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Division of Medicaid Services
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To: FoodShare Wisconsin Employment and Training (FSET)
Handbook Users

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

Re: **FSET Handbook Release 17-02**

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EFFECTIVE DATE

The following policy additions or changes are **effective 10/30/2017**, unless otherwise noted. **Grey highlighted text denotes new text. Text with a strike through it in the old policy section denotes deleted text.**

POLICY UPDATES

1.3.2 Voluntary FSET Program

Since 2008, Wisconsin has operated a voluntary FSET program, an allowable state option under federal SNAP regulations. The shift to a voluntary FSET program was a provision of Wisconsin's 2007-2009 biennial budget.

A voluntary FSET program means that a non-exempt [ABAWD](#) may choose to meet the ABAWD work requirement through participation in FSET. See the [FoodShare Handbook section 3.17.1.7 ABAWD Work Requirement](#) for the complete list of ways that non-exempt ABAWDs may meet the ABAWD work requirement. ABAWD eligibility for FoodShare is limited to three months of [TLB](#) in a 36-month period if an ABAWD is not meeting the ABAWD work requirement and does not have a qualifying exemption. The three TLB months do not have to be consecutive.

Non-ABAWDs and exempt ABAWDs may also choose to participate in FSET, but do not need to meet the ABAWD work requirement. See the [FoodShare Handbook section 3.17.1 Able-Bodied Adults without Dependents](#) for more information on the ABAWD work requirement and ABAWD status determination.

A voluntary FSET program also means that FoodShare work registrants are not required to participate in FSET in order to meet the work registration requirements. See the [FoodShare Handbook section 3.16.1 Work Requirements](#) for more information on the FoodShare work registration requirements.

1.3.3 Service Delivery to ABAWDs

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) limits the receipt of ~~FS~~ **FoodShare** benefits to three full months in a 36-month time period for ABAWDs who do not meet the work requirement or meet an exemption from the work requirement.

From 2002 through 2014, the State of Wisconsin was granted approval from the federal Food and Nutrition Service (FNS) to waive the federal time limit on ~~FS~~ **FoodShare** benefits for ABAWDs who failed to meet ABAWD work requirements. As specified in the Wisconsin 2013-2015 biennial budget, the state will implement the federal time limit on FoodShare benefits for ABAWDs statewide effective April 1, 2015. For more information about ABAWD TLBs and the 36-month period, see [FoodShare Handbook section 3.17.1 of the FS Handbook](#).

During a 36-month period, an ABAWD may continue receiving ~~FS~~ **FoodShare**

benefits as long as the ABAWD is meeting the work requirement, has a verified or an exemption, or is later determined to be a non-ABAWD. Participating in the FSET program is one way for ABAWDs to meet the work requirement and maintain ongoing eligibility for FS FoodShare. Once FS FoodShare eligibility is confirmed, an ABAWD who needs to meet the work requirement will receive a referral to FSET, so that he or she has the opportunity to choose to participate right away and not exhaust his or her time-limited benefit months.

1.4 FSET Component Activities

FSET agencies must offer a variety of activities in order to comprehensively address the unique needs of each participant. See [FSET Handbook section 10.3 Appendix C: FSET Fundable Component Activities](#) for a complete list of FSET fundable activities.

1.4.1 Job Search and Job Search Training

The job search and job search training components are for participants engaged in employment search and participants who need general guidance with the job search process. Agencies assist job search and job search training participants in developing, practicing, and applying job seeking skills with the goal of securing employment. This includes:

- Assistance with applications and resume development
- ~~Motivational and informational workshops~~
- Interviewing skills, including mock interviewing
- Labor market information
- Job clubs
- Job leads and job referrals
- Job development and job placement, as needed

1.4.2 Education

Allowable activities within the education component include:

- Adult Basic Education (ABE)
- Driver's Education
- Customized Skills Training
- English as a Second Language
- General Educational Development
- High School Equivalency Diploma
- ~~Full-time Student~~ – Higher Education – Full-time Student
- ~~Part-time Student~~ – Higher Education – Part-time Student
- Job Skills Training
- Job Readiness/Motivation
- Literacy Skills
- Post-secondary Education (2 years or less)
- Regular School (K-12)
- Vocational Adult Basic Education
- Vocational English as a Second Language
- Vocational Literacy

1.4.6 Job Retention

The only activity under the job retention component is job retention. It is a qualifying activity that provides services for up to 90 days to participants who have secured employment. All **Both** of the following must be true in order for an individual to participate in job retention:

- The individual enrolled in FSET prior to obtaining employment; and
- The individual received FoodShare benefits the month of or the month prior to when job retention services would begin.

The criteria above must be met each time the job retention component is assigned.

