenance programs in Wisconsin.

Caretaker Supplement Program (CTS): A monthly cash benefit for an eligible child(ren) living with his/her Supplemental Security Income (SSI) parent. Caretaker Supplement benefits are administered by the county/tribal human social services agency.

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

Case Management Denied Placement (CMD): A placement for individuals who have reached their time limit and did not receive paid placement extension.

Case Management Follow Up Placement (CMF): A placement for individuals who have obtained unsubsidized employment while in a paid placement.

Case Management Minor Parent Placement (CMM): Case Management Minor Parent is a placement for custodial parents who are under the age of 18.

Case Management Noncustodial Parent Placement (CMN): Case Management Non-Custodial Parent is a placement for non-custodial parents of children with a custodial parent in a W-2 employment position.

Case Management Pregnant Woman Placement (CMP): Case Management Pregnant Woman is a placement for pregnant women who do not have custody of any children and are not in the third trimester of a medically verified at-risk pregnancy.

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

Case Management Unsubsidized Placement (CMU): Case Management Unsubsidized, also know as Case Management Services for Working Individuals, is a placement for eligible parents who are working in unsubsidized employment when they apply for W-2 or who obtain employment as a result of applicant upfront job search activities.

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

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

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

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

Client Assistance for Reemployment and Economic Support (CARES): The Client Assistance for Reemployment and Economic Support (CARES) system is Wisconsin's automated eligibility determination, benefit calculation and management system for the W-2, Child Care, FoodShare, and Medicaid programs.

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

Community Service Jobs Placement (CSJ): Community Service Jobs is one of the paid W-2 employment placements developed for individuals who lack the basic skills and work habits needed in a regular job environment. CSJ positions offer real work training opportunities, with the added supervision and support needed to help participants succeed. CSJ participants receive a maximum monthly benefit of $653. See prorated CSJ.

Community Steering Committee: Each W-2 agency is required by statute to establish a CSC to help in identifying employment opportunities, as well as create wage-subsidized and community service jobs, for those individuals who are not ready for regular employment. The CSC will help ensure the success of W-2 by adding the leadership, resources and the initiatives of local community leaders. The CSC supports W-2 participants by identifying job opportunities and developing supportive services such as expanded child care, creative transportation solutions, etc.

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

Cuban-Haitian entrant(s): An individual granted parole status as a Cuban/Haitian Entrant or granted any other special status subsequently established under the immigration laws for nationals of Cuba or Haiti.

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

Custodial Parent (CP): With respect to a dependent child, a parent (see definition of parent) who resides with that child and, if there has been a determination of legal custody with respect to the dependent child, has legal custody of that child

Custodial Parent of an Infant Placement (CMC): One of the W-2 paid placements. A custodial parent of an infant who is 8 weeks old or less and who meets the financial and nonfinancial eligibility requirements for W-2 employment positions may receive a monthly payment of $673 and will not be required to participate in an employment position unless he/she volunteers to participate.

D

Department: The Wisconsin Department of Children and Families.

Department of Children and Families (DCF): The Wisconsin Department that oversees the W-2, RCA and RMA programs.

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

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

Derivative Citizenship: Citizenship conveyed to children through the naturalization of parents or, under certain circumstances, to foreign-born children adopted by US citizen parents, provided certain conditions are met.

Disabled Adult: An adult parent who: 1.Is receiving or determined in writing by the granting disability organization as eligible to receive Supplemental Security Income (SSI), Social Security Disability Insurance (SSDI), Veterans or Black Lung Disability Benefits, Railroad Disability Benefits, Public or Private Employers Disability Benefits (e.g. workers compensation), or 2.Has been determined in writing by a medical, mental health, or other qualified assessment agency/professional to have a disability or incapacitation which prevents the person from temporarily or permanently working full-time in unsubsidized employment. When there is a temporary disability or incapacitation, the W-2 disabled adult definition is applicable only for the documented period of disability or incapacitation provided by a qualified assessment agency/professional.

