

State of Wisconsin Department of Children and Families

DCF 101

Wisconsin Works Sanctions and Refusal to Participate

The Wisconsin Department of Children and Families proposes an order to create s. DCF 101.195 relating to notice before taking certain actions and to repeal and recreate s. DCF 101.21 relating to refusal to participate in the Wisconsin works program.

Analysis Prepared by the Department of Children and Families

Statutory authority: Sections 49.1515 (1) and 49.153 (2), Stats.

Statutes interpreted: Sections 49.151 (1m) (a)-(f) and 49.153 (1)-(1m), Stats.

Related statute or rule: Sections 49.141 to 49.161, Stats., and ch. DCF 101, Wisconsin Administrative Code.

Explanation of Agency Authority

Section 49.1515 (1), Stats., as created by 2009 Wisconsin Act 28 and affected by 2015 Wisconsin Act 55, provides that the department shall by rule specify guidelines for determining when a Wisconsin works participant, or an individual in the participant's Wisconsin works group who is subject to a work requirement, is demonstrating a refusal to participate in the Wisconsin works program.

Section 49.151 (1c)-(1m), Stats., as affected by 2015 Wisconsin Act 55, provides that a participant who refuses to participate as determined under guidelines promulgated by the department under s. 49.1515 (1), Stats., in any Wisconsin works employment position is ineligible to participate in the Wisconsin works program for 3 months. A participant is also ineligible if a nonparticipant parent who is required to work under the 2-parent family requirement in s. 49.15 (2), Stats., refuses to participate as required. A participant or a nonparticipant parent who is required to work refuses to participate if the participant or nonparticipant parent, without good cause:

- Fails to appear for an interview with a prospective employer,
- Fails to appear for an assigned work activity,
- Voluntarily leaves appropriate employment or training, or
- Voluntarily leaves a work experience site.

The Wisconsin Administrative Code

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