2.1 FSET and FOODSHARE Eligibility

- **Determine Exemptions from the ABAWD Work Requirement**
IM workers have primary responsibility for determining and verifying ABAWD exemptions. However, FSET workers must understand ABAWD exemptions and be aware of changes in participants' ABAWD exemption status. FSET workers may identify that an individual qualifies for an ABAWD exemption

once they begin working with a participant. When an ABAWD exemption is identified, the FSET worker ~~should contact~~ **must notify** the IM agency to ~~notify them~~ of the exemption and work with the participant to initiate the process of verifying the exemption.

For more information on exemptions from the ABAWD work requirement, see the [FSET Handbook 6.2.2 Exempt ABAWD](#).

- Provide FSET Information to FoodShare Applicants and Members
IM workers are responsible for providing information about the FSET program to all FoodShare applicants and members during the FoodShare interview process at application and renewal, including:
 - ~~Listing~~ **Explaining** the benefits of the FSET program including a brief overview of the available employment and training opportunities and supportive services.
 - Explaining how the FSET program can help a non-exempt ABAWD meet the monthly ABAWD work requirement, in order to maintain ongoing FoodShare benefits.
 - Asking non-ABAWDs and exempt ABAWDs if they would like to be referred to the FSET program.

4.5.2.2 Assign Component Activities

- **FSET Participation Hours:** Non-exempt ABAWDs must meet the ABAWD work requirement by working (see the [FSET Handbook 6.3.2.1 Definition of Working for ABAWDs](#)) or participating in a work program for at least 80 hours per month. See [FSET Handbook 6.3.2.2 ABAWD Work Requirement](#) for more information on the ways to meet the ABAWD work requirement. Some non-exempt ABAWDs need to participate in FSET for 80 hours a month in order to meet the ABAWD work requirement because they are not engaged in any other type of work or work program. Other non-exempt ABAWDs are referred to FSET because although they are already partially meeting the ABAWD work requirement, participation in FSET would allow them to make up the difference between their current hours and the 80 hour requirement. When assigning activities on the EP, the FSET worker must determine each ABAWD's current work **hours** and other allowable activities outside FSET that must be counted on the EP prior to determining additional FSET participation hours. Activities that must be included on the EP include co-enrollment in an allowable work program, employment, or participation in other activities that may be categorized as FSET components on the participant's EP, such as an educational program. See FSET handbook section 6.3.2.3 Determining Participation Hours.

5 Supportive Services

FSET agencies must provide supportive services to non-exempt ABAWD, exempt ABAWD, and non-ABAWD participants for reasonable and necessary expenses that directly relate to FSET participation in allowable FSET activities. A non-exempt ABAWD cannot be penalized for not meeting the ABAWD work requirement if the FSET agency fails to provide supportive services that are reasonable and necessary for meeting the FSET participation requirement. **Good cause hours should be provided if required supportive services are unavailable to the participant.**

5.1 FSET Participant Expense Reimbursement

FSET participants are eligible for assistance to cover the cost of transportation and other expenses that are reasonable and necessary for the completion of assigned FSET activities. The nature and scope of participant reimbursement for FSET-related expenses may vary from agency to agency, depending upon availability of funding and the extent to which barriers exist for the FSET participant within the local area. The most common types of participant reimbursements include:

- Transportation (mileage, bus tokens, bus passes, taxi cab vouchers, gas money) to and from the location of the FSET activity, see [FSET Handbook Appendix D – Supportive Services Allowable Expenses](#);
- Child care and related costs, including enrollment fees;

- Clothing suitable for job interviews;
- Uniforms needed to participate in an assigned training/activity;
- Licensing and bonding fees, and
- Textbooks, GED/HSED test fees and training materials.*

* Reimbursement for assistance with textbooks, training materials, school supplies, tuition, lab fees, and other education-related costs necessary for training, is not allowable if the same assistance is provided to non-FSET participants for free. See [FSET Handbook Appendix C – Post-Secondary Education Component Activity](#) for additional requirements.

6.1 FSET Participant Responsibilities

FSET participants must carry out the following responsibilities:

- The participant must be capable of performing the assigned FSET activities as agreed upon in the employment plan. If the participant is unable to perform an assigned activity or his or her employment status changes, the participant should contact the FSET case worker to re-evaluate and make alternative arrangements update the employment plan.
- ~~The participant must attend and participate in assigned work training and other activities as assigned.~~
 - Note:** Assigned FSET activities must adhere to federal non-discrimination requirements as well as federal, state, or local health and safety standards.
- The participant must attend and participate in scheduled, assigned appointments related to FSET. If the participant is unable to keep an appointment or anticipates being late for an appointment, he or she must notify the FSET case manager before the appointment. If the participant is unable to make contact before the appointment, he or she must do so as soon as possible.
- ~~The FSET case manager collects and records attendance information for assigned activities. The FSET worker obtains documentation of monthly program participation from the FSET participant or directly from the service provider no later than the last day of each month. The participant should work with the FSET case manager regarding what form of documentation is required for each assigned activity. The participant or FSET activity service provider should turn in attendance information for assigned activities. The participant should work with the FSET case manager to determine the type of documentation that is required for each assigned activity.~~
- The participant must notify the FSET case manager immediately of any issues that prevent participation in assigned activities or that prevent participation in the FSET program overall. The FSET case manager may request verification of missed participation in order to determine good cause for non-participation.
- The participant should inform the FSET case manager if he or she is no longer interested in participating in the FSET program.
- ~~FSET participants must accept a bona fide job offer that is consistent with employment plan goals. Before refusing a job offer, the participant must discuss the situation with his or her FSET case manager. Participants are not required to accept a job offer that:~~
 - ~~Does not meet their vocational strengths, needs, and preferences;~~
 - ~~Does not meet or exceed the federal or state minimum wage. Wage rates, hours of work, and conditions of employment must conform to requirements in the Fair Labor Standards Act, as amended;~~
 - ~~Is vacant because of a strike, lockout, or other bona fide labor dispute;~~
 - ~~Is against the rules of a union to which they belong;~~
 - ~~Would interfere with their ability to return to their regular job within a short period of time. They can, however, be encouraged to take a~~

temporary job until their regular job begins.

- FSET participants must contact their FSET case manager immediately if fired from a job.
- FSET participants who are subject to the work registration requirements should accept an offer of suitable employment if the position is within the scope of their employment goal as defined by his or her employment plan. An offer is considered suitable employment if all of the following apply:
 - Pay is equivalent to minimum wage or higher.
 - The employee is not required to join, quit, or refrain from joining a union or trade organization.
 - The job is not obtained due to strike or lockout.
 - The job does not pose health risks.
 - The job matches a person's physical and mental ability to perform the job.
 - If employment is offered on a piece-rate basis, the expected average hourly pay (piece-rate multiplied by the average hourly output) is at least minimum wage.
 - The daily round-trip commuting time is less than 2 hours, excluding time transporting a child to or from child care.
 - The distance to the job allows for walking, or public or private transportation is available.
 - The hours of work or nature of work does not interfere with the person's religious observations, convictions, or beliefs.
 - Within the first 30 days of work registration, the employment must be in the person's field of experience.

6.2 FSET Participant Status

FoodShare members are assigned a participant status, which relates to the work requirement for an Able-Bodied Adults without Dependents (ABAWDs) status. This status is determined by the Income Maintenance (IM) agency and is provided to FSET agencies as part of a referral or referral update. FSET workers should be aware of notifications from the IM agency regarding changes in participant status as these changes may impact FSET participation requirements. The three participation statuses include non-ABAWD, exempt ABAWD, and non-exempt ABAWD.

6.2.1 Non-ABAWD

Non-ABAWDs are not subject to time-limited FoodShare benefits (TLBs). They may participate voluntarily in FSET and are referred to FSET only upon their request. They do not need to participate in FSET in order to meet the ABAWD work requirement. See [FSET Handbook Appendix G – FSET Participant Statuses](#) for more information.

For more information about ABAWD status and exemptions, see [FoodShare Handbook 3.17.1 Able-Bodied Adults without Dependents \(ABAWDs\)](#).

6.2.2 Exempt ABAWD

A FoodShare member is an exempt ABAWD if he or she is an ABAWD who meets at least one of the following criteria, as determined by the IM agency:

- Determined unfit for employment, which includes someone who is:
 - Receiving temporary or permanent disability benefits from the government or a private source;
 - Unable to work due to physical or mental challenges, as determined by the IM agency;
 - Verified as unable to work by a statement from a health care professional or a social worker (may use [Form-01598 Medical Exemption from Work Requirement for ABAWDs](#) to verify);
 - Experiencing chronic homelessness:
 - An individual is chronically homeless if he or she currently lacks a fixed regular nighttime residence and does not expect to have a regular nighttime residence in the next 30 days. This includes people who are in a temporary housing situation.

- Receiving Unemployment Compensation (UC) or has applied for UC and is complying with UC work requirements;
- Regularly participating in an alcohol or other drug abuse (AODA) treatment or rehabilitation program;
- A student of higher education and is otherwise eligible for FoodShare, see the [FoodShare Handbook section 3.15.1 Student Eligibility](#);
- ~~Is~~ A high school student 18 years of age or older, attending high school at least half-time; ~~or~~
- Primary caregiver of a dependent child under age 6 or an incapacitated person;
- ~~Receiving transitional FoodShare benefits; or~~
- Meeting the ABAWD work requirement outside of FSET through work and/or other allowable work program participation.

Exempt ABAWDs are not subject to TLBs during months in which they have a verified exemption. Individuals that have a pending exemption may be referred as non-exempt ABAWDs. Once an exemption is verified, the IM agency will send a referral update to notify the FSET agency of the status change. ABAWDs may gain or lose exemptions for a variety of reasons.

