

Wisconsin Works (W-2) and Related Programs

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Introduction

The purpose of this chapter is to describe the Wisconsin Works program, generally referred to as **W-2**, and explain how families with either a parent or child with disabilities are treated in the program. This chapter will also discuss job access loans, emergency assistance, transportation assistance and child care subsidies for W-2 participants and other low-income working families. The Caretaker Supplement program for families headed by parents receiving Supplemental Security Income (**SSI**), and the Kinship Care program, children who are cared for by relatives instead of their parents, will also be covered. Additionally, a brief description of the Food Stamp program is provided.

Administration of W-2

The Wisconsin Department of Workforce Development (**DWD**) provides overall administration of W-2. It contracts with local W-2 agencies to provide day-to-day administration. In most counties, the W-2 agency is the county Department of Human Services or Social Services. Some counties have grouped together to form W-2 consortiums, and a few tribes administer programs. In some counties, including Milwaukee, the state has contracted with private agencies to administer W-2. Milwaukee County has been divided into several regions administered by different private agencies.

Eligibility

W-2 group definition Sec. 49.141(1)(s), Wis. Stats.

An eligible family, or “Wisconsin Works group,” must contain a custodial parent who is at least 18 years old and at least one of his/her dependent children who is living in the household. Also included are any children of the dependent children living in the same household, the spouse of the custodial parent, or a “non-marital co-parent” living in the household, and any minor children of the spouse or non-marital co-parent who are in the home.

Non-financial eligibility Sec. 49.145(2), Wis. Stats.; DWD 12.09(2), Wis. Admin. Code

Families in which the only custodial parent is a recipient of SSI or Social Security Disability Insurance (**SSDI**) are not eligible to participate in W-2. In a two parent family, the parent not on SSI or SSDI may participate in W-2. Families headed by SSI recipients are eligible for cash assistance from the Caretaker Supplement program. (*See below.*) Other non-financial eligibility requirements include, for example, that the

Several programs are linked to W-2

head of the household must be a U.S. citizen or “qualifying alien;” that the parent cooperate with child support enforcement (unless there is good cause for not cooperating); and that the individual has not refused a “bona fide” offer of employment in the past 180 days.



If you think you may be eligible for SSI or SSDI, you can still apply for W-2 while you pursue an SSI/SSDI application or appeal a denial. You should inform the W-2 worker if you are pursuing SSI or SSDI benefits. W-2 workers may also require participants in W-2 to apply for SSI at any time, if they determine that the participants’ barriers to employment are caused by disabilities so severe that they may qualify for SSI. The W-2 case worker should assist in the SSI application, and count activities connected with the application toward W-2 participation requirements.

Financial eligibility

Sec. 49.145(3) - (4), Wis. Stats.;
DWD 12.09(3), Wis. Admin. Code

Federal poverty level

aspe.hhs.gov/poverty/poverty.htm

To receive W-2, the household’s income must be less than 115% of federal poverty level. The amount of W-2 benefits does not count toward this limit. Child support received by the household also does not count. Assets are generally limited to \$2,500. Vehicles with an equity value of up to \$10,000 and the home the family lives in are not counted.

Application and Processing

Participant flow

DWD W-2 Manual, Sec. 1.6.0

Timelines

Individuals apply for W-2 at the agency serving the region in which they live. W-2 agencies are required to schedule an interview with a resource specialist (**RS**) the day of the initial request for assistance or the next day. If the person decides to complete a W-2 application, the W-2 agency must schedule an appointment with a W-2 financial and employment planner (**FEP**) within five working days, and then the FEP is to place the person in a W-2 work program within seven working days. If the applicant needs additional time to verify eligibility information, the application process may be extended up to 30 days. Applicants receive no benefits for the time it takes to process their applications. Their benefits begin to accrue only upon placement in a W-2 work program position. In addition, because of the schedule on which W-2 payments are issued, it can take as much as 6-10 weeks from the date of placement until the first full check is received.



