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**State of Wisconsin  
Governor Scott Walker**

**TO:** Income Maintenance Supervisors  
Income Maintenance Lead Workers  
Income Maintenance Staff  
W-2 Agencies  
Workforce Development Boards  
Job Center Leads and Managers  
Training Staff  
Child Care Coordinators

**FROM:** Janice Peters, Director  
Bureau of Working Families  
Division of Family and Economic Security

DFES OPERATIONS MEMO					
<b>No:</b> 11-08					
<b>DATE:</b> FEBRUARY 15, 2011					
<b>FS</b>	<input type="checkbox"/>	<b>MA</b>	<input type="checkbox"/>	<b>BC+</b>	<input type="checkbox"/>
<b>SC</b>	<input type="checkbox"/>	<b>CTS</b>	<input type="checkbox"/>	<b>CC</b>	<input type="checkbox"/>
<b>W-2</b>	<input checked="" type="checkbox"/>	<b>FSET</b>	<input type="checkbox"/>	<b>EA</b>	<input type="checkbox"/>
<b>CF</b>	<input type="checkbox"/>	<b>JAL</b>	<input type="checkbox"/>	<b>JC</b>	<input type="checkbox"/>
<b>RAP</b>	<input type="checkbox"/>	<b>WIA</b>	<input type="checkbox"/>	<b>Other</b>	<input type="checkbox"/> *
		<b>EP</b>			
<b>PRIORITY: MEDIUM</b>					

**SUBJECT: W-2 Refusal to Participate Policy Interim Guidelines**

**CROSS REFERENCE:** W-2 Manual, 11.1.1  
[Operations Memo 09-18 Wisconsin Works \(W-2\) Case Closures](#)  
[Operations Memo 05-54 Notifying Participants of Payment Reductions and Case Closures.](#)

**EFFECTIVE DATE:** Immediately

**PURPOSE**

This memo communicates the elimination of the current W-2 refusal to participate policy, commonly referred to as the “strikes” policy, and communicates new refusal to participate policy.

**BACKGROUND**

The statutory language defining the penalty for refusing to participate in a W-2 employment position was amended by 2009 Wisconsin Act 28 (the 2009-2011 Wisconsin biennial budget). The new statutory language in §49.151(1), Wis. Stats., eliminates the requirement for three refusals to participate before a participant becomes ineligible to participate in a W-2 component. The new statute provides a three-month ineligibility period if a participant or individual in the participant’s W-2 group refuses to participate in a W-2 employment position. The new penalty provision does not take effect immediately, however. The law calls for the Department of

Children and Families (DCF) to first develop guidelines for determining when a participant is demonstrating a refusal to participate through the permanent administrative rules process. The Department anticipates that the new rules will not be complete until late 2011. In the meantime, the following interim policy is effective immediately.

### ***CURRENT POLICY***

A participant who fails or refuses, without good cause, to participate in a Trial Job (TJ) Community Service Job (CSJ) or W-2 Transition (W-2 T) may accumulate “strikes” for each incident of refusal. A W-2 participant who receives three strikes while in any one of these W-2 employment positions then becomes ineligible to participate in that employment position for life.

A participant who is ineligible for a particular employment position based on three strikes may still be eligible to participate in another employment position in which the participant has not received three strikes.

### ***NEW INTERIM POLICY***

Effective immediately, and until the Department promulgates administrative rules governing refusal to participate and issues new policy guidelines, W-2 agencies must not apply “strikes” to participants who refuse to participate or sanction participants with lifetime ineligibility

While the application of “strikes” for refusing to participate is no longer allowed, agencies are still able to close cases for noncooperation with W-2 program requirements. Guidance for closing cases for non-cooperation with program requirements are found in [Operations Memo 09-18 Wisconsin Works \(W-2\) Case Closures](#) and [Operations Memo 05-54 Notifying Participants of Payment Reductions and Case Closures](#). Agencies must also continue to apply payment reductions for hours missed according to the policy found in the [W-2 Manual, 11.1.1](#).

### ***CONTACTS***

For Policy Questions in the Balance of State: Bureau of Regional Operations, W-2 Regional Coordinators

For Policy Questions in Milwaukee: Milwaukee Operations Section Regional Administrators

For CARES Processing Questions: W-2 Help Desk

\*Program Categories – FS – FoodShare, MA – Medicaid, BC+ – BadgerCare Plus, SC – Senior Care, CTS – Caretaker Supplement, CC – Child Care, W-2 – Wisconsin Works, FSET – FoodShare Employment and Training, CF – Children First, EA – Emergency Assistance, JAL – Job Access Loan, JC - Job Center Programs, RAP – Refugee Assistance Program, WIA – Workforce Investment Act, \*Other EP – Other Employment Programs.

DCF/DFES/BWF/MMM