Exempt ABAWDs ~~may participate voluntarily in FSET and~~ are referred to FSET only upon their request. They do not need to ~~participate in FSET in order to~~ meet the ABAWD work requirement.

Note: Although IM workers have primary responsibility for determining ABAWD exemptions, FSET workers may also identify that an individual qualifies for one of the above listed ABAWD exemptions once they begin working with a participant. When an ABAWD exemption is identified, the FSET worker must contact the IM agency to notify them of the exemption and work with the participant to initiate the process of verifying the exemption.

For more information about ABAWD status and exemptions, see [FoodShare Handbook 3.17.1 Able-Bodied Adults without Dependents \(ABAWDs\)](#).

6.2.3 Non-Exempt ABAWD

A FoodShare member is a non-exempt ABAWD if he or she is an ABAWD and is not currently meeting an exemption from the ABAWD work requirement as determined by the IM agency. Non-exempt ABAWDs are subject to TLBs and need to meet the ABAWD work requirement to remain eligible for FoodShare. One of the ways these individuals can meet the **ABAWD** work requirement is through FSET participation.

All non-exempt ABAWDs receive a referral to FSET. Non-exempt ABAWDs are not required to participate in FSET as a condition of FoodShare eligibility. However they may lose eligibility for FoodShare due to failing to meet the work requirement after exhausting three months of TLBs in a 36-month period.

For more information about ABAWD status and exemptions, see [FoodShare Handbook 3.17.1 Able-Bodied Adults without Dependents \(ABAWDs\)](#).

Note: An individual may request a fair hearing if he or she disagrees with the IM agency's determination of ABAWD status. (For more information, see [section FoodShare Handbook 6.4.1 of the FoodShare Handbook Fair Hearings](#).)

6.3.1 Non-ABAWD and Exempt ABAWD Participation

Non-ABAWDs and exempt ABAWDs may participate in FSET, but do not need to meet the ABAWD work requirement. Non-ABAWD and exempt ABAWD FSET participants ~~should~~ **must** be assigned to at least 12 hours of FSET activities per month. FSET agencies are required to work with the volunteer to establish reasonable expectations and hours of participation.

6.3.2 Non-Exempt ABAWD Participation Requirements

6.3.2 Non-Exempt ABAWD Participation Requirements

6.3.2.2 ABAWD Work Requirement

An ABAWD is considered to be meeting the ABAWD work requirement if one of the following applies:

- Working a minimum of 80 hours per month. Use converted work hours if paid weekly or bi-weekly;
- Participating in and complying with the requirements of an allowable work program* at least 80 hours per month; or
- Both working and participating in an allowable work program for a combined total of at least 80 hours per month; or
- Participating in and complying with the requirements of a workfare program.

6.3.2.3 Determining Required Hours of Participation

Non-exempt ABAWDs who enroll and participate in FSET as a way to meet the work requirement may or may not need to participate in FSET for the full 80 hours per month. Some individuals may be partially meeting the work requirement through part-time work or participating in a work program other than FSET for fewer than 80 hours per month. Other individuals may be participating for fewer than 80 hours per month in other activities, such as an education program, that should be categorized as an FSET component and included on the participant employment plan. Individuals who are partially meeting the ABAWD work requirement outside of FSET can fulfill the full 80-hour work requirement by participating in FSET to close the gap in hours. The FSET worker should review each case independently in order to determine the number of FSET participation hours required of that would allow each non-exempt ABAWD to meet the work requirement.

6.3.2.4 Determining Required Hours of Workfare Participation

Annual changes in allotment amounts, utility allowances, and other credits occur on October 1. FSET agencies should review workfare participation calculations for all non-exempt ABAWDs in October.

Workfare is a household-level program, meaning that all non-exempt ABAWD household members may share the hourly obligation during the course of a each month. FSET agencies should document in the FSET participant's PIN comments when the participant lives in a household that includes multiple ABAWDs sharing responsibility for meeting workfare participation requirements. ABAWDs are not required to report changes in household composition to their IM agency, except at the time of FoodShare renewal or Six Month Report Form (SMRF). When a change in household composition is reported, this status change will not result in a referral update being sent to the FSET agency for individuals who remain on the case. An updated referral will be sent when an individual is deleted from a case. When the FSET worker receives a referral update for a workfare participant with a status of "FoodShare Ineligible," they should check the CARES Worker Web (CWW) case to see if there are or were other workfare participants whose hourly participation requirement needs to be updated. See the [FSET Handbook 1.4.3 Workfare](#) for more information on assigning participants to workfare.