Everyone has a right to apply for W-2. The fact that an agency worker does not mention the program to a person who asks for help does not mean that the potential applicant is not eligible for W-2. Neither is it true, as some may have heard or been told, that everyone in W-2 must “work.” A person should not be discouraged from applying because his/her disability or the disability of a family member will prevent them from working part or full-time. The W-2 program must accommodate families with a disabled parent or child.

Under W-2, activities like doctor's appointments, physical therapy, mental health counseling, and AODA treatment all can count as "work" assignments.

Similarly, a person unable to work should not be discouraged from applying because s/he is told to begin an immediate job search while the application is being processed. The W-2 office may only require a job search if it is "appropriate." (See Subsidized Work Programs below.) Applicants who are told they must participate in a job search when they know they cannot work should continue the application process and immediately appeal the job search requirement. (See Appeals and Remedies below.)

Signing the application

DWD W-2 Manual, Sec. 2.1.0

All adult applicants must sign the W-2 application, indicating understanding and agreement with certain W-2 conditions. An application may be accepted from an authorized representative or a home visit may be conducted as a reasonable accommodation to secure the signature.

Assessment

The FEP determines whether the applicant is ready and able to work without help from W-2, or should be placed in a subsidized employment category, based upon an informal assessment of recent job search efforts, work history, education, skills, interests and abilities. State law instructs agencies to place participants in the highest work program category that is appropriate for the family, including persons with disabilities. The highest work category is unsubsidized employment, followed by trial jobs, community service jobs, and finally W-2 transitional placements.

Formal assessments

DWD Manual, Sec. 5.30-5.40

Some applicants may require a more in-depth or formal assessment in order for the FEP to determine an appropriate placement, and should be referred to a qualified assessing agency or a medical professional. Such an assessment should be performed for persons who self-identify a barrier (such as their own disability or that of a child; having been in special education; having mental health or AODA issues; and so on). A formal assessment may also be required for persons who:

1. Claim to have a barrier to employment that can only be confirmed through formal assessment.
2. Have difficulty hearing or comprehending what the FEP is saying.
3. Cannot read.
4. Have difficulty communicating orally.
5. May have mobility, cognitive, self-care, self-direction and work tolerance barriers.

6. Exhibit socially inappropriate behavior.
7. Exhibit behavior consistent with alcohol or drug abuse.
8. Exhibit or describe any other behavior or problem that would severely affect employment.
9. Exhibit behavior which may indicate mental health problems that would affect job placement.
10. Need to care for an incapacitated W-2 group member.



Unfortunately, many W-2 agency workers lack specialized training to screen for barriers or disabilities. It may help for the applicant to tell the FEP about his/her barriers or those of family members (including things like physical and mental health problems, problems reading and writing or issues like domestic violence). If an applicant is unable to get verification of such barriers (for example, from the applicant's own doctor) the agency must obtain the necessary testing or assessments from other professionals. Advocates and case heads of families with a disabled parent or child may find the W-2 Case Management Resource Guide useful in promoting better assessments and more appropriate assignments. See the end of this chapter on where to obtain a W-2 Manual, which contains the Resource Guide.

Individuals can and should appeal a W-2 agency's failure to conduct a proper assessment, especially if that leads the agency to put the individual in an incorrect placement, assign inappropriate activities, or sanction the individual.

Work Placement Categories

Unsubsidized employment DWD W-2 Manual, Sec. 5.2.0

Even if a person meets all the W-2 eligibility criteria, s/he may not be able to get cash assistance from W-2. State policy lets W-2 agencies place unemployed persons in "unsubsidized employment," if they have "a willing attitude," a steady or recent employment history, and an education or training background that allows them to be competitive for available jobs. The agency must also find that the person has no barriers to work which cannot be addressed through supportive services (such as child care or transportation assistance) to place the person in the "unsubsidized employment" category. People placed in the "unsubsidized employment" category get no cash assistance. The FEP must maintain regular and frequent contact with individuals placed in this category. If the person has not obtained employment in 60 days or less, the FEP must reassess the placement. **W-2 agencies often wrongly use this placement category.** If an individual disagrees with the placement, s/he should immediately appeal.