Disregard: do not count, exempt, or exclude

Dropout: A student who has 20 consecutive full days of unexcused absence, has not graduated from high school or received a high equivalency diploma, and does not have an acceptable excuse under s. 118.15 (1) (b) to (d) or (3), Stats.

E

Electronic Case File (ECF): A paperless case file system used by W-2 and income maintenance agencies in Wisconsin. The system uses document imaging (scanning) to store case file materials in an electronic format.

Eligibility Begin Date: The date an individual applies for W-2, also known as the W-2 Program Filing Date

Emergency Assistance (EA): W-2 related program that provides a payment to assist eligible families facing a current emergency. The emergency must be due to homelessness, impending homelessness, energy crisis, fire, flood, or natural disaster.

Employability Plan (EP): A written agreement developed jointly by a FEP and participant that provides an outline of how the participant will achieve a specific employment goal or, if appropriate, a goal to obtain SSI and/or SSDI benefits and how the W-2 agency will assist.

Employment Ladder: The structure which symbolizes movement from supported work training activities to independent unsubsidized employment.

Employment Option: The W-2 employment ladder consists of the four employment options: Unsubsidized employment, Trial Employment Match Program, Community Service Job, and W-2 Transition.

Employment Position: Community Service Job, Trial Employment Match Program, and W-2 Transition

English as a Second Language (ESL): The study of the English language by non-native English speakers, traditionally focused on listening, speaking, reading and writing skills.

Episode Begin Date: The date an individual is determined eligible for W-2 and is placed in an initial W-2 Placement

Episode End Date: The date an individual is no longer receiving W-2 services

Equal Opportunity Coordinator: A person, designated by the Department, county agencies and boards, and other subcontractors, to coordinate efforts to comply with requirements for equal opportunity.

Equity Value: The wholesale value or a value estimated by a sales representative at a local business minus any encumbrances that are legal debts.

Excluded Adult: An adult who resides with the W-2 Group, but who is not included by definition in the W-2 Group.

F

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

Family Planning Services: Counseling by trained personnel regarding family planning; distribution of information relating to family planning; and referral to licensed physicians or local health departments for consultation, examination, medical treatment and prescriptions for the purpose of family planning, but does not include the performance of voluntary termination of pregnancy.

Family self-sufficiency plan: A plan that addresses the employment-related service needs of the employable members in a family for the purpose of enabling the family to become self-supporting through the employment of one or more family members.

Federal Poverty Level (FPL): A minimum amount of income that is needed for food, clothing, transportation, shelter and other necessities, as determined annually by the Department of Health and Human Services.

Financial and Employment Planner (FEP): A staff person within a W-2 agency who provides individualized case management and supportive services for a person in a W-2 employment position.

FoodShare Employment and Training (FSET): A free and voluntary program offered to FoodShare clients to help with employment services such as job searches, job referrals, job skills assessment, career planning, job training and work experience.

Formal Assessment: The process of establishing: •The extent and severity of any disabilities or other conditions (e.g., domestic violence, learning needs, need to care for disabled child) that may interfere with normal functioning in an

employment setting or with a persons' ability to meet W-2 program requirements; • The effect of a disability or other potential barrier on the person's capacity to obtain and maintain unsubsidized employment, participate in employment-related activities (e.g., employment training or education) or otherwise meet W-2 program requirements; •The need for supportive services, accommodations, auxiliary aids or communication assistance; •The conditions under which the person is capable of employment or employment related activities; •The need to make reasonable modifications to policies, practices and procedures when necessary to ensure equal opportunity for people with disabilities; and •The appropriateness of specific assignments in the W-2 program.

Fugitive Felon: An individual who is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or an attempt to commit a crime, which is a felony under the laws of the place from which the individual flees, or, in the case of New Jersey, is a high misdemeanor under New Jersey law

H

Habitual Truant: A student who is absent without an acceptable excuse, as defined by the school, for part or all of five or more days on which school is held during a school semester (s.118.16(1)(a), Wisc. Stats.). Some schools do not operate on a semester basis. Examples are quarters or trimesters. For these schools, use the following definition of semester: (1) Fall semester: September 1 through January 15, (2) Spring semester: January 16 through May 31

Homestead: An abode and lands used or operated in connection with it.