Example 1: Tim and Joe are receiving \$200 in FoodShare benefits per month. Minimum wage is \$7.25 per hour. The FSET agency divides the monthly allotment of \$200 by the minimum wage of \$7.25, and determines that Tim and Joe must participate in workfare for a combined total of 27 hours per month. ($\$200 \div \$7.25 = 27.5859$ or 27 hours per month)

Tim and Joe may choose to share the responsibility equally by each participating a part of the hours per month to meet the participation requirement, or may agree to divide the hours so that one of them participates for more hours than the other. It is allowable for either Tim or Joe to complete all required household hours on his own.

Example 2: In August, Lisa and Kim share workfare participation requirements equally. On September 20, Lisa reports that Kim moved out of the home. Lisa

becomes solely responsible for completing the workfare participation requirement effective November 1. If the change had been reported prior to September Adverse Action (AA), the change would have been effective October 1. Because of reduced reporting requirements, she was not required to report the change; ~~so~~ if she had not reported the change, there would not be an over-payment of FoodShare benefits, even if she did not meet the entire workfare participation requirements by herself.

6.3.2.5 Workfare Job Search

Prior to placing a non-exempt ABAWD in a workfare position, a **workfare** job search period may be established for up to 30 days. A non-exempt ABAWD may only participate in workfare job search during the first 30 days after enrollment in FSET at initial certification. Non-exempt ABAWDs who are employed should not be assigned to workfare job search. Non-ABAWDs and exempt ABAWDs should not be assigned to workfare job search. See the [FSET Handbook 1.4.3 Workfare](#) for more information on assigning participants to workfare.

Example 3: Andre is receiving \$194180 in FoodShare benefits per month. He is placed in workfare job search for the initial 30 days. The FSET agency divides the monthly allotment of \$194180 by the minimum wage of \$7.25, and determines that Andre must participate in workfare job search for a combined total of 2624 hours per month. ($\$194180 \div \$7.25 = 26.75$ 24.83 or 2624 hours per month) to meet the work requirement.

6.3.3 FSET Monthly Participation Limit

Because Wisconsin operates a voluntary FSET program, FSET ~~volunteers~~ participants are not subject to the 120 hour-a-month participation limit or the requirement that the number of hours of participation cannot exceed the household's FoodShare allotment divided by the minimum wage. This allows individuals who work part-time or full-time to participate in FSET.

~~The provision extends FSET eligibility to individuals who work part-time or full-time. The policy allows A FoodShare member to may receive employment and training services to increase opportunities for job security, career enhancement and/or advancement.~~

6.4 Co-Enrollment in FSET and Another Allowable Work Program

FSET participants may be co-enrolled in another allowable work program for the purposes of meeting the ABAWD work requirement. These work programs include:

- Refugee Employment and Training
- Wisconsin Works (W-2)
- Trial Employment Match Program (TEMP)
- Children First
- Workforce Investment Innovation and Opportunity Act (WIOA) programs
- Refugee Cash Assistance programs
- Programs under section 236 of the Trade Act

When a non-exempt ABAWD who is enrolled in another allowable work program is also enrolled in FSET, the FSET worker should work closely with the participant's case worker for the other program in order to accurately determine how many hours he or she participates in the co-enrolled program and how many hours of FSET participation are required ~~monthly~~ each month in order to meet the ABAWD work requirement. If an ABAWD is meeting the work requirement through participation in another allowable work program, he or she **also** may ~~also~~ be voluntarily referred to FSET as an exempt ABAWD in order to co-enroll.

6.4.1 Participation in a non-qualified Employment and Training Programs

Some FSET participants are participating in other employment or education programs that do not fall under the allowable work program list above. The hours spent in those programs may be able to count as an FSET component (see [section FSET Handbook 1.4 FSET Component Activities](#)). For example, if a participant is enrolled in another education and training program the hours of participation in this program could be entered on the employment plan and the hours could assist the participant in meeting the ABAWD work requirement if they fall under a definition of

an FSET component. The FSET participant participating in other employment or education programs will need to have an employment plan and participant participation tracked in the FSET tool to continue to receive FoodShare meet the ABAWD work requirement.

Example 1: Charlotte is a newly referred FSET participant and she informs her case manager that she is starting a certified nursing program funded by a local community service organization at the local technical college next week. She will go to class 12 hours per week and has four hours of study time. She spends 16 hours a week on her education. When her FSET case manager enters her activity information for this time period into the FSET Tool she counts the 16 hours under the post-secondary education component. Charlotte is also enrolled in four hours of job search a week. The FSET case manager must record participation information for both the certified nursing program and also the job search.

6.5 Tracking FSET Participation

It is critical that participation is entered timely so that ongoing FoodShare eligibility is determined correctly. If participation is not entered timely, the individual may exhaust his or her TLBs and no longer be eligible for FoodShare for up to the remainder of 36 months. See [FSET Handbook 10.6 Appendix F: FSET Worker Time Frames](#) for details on FSET worker time frames for taking action related to tracking and monitoring participation in the FSET Tool.

