



Date: October 12, 2018

DMS Operations Memo 18-40

To: Income Maintenance Supervisors
Income Maintenance Lead Workers
Income Maintenance Staff

Affected Programs:	
<input type="checkbox"/> BadgerCare Plus	<input type="checkbox"/> Caretaker Supplement
<input checked="" type="checkbox"/> FoodShare	<input type="checkbox"/> FoodShare Employment and Training
<input type="checkbox"/> Medicaid	
<input type="checkbox"/> SeniorCare	

From: Rebecca McAtee, Bureau Director
Bureau of Enrollment Policy and Systems
Division of Medicaid Services

Clarification of FoodShare Policy Regarding Refusal to Participate in a Wisconsin Works Employment Position

CROSS REFERENCE

- FoodShare Wisconsin Handbook, [Section 3.16.1.5 Sanctions for Noncompliance](#), [Section 3.16.1.7 Good Cause](#), [Section 3.16.1.8 Ending a Sanction Event](#), and [Section 5.1.1.4 Sanctions and TFS](#)
- Process Help, [Section 59.1 Voluntary Quit \(VQT\) Sanctions](#)
- Operations Memos [16-29](#) and [18-J10](#); BWF Operations Memos [18-12](#) and [18-13](#)

PURPOSE

This operations memo clarifies FoodShare policy regarding work registrants who refuse to participate in a Wisconsin Works (W-2) employment position. This memo provides instructions to income maintenance (IM) workers on the application of sanctions for a FoodShare work registrant in a W-2 placement who refuses to participate, and the exploration and documentation of a good cause reason for the FoodShare work registrant's noncompliance with work requirements.

BACKGROUND

New W-2 policy specifies that a participant who refuses to participate in a W-2 employment position is ineligible to participate in W-2 for three months. A participant is also ineligible to participate in W-2 if a second parent who is subject to work requirements refuses to participate. W-2 agencies will use a new W-2 Refusal to Participate Page in CWW to record information about refusal to participate in work requirements (see [BWF Operations Memos 18-12](#) and [18-13](#)).

Per the general FoodShare work requirement policy, refusal to participate in W-2 work requirements without good cause is a sanctionable event. See [FoodShare Wisconsin Handbook, Section 3.16.1.5 Sanctions for Noncompliance](#).

POLICY

All FoodShare applicants or members ages 16 through 59 must comply with the work registration requirements as a condition of FoodShare eligibility, unless they meet an exemption. Applicants or members who do not comply with the work registration requirements are sanctioned from receiving FoodShare benefits.

Before FoodShare sanctions are applied, IM agencies must consider whether work registrants in a W-2 placement who refuse to participate have good cause for their noncompliance with work requirements. See [FoodShare Wisconsin Handbook, Section 3.16.1.7 Good Cause](#).

If the IM worker determines that the work registrant does not have good cause, a sanction must be applied. If the IM worker determines that the work registrant has good cause, no sanction will be applied.

If it is determined that the individual was not compliant with the work requirements and is sanctioned, the food unit has the right to appeal the finding in a fair hearing.

Note: If W-2 participation ends due to refusal to participate, the food unit is not eligible for transitional FoodShare benefits. See [FoodShare Wisconsin Handbook, Section 5.1.1.4 Sanctions and TFS](#).

CARES

When a FoodShare work registrant in a W-2 placement refuses to participate in an employment position, the IM worker will receive the action item/alert **537: W-2 Refusal Sanction Imposed**, and the W-2 termination code **748 - Ineligible for W-2 for 90 days; refusal to participate** will display on the Confirmed Assistance Group Summary page. The IM worker must complete the Loss of Employment page for every instance of W-2 refusal to participate.

1. After receiving action item **W-2 Refusal Sanction Imposed**, navigate to the W2-Refusal to Participate page to review the reason for the W-2 sanction. Note the date of occurrence.

Note: If the case is marked confidential, only certain workers will be able to view the W-2 Refusal to Participate page in CWW. See [Operations Memo 18-J10](#) for more information.

Figure 1 W-2 Refusal to Participate Page

2. Navigate to the Loss of Employment page.

Figure 2 Loss of Employment Page

3. Select the individual sanctioned by W-2.
4. Select the change type **FW - Failed to comply with W-2 Program**. For the verification, choose **W2 - Employee W2**.

5. For the change event date, enter the date of occurrence from the W-2 Refusal to Participate page.
6. Explore good cause as described in [FoodShare Wisconsin Handbook, Section 3.16.1.7 Good Cause](#).
 - If the work registrant claims good cause and it is not questionable, select **Yes** for good cause and **NQ - Not Questionable** for verification of good cause. If the worker needs to send a Verification Checklist, select **Q? - Questionable Not Yet Verified** in the verification field.
 - If the work registrant does not claim good cause, or if it was determined that the work registrant does not have good cause per policy, select **No** for good cause.
7. Press Enter or click **Next** to save the page.
8. Run and confirm eligibility for the recurring month. If a sanction applies to the work registrant, CWW will automatically determine the sanction sequence number and sanction period. The sanction information will update in the “Sanction Details” section of the Loss of Employment page. Once eligibility is confirmed, the fields in the “Additional Information” section will be protected and cannot be updated.
9. Document the steps taken to explore good cause in case comments.

Reminder: Sanctions cannot be applied retroactively. For more information about imposing sanctions, see [Process Help 59.1 Voluntary Quit \(VQT\) Sanctions](#).

Note: If the person under penalty is added to a different FoodShare case during the W-2 penalty period, a yellow warning message will display on the Individual Clearance page: “AE690: Entered individual has a history of refusal to participate in W-2. Navigate to the W-2 Refusal to Participate page for more information.” The IM worker should navigate to the Loss of Employment page to see if a voluntary quit sanction was imposed. If a voluntary quit sanction was imposed, the person will need to re-request FoodShare in the final month of or after the end of the FoodShare sanction period per [FoodShare Wisconsin Handbook, Section 3.16.1.8 Ending a Sanction Event](#). This re-request must be entered on the Loss of Employment page in the “Re-request FoodShare?” question.

CONTACTS

BEPS CARES Information and Problem Resolution Center

DHS/DMS/BEPS/JT