Subsidized Work Programs

Applicants who are not ready for “unsubsidized employment” cannot be required to conduct an up-front job search, and should be placed in a subsidized work program position if s/he is otherwise eligible. There are three kinds of placements, and all provide a monthly cash payment. An individual can appeal any placement decision s/he believes is incorrect.

Trial jobs

Secs. 49.147(3) and
49.148(1)(a), Wis. Stats.;
DWD W-2 Manual, Sec. 7.2.0-7.2.8

Trial job employers are paid under contracts to employ W-2 participants. Trial jobs are generally for 40 hours per week, with wages at least at minimum wage, and each one is limited to three to six months in duration. The employer must make a good faith effort to retain the participant as a permanent employee after the trial job ends. Under state policy, persons placed in trial jobs may have the following characteristics:

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

Community service jobs

Secs. 49.147(4) and
49.148(1)(b) & (1m), Wis. Stats.;
DWD W-2 Manual 7.3.1

Community service jobs (**CSJs**), are placements with public, private non-profit or private for-profit agencies for a cash benefit paid by the W-2 agency. The purpose is to provide work experience and training to assist participants in moving into unsubsidized work or trial jobs. Under state policy, persons placed in CSJs may have some of the following characteristics:

- little or no work history and/or no evidence of reliable work habits;
- work history with frequent voluntary quits or terminations;
- lack of skills needed to gain or maintain employment; and/or
- physical or mental conditions or other personal limitations to regular employment which require time and flexibility to be resolved or stabilized, such as domestic violence, temporary illness or incapacity of self, or family member, or other family crises.

Agencies may generally require CSJ participants to work up to 30 hours per week and participate in education and training activities up to 10 hours per week. (In some circumstances, the individual may be a full-time technical college student, but must still be in 25 hours per week of work experience.) Most participants are expected to participate for a total of 40 hours per week. Each CSJ is limited to six to nine months. Benefits for this work program category are roughly equivalent to the minimum wage times 30 hours per week.

Part-time CSJ

Secs. 49.148(1)(b)1 and 1m, Wis. Stats.

State law also provides for pro-rated “part-time” CSJ benefits for persons who also work part time in unsubsidized jobs. Such persons can be assigned fewer hours per week of CSJ activities. The FEP must assess the employability of persons who apply for pro-rated grants. Only those who have barriers which prevent them from increasing the number of hours in their current jobs or from obtaining another unsubsidized job are eligible for part-time CSJs.

Transitional placements

Secs. 49.147(5) and 49.148(1)(c), Wis. Stats.; DWD W-2 Manual, Sec. 7.3.2

For an individual to be placed in a transitional placement (**W-2T**), the W-2 agency must find that in addition to meeting all other eligibility requirements, the participant meets one of the following criteria:

- the person has been or will be incapacitated for 60 days, for reasons such as temporary or permanent physical or mental health limitations, cognitive limitations or substance abuse;
- the person is needed in the home because of the illness or incapacity of another member of the W-2 group and day/child care outside the home is not appropriate and available so that the participant can work outside the home; or

Note: The W-2 Manual requires the agency to verify the illness or incapacity through third-party sources. If an individual is unable to obtain this verification, the W-2 agency should send the ill or incapacitated person for a formal assessment.

- the person is incapable of performing a trial job or community service job for reasons including legal problems, family crises, domestic violence, homelessness, or children’s school or medical activities.

Participants in W-2T may be required to engage in up to 12 hours of education and training and up to 28 hours of “work” activities per week. “Work” activities for W-2T participants can include community rehabilitation programs, volunteer activities, participation in AODA programs, mental health activities, counseling, physical rehabilitation, or other activities consistent with the person’s capabilities, as well as “work experience”. W-2T activities may also include caring for a family member with an incapacity so severe that without home care the person’s health and well-being would be significantly affected.

(In some circumstances the individual may be a full-time technical college student, but must still be in 25 hours per week of other activities.)