6.5.1 Monthly Participation

FSET agencies are responsible for collecting group activities activity participation when multiple participants are engaged in the same activity at one location. It is the primary responsibility of the participant to return the paperwork to the agency verifying participation in activities that involve an activity log. The agency should make arrangements to get the paperwork directly from the service provider when possible.

6.5.2 Education and Training Participation

See [FSET Handbook 10.5 Appendix C: FSET Fundable Component Activities](#) for details on the specific FSET component activities for which study time can be counted toward meeting the work requirement.

6.5.3 Reasonable Anticipation of FSET Participation

Once the FSET worker initiates reasonable anticipation of meeting the work requirement through FSET participation during the current FSET participation period, the worker must continue to make this determination each month going forward if the individual is a non-exempt ABAWD and remains enrolled in FSET.

Note: FSET workers should evaluate whether a participant is reasonably anticipated to meet the requirement by the end of the month on a case by case basis. If the FSET worker indicates that a non-exempt ABAWD is anticipated to meet the work requirement by the end of the month, but the participant does not follow through, the participant may have erroneously received FoodShare benefits for that month. In these cases, the participant may be subject to an overpayment and need to repay these benefits.

Example 1: Tamika, a non-exempt ABAWD, received a TLB for July and another for August. Tamika enrolled and began participating in FSET on September 2. On September 13, the second Saturday of the month, Tamika's FSET case manager determines that based on Tamika's participation during the first two weeks of September, she can reasonably anticipate that Tamika will meet FSET participation requirements for the month of September. If Tamika failed to meet the work requirement for September and did not have good cause, the IM worker would have to recover the FoodShare benefits for that month.

Note: FSET workers should evaluate whether a participant is reasonably anticipated to meet the requirement by the end of the month on a case by case basis. If the FSET worker indicates that a non-exempt ABAWD is anticipated to meet the work requirement by the end of the month, but the participant does not follow through, the participant may have erroneously

~~received FoodShare benefits for that month. In these cases, the participant may be subject to an overpayment and may need to repay these benefits.~~

6.5.4 Time Frames

FSET agencies are responsible for tracking the following within the specified time frames (see [FSET Handbook 10.6 Appendix F: FSET Worker Time Frames](#) for details on FSET worker time frames):

6.5.4.3 Anticipated to Meet Work Requirement

Note: Recording whether a participant is in the third TLB month, third additional month, or any extended benefit month is anticipated to meet the ABAWD work requirement must be completed ~~taken~~ each month ~~ongoing~~, for the remainder of the individual's FSET participation period. This keeps an individual from inaccurately being determined FoodShare ineligible and allows the CARES system to issue benefits prospectively for the following month by updating the FoodShare clock to 'Active in FSET' status.

Example 2: Susie is a non-exempt ABAWD. In March, her second TLB month, Susie enrolls and is participating in FSET in order to meet the ABAWD work requirement. The FSET worker determines that Susie is anticipated to meet the March ABAWD work requirement by the end of the month. The FSET worker updates the 'Anticipated to Meet Work Requirement?' indicator on the Track Participation and Good Cause page to 'Yes' prior to the second Saturday in March so that Susie can maintain FoodShare eligibility and continue participating in FSET. Now that the policy has been applied, the FSET worker should continue to update this indicator each month based on Susie's current and expected FSET participation.

If the FSET worker enters 'No' to the "Anticipated to Meet Work Requirement?" question and then the FSET participant completes the ABAWD work requirement for that month, the FSET worker must contact the IM agency as soon as they become aware or at least by the 5th of the following month so the IM worker can adjust the member's case to reflect this new information.

Example 3: Mary's third TLB month is in December. She enrolled in FSET on December 8 and completed 10 hours that week. This scenario does not meet the requirements to mark the "Anticipated to Meet Work Requirements?" question as 'Yes' so the FSET worker updates this question on the Track Participation page to 'No'; Mary's FoodShare case will close on December 31st. Mary turns in her participation logs on the last day of December and she participated 80 hours in the month of December.

Since Mary met the ABAWD work requirement by the end of the month, Mary's FoodShare clock should be updated to reflect this participation. The FSET agency must contact the IM agency as soon as they become aware the individual met the ABAWD work requirement ~~but~~ **and** no later than the 5th of the following month. The FSET agency must enter the participation information and also add PIN comments. IM agency staff should update the FoodShare clock, issue an auxiliary payment for January, and case comment actions taken on the Mary's case. This process is only necessary for members who are in their third TLB month, ~~and~~ the "Anticipated to Meet Work Requirements?" question is answered 'No,' and the individual meets the ABAWD work requirement in that month.

6.6 Good Cause

Non-participation of a non-exempt ABAWD FSET participant without good cause will result in use of one of the three time-limited benefit (TLB) months. If all three TLB months have been exhausted, non-participation without good cause may result in loss of FoodShare eligibility, ~~unless hours of non-participation are made up prior to the end of the month or~~ the participant becomes exempt from the work requirement.