I

Immigration and Nationality Act (INA): Immigration and Nationality Act (INA)- The basic body of immigration law in the United States, which was created in 1952 and has been amended many times. The INA is a free-standing law, but is also contained in the U.S. Code.

Immigration and Naturalization Services (INS): The federal agency that, prior to 2003, administered immigration benefits. In 2003 the responsibilities of the INS were divided between three bureaus in the Department of Homeland Security (DHS): USCIS, which adjudicates immigration and naturalization statuses, ICE (Immigration and Customs Enforcement), which enforces immigration and customs law, and CBP (Customs and Border Patrol), which secures the border and facilitates lawful trade and travel.

Incapacitation: A medically verified disability, illness or injury which prevents a person from working full-time in unsubsidized employment.

Included Adult: An Included Adult is an adult who is included in the W-2 Group, but who is not eligible for a paid employment position.

Indian Country: Indian country includes the following: (1) All land within the limits of any Indian reservation under the jurisdiction of the United States Government,

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

Informal Assessment: A process to gather information about an individual and his or her family to determine the: •Individual's ability to become employed and remain employed; •Services and activities necessary for the individual to become employed and remain employed; •Appropriate placement of a participant on the W-2 employment ladder; •Need for further career assessment and planning; •Need for vocational evaluation; and •Need for a formal assessment of any disabilities or other employment barriers by a qualified assessing agency or individual.

Intentional Program Violation (IPV): Intentionally making a false or misleading statement, intentionally misrepresenting or withholding facts, or intentionally committing any act that constitutes a violation of state or federal law for the purpose of receiving W-2 benefits.

J

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

Job Center: Job Centers are part of the workforce system led by Wisconsin's 11 independently operated, regional Workforce Development Boards. Job Center partners include Job Service, Department of Vocational Rehabilitation (DVR), W-2, technical colleges, county human service agencies and other community organizations. To find the closest Job Center or talk with a customer service representative, please visit the JobCenterOfWisconsin.com contact page.

Job Center of Wisconsin: JobCenterOfWisconsin.com, operated by the Wisconsin Department of Workforce Development and the Wisconsin Job Center system, is an online Wisconsin-centered employment exchange linking employers in all parts of the state and in communities that border Wisconsin with anyone looking for a job. It is the primary source of job opening information available in Job Centers. In addition to searching for jobs, job seekers can create a résumé or work application, a cover letter, and a reference list; and can be matched to employers' job openings. JobCenterOfWisconsin.com is available at no cost to both employers and job seekers and is available 24 hours a day.

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

participant to become attached to the workforce as quickly and efficiently as possible.

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

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

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

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

K

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

Kinship Care: A cash assistance program in Wisconsin designed to support children who reside with caretaker relatives instead of their parents.

L

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

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

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

M

Matching Grant: A cash assistance program administered by Volags and geared towards refugees who are capable of achieving economic self-sufficiency four to six months after arrival in the United States. Matching Grant participants receive cash assistance from the Volag and are ineligible for public cash assistance. A participant can receive benefits for up to 120 days (4 months), though in certain cases this can be extended up to 180 days (6 months).

Medical Assistance: Also known as Medicaid, Title 19 or MA, a state-federal program that provides health care coverage to low-income elderly, blind, and disabled individuals. In Wisconsin, low-income individuals who do not qualify for Medical Assistance may qualify for BadgerCare Plus.

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

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

Minor Parent: A custodial parent under the age of 18. For Learnfare, a minor parent is either a custodial or a non-custodial parent under the age of 18.

Monthly Attendance Report (MAR): Report, in paper or electronic format, for each Learnfare student on monthly monitoring. For each student listed, the school district reports the total number of absences and dates of the absences during the month for each student listed.

N

Non-citizen Deeming: To count a qualified alien's sponsor's income or assets as available to the W-2 group.