Individuals participating in Department of Vocational Rehabilitation (DVR) programs may be eligible to participate in W-2 employment positions. However, activities counting toward W-2 participation requirements must conform to W-2 policy, which usually means they must be focused on short-term training that will lead to entry level employment. Benefits for this program are approximately the minimum wage times 28 hours per week.

W-2T marginal employment

DWD W-2 Manual Sec. 7.3.2.3

W-2T participants who are “marginally employed” (a few hours per week) in unsubsidized employment may also be placed in a W-2T position when the participant or family member has long-term, severe barriers to increasing work hours.

Employability Plans

DWD W-2 Manual, Chapter 6

Everyone required to do an up-front job search or placed in a W-2 work program (or in the food stamp employment and training program, *see section below*) must have an employability plan (EP). The EP is a single document which outlines employment goals, the participant’s personal goals, and all assigned activities for the participant. It must identify activities that will lead to the earliest possible transition to unsubsidized employment. It must be updated at least every six months, as well as every time a work program placement changes. In developing the plan, the FEP may incorporate input from the participant’s family and from agencies such as DVR, the Wisconsin Technical College system, and mental health or AODA programs.

Sanctions

Secs. 49.148(1)(b) and (c), 49.151, and 46.26, Wis. Stats.;
DWD 12.18, 12.20, 12.21,
12.25, Wis. Admin. Code

W-2 agencies may reduce monthly grants by the hourly minimum wage for every hour the participant fails to participate in assigned activities without good cause. Good cause includes court appearances, unavailability of child care, and other circumstances beyond the participant’s control, as determined by the W-2 agency.



Reasons such as illness, medical appointments or family emergencies usually will count as “good cause,” but the participant should promptly notify the FEP of the reason and provide verification of the reason for the absence (such as a doctor’s excuse) if the FEP requests it.

A participant who disagrees with the existence or amount of a sanction should appeal because erroneous sanctions are common (see appeals section below). In addition, a sanction should not be imposed or upheld on appeal if the participant did not get proper notice of the W-2 assignment or if the agency failed to properly assess the participant’s barriers and assign the appropriate activities.

Strikes

Participants who refuse without good cause to participate in an employment position can be given a “strike.” Three strikes in one work program category causes permanent ineligibility to participate in that category. “Refusals” may be inferred from failing to appear for an interview or assigned activity without good cause, voluntarily leaving appropriate employment or training without good cause, being discharged from employment for cause, or otherwise demonstrating that s/he refuses to participate. Participants can appeal imposition of a strike. (*See below.*)

Time Limits**60 month time limits**

Sec. 49.145(2)(n), Wis. Stats.;
DWD 12.09(2)(n), Wis. Admin. Code

W-2 participants have a lifetime participation limit of 60 months, whether consecutive or not. Only those months during which an individual receives cash payments as an adult count toward the time limit.

Extensions to the 60 month limit may be allowed when “unusual circumstances exist that warrant an extension.” “Unusual circumstances” mean:

- inability to work due to personal disability or incapacitation or the need to care for a severely incapacitated W-2 group member whose health and well-being would be significantly affected without the W-2 participant’s in-home care;
- having significant limitations to employment such as (a) low achievement ability, learning disability or emotional problems that are so severe they prevent the W-2 participant from obtaining or retaining employment, but are not sufficient to meet SSI or SSDI criteria, or (b) family problems of such severity that they prevent regular employment; or
- being unable to find work because of local labor market conditions.

Two-Year Limit on Work Program Placements

In addition to the general 60-month limit on W-2 assistance, state law imposes a 24-month, lifetime limit for participation in each of the W-2 subsidized work program categories (trial jobs, CSJs, W-2Ts). The months need not be consecutive.

Extension policy

DWD W-2 Manual Sec. 2.3.2 - 2.3.5;
BWI Operations Memos 99-48,
99-49, 99-60, 99-89, 00-27, and 00-28

Extensions of up to six months at a time are available on a case-by-case basis upon the request of the W-2 agency and approval of DWD. A participant may appeal the agency’s refusal to request an extension (through a fact-finding) and DWD’s refusal to grant one (through a fair hearing). (*See below.*)

For those in CSJs, extensions may be granted if the individual has made all appropriate job search efforts, local labor market conditions

preclude a reasonable employment opportunity, and no trial jobs are available.