6.6.1 Good Cause Reasons

Good cause may be granted for temporary circumstances beyond the ABAWD's control, such as, but not limited to:

- Illness;

- Illness of another household member serious enough to require the ~~person's~~ participant's presence;
- Unavailability of transportation;
- Unanticipated emergency;
- Employment or work program placement is no longer suitable;
- The participant is terminated from a job or work program assigned activity due to circumstances beyond his or her control;
- The participant is unable to meet participation requirements because they were disenrolled and re-enrolled in FSET in the same month. This may occur if the FSET agency receives a referral update indicating that the participant is FoodShare ineligible, but FoodShare never truly closed; and
- Unavailability of participant reimbursement for expenses reasonable and necessary to participate in FSET.

6.6.2 Verification of Good Cause

Agencies may verify good cause in cases where a pattern of absences exists, and the agency identifies that the explanation provided is questionable. A "pattern of absences" must extend beyond three consecutive working days or five working days in a rolling 30 calendar days period.

The FSET agency ~~must~~ determines whether there is a reasonable explanation on a case-by-case basis ~~in which the FSET agency staff member has knowledge, experience, and familiarity with the case and the community are factors~~ using their knowledge, experience, and familiarity with the case.

6.7 Communication with IM Agencies about FSET Participation and Good Cause

Communication between the FSET worker and Income Maintenance (IM) worker is essential to facilitating FSET program participation, ~~determining ABAWD status,~~ monitoring the participation of non-exempt ABAWDs, and collaborating on good cause granted to non-exempt ABAWDs subject to work requirements. It is important for the FSET and IM agencies to establish positive working relationships and regular channels for communication.

- The FSET worker should respond to notifications about FSET participants received from the IM workers and follows up with IM workers when clarification is needed.
- The FSET worker should initiate contact and share information, within the boundaries of confidentiality requirements, with IM workers when becoming aware of the need for IM action on a case.
- The FSET worker should communicate with IM agencies when they identify that a non-exempt ABAWD may have an exemption from the monthly work requirement.
- The FSET worker should provide all necessary documentation and appear with the IM agency to represent the Department of Health Services in the event of fair hearings that involve FSET participants.

7.1.1 Suitable Employment

An FSET participants should accept an offer of suitable employment if the position is within the scope of their employment goal as defined by ~~a mutually agreed upon~~ his or her employment plan. An offer is considered suitable employment if all of the following apply:

7.1.2 Entered Employment

An Entered Employment should be assigned when a job is obtained while ~~participating and enrolled~~ and participating in FSET and the job meets all of the below criteria:

7.1.3.3 Work Study

Work-study positions are subsidized employment designated to assist students in ~~meeting their educational financial needs.~~ Work study jobs do not meet the definition of Entered Employment, whether working part-time or full-time. ~~Work-study positions are subsidized employment designated to assist students in meeting their educational financial needs.~~

7.1.3.4 Internship

An internship is considered to be part of the post-secondary education activity, whether it is paid or unpaid, because the participant earns academic credit. If the internship meets the definition of an Entered Employment, then it may be entered as such.

8.2 Ongoing Assessment

In addition to regular employment plan (EP) reviews, FSET workers are expected to conduct ongoing assessments as needed with participants. For example, a worker may wish to reassess when the a participant has a change in employment or educational attainment, needs to establish new goals and revise FSET activities, requires new FSET supportive services, or encounters new barriers to employment. Ongoing assessment is an important component part of FSET case management, with the goal of ensuring that ensures that the FSET program is effectively addressing participant program objectives employment goals, supportive service needs, and barriers to employment are being addressed throughout the participation period.

8.5 Disenrollment

FSET disenrollment is completed on the Participant Summary page in the CWW FSET Tool. The primary reasons for disenrolling a participant from the FSET program include:

1. A participant met the work requirement by obtaining unsubsidized employment for 80 hours per month, has been verified to be an exempt ABAWD, and does not choose to participate in job retention services chooses not to participate in FSET. Disenrollment should not occur while a participant is receiving job retention services for a job obtained as a result of participating in FSET. A participant is eligible to receive up to 90 days of job retention services through FSET even if he or she is no longer eligible for FoodShare

Note: A participant is eligible to receive up to 90 days of job retention services through FSET even if s/he is no longer eligible for FoodShare (FS).

If an FSET participant loses FoodShare eligibility, the FSET agencies must not disenroll FoodShare ineligible participants until after the sixth (6th) day of the month following the month FoodShare closed. On the referral update, the effective date displays the date FoodShare eligibility ends. Disenrollment of a FoodShare ineligible participant must be completed no later than the last day of the month following the month FoodShare eligibility was lost and FoodShare closed. Information in CARES Worker Web (CWW) may show that FoodShare is scheduled to close because the FoodShare interview or other requirements were not completed prior to adverse action. FoodShare may reopen within the same month or the following month.