Non-citizens: A qualified alien must meet one of the following criteria: 1. An alien lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act; 2. An alien who is granted asylum under section 208 of such Act; 3. A refugee who is admitted to the United States under section 207 of such Act; 4. An alien who has been certified as a victim of trafficking; 5. An alien who is paroled into the United States under section 212(d)(5) of such Act for a period of at least one year; 6. An alien whose deportation is being withheld under section 243(h) or 241(b)(3) of such Act; 7. Cuban and Haitian aliens, as defined in section 501(e) of the Refugee Education Assistance Act of 1980; 8. An American Indian born in Canada who is at least 50% American Indian by blood, or an American Indian born outside of the United States who is a member of a federally recognized Indian tribe; 9. An alien who has been battered or whose child has been battered, who is no longer residing in the same household with the batterer, and who meets the requirements of 8 USC 1641(c); 10. An alien who is granted conditional entry pursuant to section 203(a)(7) of such Act as in effect prior to April 1, 1980; or 11. Amerasian Immigrants, as defined in section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988. 12. An alien who is lawfully residing and is one of the following: a. An armed forces veteran who received an honorable discharge that was not on account of alienage and who completed either 24 months of continuous active duty or the full period for which the individual was called, unless the individual received a hardship discharge under 10 USC 1173, early discharge under 10 USC 1171, or a discharge due to a disability incurred or aggravated in the line of duty. b. On active duty in the armed forces of the United States, other than active duty for training c. The spouse of an individual described in subdivision a. or b., or the unremarried surviving spouse of an individual described in subdivision a. or b. if the marriage was for one year or more or the individual had a child in common. 13. An alien who is lawfully residing in the United States and authorized to work by the immigration and naturalization service.

Noncustodial Parent (NCP): With respect to a dependent child, a parent who is not the custodial parent.

Noncustodial Parents (NCPs): With respect to a dependent child, a parent who is not the custodial parent.

Nonmarital Coparent: With respect to an individual and a dependent child, a parent who is not married to the child's other parent and is either an adjudicated parent or a parent who has signed and filed with the state registrar under s.69.15(3)(b)3, Stats., a statement acknowledging paternity.

P

Parent: A parent is a: (1)Biological parent; (2)Person who has consented to the artificial insemination of his wife under s.891.40, Stats.; (3)Parent by adoption; (4)Man adjudged in a judicial proceeding to be the biological father of the child if the child is a nonmarital child who is not adopted or whose parents are not married to each other; or (5)Man who has signed and filed with the state registrar a statement acknowledging paternity.

Participant: An individual who participates in any component of W-2.

Participation Agreement: The W-2 Participation Agreement (PA) outlines the requirements of W-2 participation. It must be signed by all adult members in the W-2 group and by a W-2 agency representative.

Participation Period: A W-2 participation period is from the 16th of a month to the 15th of the following month. Most payments are made on the first of the following the participation period.

Petitioner: An individual requesting a Fact Finding or Departmental review.

Placement Begin Date: The date an individual is placed in a W-2 Placement

Prorated Community Service Jobs Placement (CSJ): Prorated CSJ are placements for individuals who are working in unsubsidized employment for less than 30 hours per week and have limitations to increasing their work hours, or obtaining additional job(s).

Prospective Eligibility: Determining eligibility based on what an individual's income and assets are most likely to be in future months.

Protective Payment: A money payment to a payee designated by the agency as the recipient of the participant's total or partial monthly CSJ or W-2 T payment.

Public Holiday: A holiday authorized by law and limiting work or official business.

Q

Qualified Assessing Agency: A professional qualified to perform a formal assessment may include a medical or mental health professional, social worker, psychologist, neuro-psychologist, Division of Vocational Rehabilitation counselor or similar qualified assessing agency or individual. Characteristics required of the assessing agency or individual include: • Demonstrates a competency or successful completion of training in the appropriate field and is certified by an

appropriate accreditation organization. • Demonstrates an understanding of the objectives of the assessment based on W-2 referral information, referral questions, the initial interview and stated purpose of the evaluation. The Qualified assessment agency must provide an individualized written assessment that enables the FEP to adapt W-2 activities to accommodate the needs of the applicant or participant.