For those in W-2Ts, extensions may be granted if the individual has satisfactorily participated in the program, and if s/he has significant barriers to unsubsidized employment and to another W-2 employment position placement.

As might be anticipated, time limits are particularly problematic for W-2T participants with chronic mental or physical health limitations, cognitive barriers, AODA problems, or children with severe disabilities. They are often unable to progress to a CSJ placement, and so are effectively subject to a two-year W-2 time limit, and must request extensions every six months after that. Their situations are exacerbated when W-2 case managers fail to recognize their barriers and/or fail to seek proper help to overcome those barriers.

Job Access Loans

Sec. 49.147(6), Wis. Stats.;
DWD 12.17, Wis. Admin. Code;
DWD W-2 Manual, Ch. 13

W-2 agencies must have a “Job Access Loan” (**JAL**) program to help households with children meet financial crises. The loans must be for expenses related to obtaining or maintaining employment. Allowable uses of JALS include (but are not limited to) car loans and repairs, fees to obtain a driver’s license, work uniforms, and rent or security deposits if necessary to prevent eviction and obtain or maintain employment. Loans can be for a maximum of \$1,600. Repayment can be in cash or through a combination of cash and volunteer work.



W-2 agencies do not always explain that a JAL can be repaid through volunteer work. Someone interested in this option should bring it up when applying for a JAL.

Denials of JALS are appealed through the fact-finding process.

Emergency Assistance

Sec. 49.138, Wis. Stats.;
DWD Ch. 16, Wis. Admin. Code;
DWD W-2 Manual, Sec. 18.1.0;
BWI Operations Memo 00-08

Emergency Assistance (**EA**) is a cash payment of up to \$150 per household member to meet the needs of low-income households with children who are facing a housing emergency due to fire, flood, natural disaster, energy crisis, homelessness or impending homelessness. EA is available once every 12 months in the first four categories, but only once every 36 months for homelessness or impending homelessness. (If the homelessness is due to domestic violence, EA is available once every 12 months.)



Under state law, applying for EA usually postpones a pending eviction case while the EA application is pending.

Where to apply

Normally an individual applies for EA at the W-2 agency. In Milwaukee County, W-2 agencies and the American Red Cross handle different components of the EA program (persons unclear of where to request EA in Milwaukee should apply at both locations). W-2 agency denials of EA are appealed through the fact-finding procedure. Red Cross denials are appealed through the fair hearing procedure.

Transportation

Sec. 49.157, Wis. Stats.;
DWD W-2 Manual, Sec. 18.6.0

A W-2 agency may provide transportation assistance in a manner prescribed by DWD, according to state law. The W-2 Manual states that agencies must identify the specific transportation needs of W-2 participants plus existing public transportation systems (including accessible transportation options for people with disabilities) and then develop transportation options to address the participant's needs. Timely and accurate reimbursement to W-2 participants for transportation costs must also be provided.

Child Care Subsidy Program

Sec. 49.155, Wis. Stats.;
DWD Child Day Care Manual, Ch. 2

Non-financial eligibility

The person applying for child care funding must be a custodial parent, kinship care relative (*see description below*), guardian, foster parent, legal custodian, or a person acting in place of a parent. The person must be caring for a child under the age of 13, or between 12 and 19 if the child has a disability. DWD policy defines "disability" as a "special need" and includes emotional, behavioral, physical or personal needs that require more than the usual amount of care and supervision for the child's age, as documented by a physician, psychologist, special educator or other qualified professional. "Special needs" include developmental disabilities.

