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6-8-98 ✓

Job ready

→ Case is on appeal  
to Circuit Court

STATE OF WISCONSIN  
Division of Hearings and Appeals

In the Matter of

DECISION

WWW-51/20992

The proposed decision of the hearing examiner dated March 10, 1998 is amended as follows, and as amended, is issued as the final order of the Department.

The Discussion section is deleted and replaced by:

Discussion

The Petitioner argues that it was erroneous to place her into a category called "Case Management for Job Ready (CMS)" because such a category is not authorized by the W-2 statutes (secs. 49.141 - 49.161, Stats.) However, this placement is expressly recognized and provided for by sec. 49.147(2), Stats., as a subcategory of "unsubsidized employment." The statutory provision on unsubsidized employment specifically provides that the W-2 agency "shall assist a participant in his or her search for unsubsidized employment," sec. 49.147(2)(b), Stats., which makes it clear that the search for employment is one aspect of the category of "unsubsidized employment."

From the beginning of its administration of Wisconsin Works, the Department of Workforce Development has explained that the category of "unsubsidized employment" may include a person who is currently unemployed but is capable of obtaining immediate full time employment. While a W-2 participant in this category is not entitled to a cash grant, he or she may receive food stamps, medical assistance, subsidies for transportation or child care, or a job access loan. (See BWI Operations Memo (98-26, 3/20/98, also W-2 Policy Manual, Section 1.2.0.)

It is also stated clearly in the W-2 Statutes that, when considering where to place a participant on the four rungs of the W-2 "employment ladder" (unsubsidized employment, trial job, community service job, transitional placement), the W-2 agency is required to give priority to the highest placement that is appropriate. This is in keeping with the philosophy and goal of W-2 that the primary emphasis of the program at all times should remain on the transition to employment. (See the W-Z Policy Manual, Section 1.1.0.)

Because (1) the statute provides for this type of placement, and (2) there has been no showing in this review that the W-2 agency was incorrect in its initial assessment of the petitioner as "job ready," the initial placement of the petitioner into the category of unsubsidized employment, under the subcategory "Case Management for Job Ready Participants (CMS)," was correct. However, in its fact-finding in this matter the W-2 agency determined that it had not properly monitored the petitioner's employment search and had not obtained information to assure that the petitioner's placement remained proper. For this reason, the W-2 agency changed the petitioner's placement status on a retroactive basis to that of a community service job.

Because the W-2 agency had already changed the placement of the petitioner, the issue of the initial placement into the unsubsidized employment category was already moot at the time of the proposed decision. The issue has been addressed in this decision because of its significance and the likelihood that it would be raised again in the future.

The Conclusions of Law are ~~deleted~~ and replaced by:

Conclusions of Law

1. The **initial** placement of the petitioner into the subcategory of "Case Management for Job Ready (CMS)" within the statutory **category of** unsubsidized employment was correct.
- 2; The issue of the **correctness** of the **initial** placement of the petitioner became **moot** when the W-2 agency retroactively changed the placement to the **category** of community service job,

The Order is deleted and replaced by;

Order

The appeal ~~from~~ the fact finding decision ~~of~~ the W-2 agency is dismissed ~~and the~~ fact finding decision of the W-2 agency is **affirmed**.

REQUEST FOR A REHEARING

This is a final fair hearing decision. If you think **this** decision is **based** on a serious mistake in the facts or **the law**, you may request a new hearing. You may also ask for a new hearing if you **have** found new evidence which would change the **decision**. To ask ~~for~~ a new hearing, send a written request to the Division of **Hearings and Appeals**, P.O. Box 7875, Madison, WI 53707-7875.

Send a copy of your **request** to the other people **named in this** decision as "**PARTIES IN INTEREST**."

Your request **must explain** what mistake the examiner made and why it is **important** or you must describe your new evidence and **tell why you** did not have it at your first hearing. If you **do not explain** these **things**, your request **will** have to **be** denied.

Your request for a new hearing must **be** received **no** later than twenty (20) days **after** the **date of** this decision. **Late requests cannot be granted**. The process for asking for a new hearing is in sec. 227.49 of the state **statutes**. A copy of the **statutes** can found at your local library or courthouse.

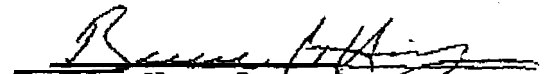
APPEAL TO COURT

You **may also** appeal this decision to Circuit **Court** in the **county** where you live. **Appeals must be filed no more than thirty (30) days** after the date of this **hearing decision** (or **30 days after a denial of rehearing, if you ask For one**). The **appeal** must be **served** on the Wisconsin Department of **Workforce** Development, P.O. Box 7946, Madison, WI 53707-7946..

The appeal must **also** be served on the other "**PARTIES IN INTEREST**" named in this decision. The process for **Court** appeals is in sec. 227.53 of the statutes.

Given under my hand at the City of Madison,  
Wisconsin, this 8<sup>th</sup> day of

June 1998.

  
Bruce Hagen, Deputy Secretary  
Department of Workforce Development