R

Reasonable Accommodation: To remove barriers in service delivery or employment to allow a person with a disability to have equal opportunity to participate in that program or job. Examples include making facilities physically accessible, providing written materials in alternate formats, simplifying instructions, providing adjusting work schedules, meeting in accessible facilities or acquiring adaptive equipment or technology.

Reception & Placement (R&P) assistance payments: “One-time” payments made to refugees during their first thirty days in the U.S. The purpose of the payment is to help refugees with the expenses of settling into a new home. Payments can be made by the Volag on the refugee’s behalf to pay expenses (rent and household items) or can be issued directly to the refugee.

Refugee Act of 1980: An amendment to the Immigration and Nationality Act which created the Office of Refugee Resettlement and outlined the federal Refugee Resettlement Program.

Refugee Cash Assistance (RCA) and Refugee Medical Assistance (RMA): A time-limited Cash and Medical Assistance Program for low income refugees who do not meet W 2 and Medicaid eligibility criteria. Eligibility for this benefit program ends for a refugee on the last day of the eighth month after arrival into the United States.

Refugee(s): An individual who is outside the country of his or her nationality or, in the case of an individual having no nationality, is outside the country in which he or she last resided, and who is unable or unwilling to return due to a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

Request for Assistance (RFA): Also known as the Application Registration form, the Request for Assistance is the document that prints from CWW when the Client Registration process or the Group Level Program Request process is complete. A signed Application Registration form creates the applicant’s filing date.

Residency: Residency refers to a person's true, fixed, and permanent home where a person intends to remain indefinitely and to which a person has the intention of returning, whenever absent. Applicants and participants must verify Wisconsin residency unless they are homeless, migrant workers, or newly arrived in Wisconsin. “Residence” is different from “address.”

Resource Specialist (RS): A staff person within a W-2 agency whose role is to understand the customers' needs and assist them in determining which programs or services are likely to support their efforts to find and maintain employment.

Returning Dropout: A student who has dropped out of school and returned in the same or immediately succeeding semester.

S

Second Parent: A parent who is eligible to participate in a W-2 employment position but is not because the first parent is already a participant in a W-2 employment position.

Secondary migrant: A refugee who moves from their initial reception and placement site to a different state.

Secondary migrant(s): A refugee who moves from their initial reception and placement site to a different state.

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

Social Security Disability Insurance (SSDI): A disability payment program available individuals who have earned sufficient credits based on taxable work. The program is administered by the Social Security Administration.

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.

Stipend: A stipend is a non-recurrent, short-term benefit provided to noncustodial parents to create greater incentives for participation in W-2

Supplemental Security Income (SSI): A federal cash assistance program designed to help low-income individuals who are aged, blind and/or disabled.

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

Systematic Alien Verification for Entitlements (SAVE): A web-based service that provides immigration status verification to federal, state, and local benefit-granting agencies and institutions.

T

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

Trial Employment Match Program: A W-2 employment position that provides participants with subsidized work experience and on-the-job training. The W-2 agency pays the employer a wage subsidy to help offset the costs of wages, benefits, supervision or training. W-2 participants are paid directly by the employer and earn at least minimum wage. The W-2 placement types are Custodial Parent Trial Employment Match Program (TMP) and Noncustodial Parent Trial Employment Match Program (TNP)

Trial Job Placement (TJB): An obsolete W-2 employment position that provided subsidized work experience and training to improve the employability of individuals who otherwise would not be able to obtain unsubsidized employment. The W-2 agency paid a participating employer a Trial Job subsidy of up to $300 per month for full-time employment. The Trial Employment Match Program (TEMP) placement replaced the Trial Job Placement effective March 1, 2016. (See Operations Memo 16-03)

U

United States Citizenship and Immigration Services (USCIS): The federal agency that oversees lawful immigration of foreign nationals who are temporarily or permanently settling in the U.S. See also INS.