The applicant must need child care to work in an unsubsidized job; for education, training or other activities that are part of a W-2 employment position (or in some circumstances, for other educational activities); or to participate in a food stamp employment and training program (**FSET**). (*See below for description.*)

Financial eligibility

Income eligibility is 185% of the federal poverty level, with the same income counted as for the W-2 work programs (except that some self-employment income is disregarded). Once receiving a child care subsidy, eligibility continues up to 200% of the poverty level. There is no asset limit. (*For poverty level see web site on pg. 131.*)

Two-parent families may be eligible for the subsidy if both are participating in the above activities, or if one parent has a disability or other health condition and is unable to care for the children while the other parent works or participates in a permitted activity.

In child's own home
DWD Child Day Care Manual, Ch. 3,
Secs. 2.6.3 and 2.6.4.

The subsidy is available to pay child care providers who are state licensed, county certified, or operated by a public school board. Care may be provided in the child's own home under limited

circumstances, but may not be provided by someone living in the home unless the care is determined necessary because of a special health condition of the child.

Co-payments All participants must pay a co-payment (except for certain teens in high school, FSET participants, foster care children, and some children in Kinship Care). Generally, co-payments are based upon family income, the number of children in care and whether the care is licensed or certified. Denials of child care assistance are appealed through the fact-finding procedure. (*See below.*)

Caretaker Supplement for Parents Receiving SSI

Sec. 49.775, Wis. Stats.;
DWD W-2 Manual, Sec. 18.8.0

Parents receiving SSI are eligible to receive payments from the Caretaker Supplement (**C-Supp**) program, in a specified amount for the first child and a reduced amount for the second and each subsequent child.

Eligibility for C-Supp exists if one parent in a single-parent household or both parents in a two-parent household receive SSI. In addition, the custodial parent must assign to the state any right to child support (even though child support payments are paid to the parent). Finally, the children of the SSI parent cannot receive SSI themselves, and must meet certain financial eligibility requirements.

Low-income parents with a disability who receive SSDI or Disabled Adult Child (**DAC**) benefits are ineligible for assistance under both the C-Supp program and W-2 (unless they receive SSI in addition to SSDI or DAC).



In this program there have been problems with application procedures, inadequate notices regarding eligibility, and incorrect denials. Persons who begin to receive SSI and do not get C-Supp for minor children, or do not get C-Supp retroactive to the parent's SSI eligibility date, should request fair hearings. Additionally, SSI recipients who later become parents should get C-Supp back to the date of the child's birth.

Kinship Care

Sec. 48.57(3m) and (3p), Wis. Stats.
DWD W-2 Manual, Sec. 18.7.0

Kinship Care provides monthly financial support to relatives caring for dependent children (including siblings, grandchildren, nieces and nephews and other specified relatives). The program is administered by the county Departments of Human Services or Social Services, except in Milwaukee County where the program is administered by the state Department of Health and Family Services' Bureau of Milwaukee Child Welfare (the Bureau). Placement with the relative may be an informal placement or the result of a children's court order.

To receive Kinship Care, the child must live with the kinship relative, and the county agency or the Bureau must find that:

- there is a need for the placement and the placement is in the best interest of the child;
- the child meets one or more of the criteria for Children in Need of Protection or Services (**CHIPS**), in Sec. 48.13, Wis. Stats. or Juveniles in Need of Protection or Services (**JIPS**), in Sec. 938.13, Wis. Stats., or would be at risk of meeting any of these criteria if s/he remained with a parent;
- the caretaker relative, any other adult relative in the home, and any employees of the relative who might have regular contact with the child pass a criminal background check conducted by the county agency or the Bureau; and
- the kinship care relative states that neither s/he nor his/her employees or prospective employees nor other adult residents in the home have any arrests or convictions that could adversely affect the child, or the relative's ability to care for the child.

In addition, a child who receives SSI cannot receive Kinship Care.

Once a relative is approved for Kinship Care, eligibility must be reviewed at least once every 12 months. If the relative and/or child no longer meet eligibility standards, benefits may be terminated regardless of how long the child has been living with the relative.

Denials or terminations of Kinship Care payments may be appealed by request for fair hearing from the Division of Hearings and Appeals (**DHA**). (*See below.*) However, there is no right to a hearing for someone denied Kinship Care for criminal background check problems. Someone denied Kinship Care for those reasons can request, in writing, that the agency director or designee review the denial. A denial of kinship care or termination of benefits does not mean that the child will be removed from the home, but no financial support will be provided.

Long-term kinship care
Sec. 48.57(3n) and (3p), Wis. Stats.

State law also provides for long-term Kinship Care to relatives under much the same rules as for regular Kinship Care. In addition to those requirements, the relative must be appointed the child's guardian and must sign an agreement with the county or Bureau to provide care for the child until the age of 18, or until the child is placed outside the relative's home, ceases to reside with the relative or moves out of state, or the guardianship ends.

7 USC 2011 et seq.;
7 CFR Pt. 271 et seq.;
Sec. 49.124 - 49.129, Wis. Stats.;
DWD Food Stamp Handbook

Food Stamp Program

The food stamp program is a federal program administered by the U.S. Department of Agriculture. The state contracts with counties (or W-2 agencies) to administer the program locally and process applications. Applications must be processed within 30 days, and certain households facing emergencies may be eligible for “expedited” food stamps that are issued in seven days.

Note: Applicants can choose an “authorized representative” to fill out an application for them. Any person can be designated as an authorized representative. The form that needs to be completed can be requested when the food stamp application is picked up.

Definition of “household”

Eligibility for food stamps is based upon the food stamp “household,” consisting of all persons living together, related or not, who purchase and prepare their food together. Certain people must be included in the same food stamp household, if they live together: married couples; minor children and their parents or caretakers; and parents and adult children under 22 who live together. A person who has a disability, is over 59 and cannot buy and cook his/her food separately, can be a separate household from others in the home even if they purchase and prepare food together.



People who live together but do not purchase and prepare food together should request to be treated as separate households, since that normally will increase the amount of food stamps received.

There are additional restrictions on eligibility for certain able-bodied adults without dependent children; certain students; residents of institutions (except for homeless or battered women’s shelters, or certain treatment or group centers); strikers; and persons found guilty of certain criminal activities.

Asset limit

The general asset limit for food stamps is \$2,000, or \$3,000 for households containing a person who is elderly or disabled. Certain assets are not counted, including a person’s home, and a car up to a specified value.

Income limit

Households usually must pass both a gross income test (130% of the federal poverty level) and a net income test (100% of the poverty level). Households with an elderly or disabled member do not have to pass the gross income test. In determining eligibility, there is a standard deduction, an earned income deduction, a dependent care deduction, a child support deduction, a shelter deduction, and for households with elderly or disabled members, a medical expense deduction. A family’s food stamp allotment is then determined by comparing net income and family size to the food stamp allotment table.

Certain households, called “categorically eligible,” do not have to pass the income or asset tests. These include households in which any member is in a program funded with certain funds, including a W-2 placement (paid or unpaid), job access loan, child care subsidy, kinship care, or C-Supp. Households in which all members receive SSI also are “categorically eligible.”

Note: There is currently considerable movement to change and simplify the food stamp program in the following ways: raising income limits; increasing asset limits, or even eliminating them; reducing the number of people who must be included in the food stamp household; and eliminating the stricter requirements for able-bodied adults without dependent children.

Food stamp employment and training

DWD Food Stamp Handbook
Appendix Ch. 8;
DWD FSET Manual

To receive food stamps, many persons must participate in the work program known as the Food Stamp Employment and Training (FSET) program. The failure to participate without good cause can lead to the reduction or termination of food stamps. Persons who do not meet one of the following criteria must participate in FSET:

1. Under age 16 or over 59.
2. Participating in a W-2 subsidized employment position.
3. Physically or mentally incapable of employment.
4. Caring for a child under age six or an incapacitated person (only one caretaker per child or incapacitated person). The child or incapacitated person does not have to be living with the caretaker.
5. Employed or self-employed at least 30 hours per week.
6. Earning at least 30 times the minimum wage.
7. Receiving or applying for unemployment compensation.
8. Attending certain schools at least half-time (if otherwise eligible for food stamps).
9. Participating in drug or alcohol treatment programs.
10. Migrant workers due to begin work within 30 days.