Unsubsidized Employment: Employment for which a W-2 agency provides no subsidy to the employer, including self-employment and entrepreneurship. There are two placement types under this definition: Case Management Follow-up (CMF) and Case Management Underemployed (CMU)

US Citizenship and Immigration Services (USCIS): The government agency that oversees lawful immigration to the United States.

V

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

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

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

victim(s) of trafficking: An individual who has been subjected to a severe form of trafficking and, in the U.S., has been certified by the Department of Health and Human Services.

victim(s) of trafficking HHS certification: A process by which the U.S. Department of Health and Human Services verifies that a particular individual aged 18 years or older is a victim of trafficking. Find more information and a sample letter of certification here.

Vocational English as a Second Language (VESL): Like ESL, VESL focuses on developing English language listening, speaking, reading and writing skills in non-native English speakers. However, VESL places an emphasis on work-related vocabulary and communication needs.

Volag: A non-profit voluntary agency contracted by the federal government to provide for the initial reception and placement of refugees in the U.S. After the initial "welcoming" period, Volags continue to provide support to help refugees become socially and economically self-sufficient.

W

W-2 Delayed Payment Cycle (W2L): This W-2 payment cycle occurs around the 7th of the month with participants receiving their checks by the 10th of the month.

W-2 Employment Position: Community Service Job, Trial Employment Match Program, and W-2 Transition

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

W-2 Paid Employment Position: A Community Service Job, Trial Employment Match Program, or W-2 Transition placement

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

W-2 Placement: Within the W-2 program, an individual may be placed in up to one of fourteen W-2 placement types, all of which are identified by a CARES W-2 placement code (in parentheses): At Risk Pregnancy (ARP); Custodial Parent of an Infant (CMC); Case Management Denied (CMD); Case Management Follow-up (CMF); Case Management Job-Ready (CMJ); Case Management Minor Parent (CMM); Case Management Noncustodial Parent (CMN); Case Management Pregnant Women (CMP); Case Management Unsubsidized (CMU); Community Service Job (CSJ); Custodial Parent Trial Employment Match

Program (TMP); Noncustodial Parent Trial Employment Match Program (TNP); Stipends for Noncustodial Parents (TSP); and W-2 Transition (W2T)

W-2 Pulldown Payment Cycle (W2P): This W-2 payment cycle occurs about five days prior to the end of the month with participants receiving their checks by last day of the month

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

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

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

W-2 Two-Parent Household: A W-2 two-parent household is a W-2 Group where both adults: are custodial parents who have a child in common, reside in the same household with their child(ren), meet all W-2 eligibility criteria, are not disabled adults; and are not caring for a severely disabled child in the W-2 Group.

Wisconsin Shares: Wisconsin's Child Care Subsidy program that helps families pay for child care. If the parent is eligible, child care can be subsidized for children under the age of 13 (up to 19 if special needs).

Wisconsin Works (W-2): Wisconsin's TANF program, which provides cash assistance to qualifying families. The program emphasizes personal responsibility and working to the best of one's ability.

Work Training Placement: A placement developed for W-2 participants who are not ready for an unsubsidized employment. These placements are intended to provide activities that will prepare a participant for employment. These placements include Community Service Jobs and W-2 Transitional placements.

Work Training Provider: The agency, business, or entity that is providing the work training site for participants placed in a Community Service Job or W-2 Transitional placement.

Workforce Development Areas (WDA): WDAs are the subdivisions of the state for local planning and administration of employment and training programs. The eleven WDAs are used for delivery of Workforce Investment Act (WIA), Job Center development and administration, and regional planning of employment and training efforts. The boundaries of the WDAs, which follow county lines and

may include more than one technical college district, were drawn in recognition of, and to enhance, positive relationships between counties and local employment and training service providers. WDAs were created in 1998. A Workforce Development Board (WDB) has responsibility for the Workforce Investment Act (WIA) program and other workforce development programs within their WDA.

Working Day: Any day of the week except Saturday, Sunday and public holidays.