Persons who believe they are incapable of employment but cannot obtain verification of their incapacity should request that the FSET agency send them for a disability assessment.

Denials, reductions or terminations of food stamps may be appealed by requesting a fair hearing from the Division of Hearings and Appeals. (See below.) Food stamp hearings usually must be requested within 90 days of the effective date of the action being appealed.

Appeals and Remedies

Appeals

Sec. 49.152, Wis. Stats.;
DWD 12.22, Wis. Admin. Code;
DWD W-2 Manual, Ch.9

A special two-stage appeal process applies to most W-2 work program, job access loan, emergency assistance, transportation and child care decisions. Participants may appeal delays or denials of applications, benefit reductions (sanctions) or terminations, or disagreements with work program placements. This process also applies when the W-2 agency refuses to request an extension of time limits and for individuals charged with W-2 “overpayments” whose W-2 benefits are being reduced to recover those overpayments.

Fact-finding review procedure

An appeal first goes to the W-2 agency and must be filed within 45 days of the “effective date” of the action. The agency holds a “fact-finding” review during which the agency explains its action, the participant may present information (including written evidence and witnesses) and agency workers may respond. The fact-finder must be neutral and not the person who took action on the case (although the fact-finder can be an employee of the W-2 agency).



At the present time, it often is difficult to figure out the “effective date” of an action. For sanctions, it is advisable to appeal within 45 days of receipt of the reduced payment. For denials of assistance or refusals to request extensions, the individual should appeal within 45 days of the date of notice. However, individuals who miss these deadlines should still consider appealing since in many cases fact-finders and the state Division of Hearing and Appeals (DHA) have found W-2 notices to be so unclear that no time limits apply. If the individual did not understand the notice, has limited literacy, or was misled by a W-2 worker into believing s/he could not appeal or an appeal would be futile, that should be brought up at the fact-finding if there is any question about a late appeal.

Appeal to the Division of Hearing and Appeals

If the participant is dissatisfied with the result of the fact-finding, s/he may appeal in writing to DHA. The appeal must be filed within 21 days of the date the W-2 agency decision was mailed to the participant. DHA must receive the appeal by the 21st day; it cannot just be put in the mail that day. DHA will accept appeals by fax.

Division of Hearing and Appeals
P.O. Box 7875
Madison, WI 53707
608-264-9885 (fax)

An individual generally cannot have a new hearing at DHA. Instead, DHA will review the fact-finding tapes and exhibits to decide if the fact-finding decision was correct. If the petitioner wins at either the fact-finding or DHA, benefits must be restored to the proper level retroactive to the date on which the error occurred. An exception is in cases in which new applicants are wrongly denied a W-2 work program placement. In these cases, the W-2 agency must place the participant in the first available appropriate position, and benefits begin only from that date forward.

Fair hearing procedure In certain cases, DHA may agree to hold a fair hearing on W-2 issues without the participant going through a fact-finding review. This generally occurs for W-2 agency decisions to impose “strikes;” in cases of W-2 overpayments for persons who no longer receive W-2 and whose W-2 benefits were never reduced to recover the overpayments; and in cases where DWD denies a W-2 extension request.

The DHA fair hearing process also applies to Food Stamp, Medicaid, Kinship Care, and Caretaker Supplement programs. (*See above.*) Appeal time limits for these programs are generally 45 days from the effective date of the action, except for the food stamp program which is generally 90 days from the effective date of the action. Fair hearing requests can be filed at DHA by mail or fax at the address in the box above.

Wisconsin Works Manual Every county Department of Human Services or Social Services and every W-2 Financial and Employment Planner (**FEP**) has a W-2 Manual in their possession. A Manual can also be ordered from the Wisconsin Department of Workforce Development, Division of Economic Support (DES), P.O. Box 7935, Madison, WI 53707-7935. The cost is \$20 plus tax for the initial Manual and an additional \$20 plus tax to receive periodic updates. If you need help to access this material in an alternative format, contact the DES Equal Opportunity office at 608-267-0927 (Voice and TTY).