2. Non-ABAWD or exempt ABAWD non-participation in FSET for two months without good cause. (This disenrollment reason does not apply to non-exempt ABAWDs);

Prior to disenrolling a non-ABAWD or exempt ABAWD for non-participation, the worker must attempt to make contact by letter or telephone to determine why the individual is not participating and to determine if the employment plan (EP) should be revised to include different services.

3. Non-ABAWD or exempt ABAWD requests to end services. (This disenrollment reason does not apply to non-exempt ABAWDs); or
4. Participant moves from the pilot region to a non-pilot region of the state between July 1, 2014 and April 1, 2015. In these cases, disenrollment from the CWW FSET Tool is required even if the participant chooses to continue participating in FSET after moving out of the pilot region. The disenrollment code to use in this circumstance is MP-Moved Out of Pilot Region.

FSET disenrollment is completed on the Participant Summary page in the CWW FSET Tool.

Note: FoodShare will be systematically scheduled to close at adverse action when required action for a review or Six Month Report Form (SMRF) was pending action, including pending verification. If the member completes the necessary action to reopen FoodShare benefits, an updated referral will be sent to the FSET worker showing that the participant is again eligible.

~~**Note:** Prior to disenrolling a volunteer for non-participation, the worker must attempt to make contact by letter or telephone to determine why the individual is not participating and to determine if the employment plan (EP) should be revised to include different services.~~

9.1 Confidentiality

1. Income maintenance (IM) consortia or county departments of social or human services.
2. DHS-contracted county, tribal, and private agencies.
3. Wisconsin DCF staff for administering work participation requirements.
4. DWD, Division of Unemployment Insurance (DUI) for computer matching to Unemployment Insurance benefit payments.
5. Persons directly connected with the administration or enforcement of the programs which are required to participate in the state income and eligibility verification system (IEVS), to the extent that the information is used to establish or verify eligibility or benefit amounts under those programs.
6. USDA Food and Nutrition Service

9.2 Records Retention

Digital versions of case records are as valid as paper copies. Agencies are not required to retain paper copies if the document has been scanned in the electronic case file (ECF) or another scanning system. See the [ECF Handbook](#) for more information on the ECF and scanning. All new FSET-related documents must be scanned within 30 days after receipt. Documents scanned and stored in the ECF are backed up regularly and stored off site. Documents stored in the ECF may be printed or copied digitally if necessary.

9.5 Fair Hearings

An FSET participant has the right to file a fair hearing if he or she disagrees with an action taken by an FSET agency. The fair hearing is heard before an Administrative Law Judge (ALJ), administered by the Division of Hearing and Appeals (DHA). The ALJ determines whether or not the actions taken by the agency were correct, per federal regulations, state statutes, and program-specific policies. The burden of proof is on the agency that took adverse action against the member.

- Fair hearing requests may be made in the following ways:
- Received by the IM and/or FSET agency in writing,
- Received by the IM and/or FSET agency verbally, or
- Received by DHA verbally or in writing.

All hearing requests made must be forwarded to DHA. DHA schedules the hearings upon receiving the request. The FSET agency may assist the participant with submitting the Request for Fair Hearing form to DHA. The FSET worker must provide the participant with the Request for Fair Hearing form upon request, direct the participant to his or her personal FoodShare Notice of Decision, and/or direct the participant to contact his or her IM worker for further clarification. The FSET agency must also attempt to reach the IM agency to request that the FoodShare Notice of Decision be explained to the participant.

10.1 Appendix A: FSET Definitions

Employer: One who offers and provides work to another person. The employer can be an owner, proprietor, corporation, agency, or organization.

Employment: Commonly defined as work performed for pay.

Entered Employment (EE): A term used by work programs to credit the agency for assisting the individual in obtaining unsubsidized employment. Commonly referred to as an EE. See [FSET Handbook 7.1.2 Entered Employment](#) for more information on entered employment criteria for FSET.

Full-time employment: Employment that is unsubsidized and that averages 30 or more hours per week when the wages are at least equal to the legally established minimum wage for the job held.

Gross pay: Wages before any deductions are made. Some jobs are categorized under the state minimum wage laws while others are under the federal minimum wage laws.

Job: One's profession, trade or employment. A regular activity performed in exchange for pay.

Part-time employment: Employment that is unsubsidized and that averages less than 30 hours per week when the wages are at least equal to the legally established minimum wage for the job held.

Self-employment: A self-employed person earns income directly from his/her own business. Self-employment is considered an Entered Employment if it meets the criteria of an Entered Employment. Self-employment must also meet definitions of UF and UP to be an Entered Employment. (See [FSET Handbook 10.3 Appendix C: FSET Fundable Component Activities](#) for a description of UF and UP codes).

Subsidized employment: Employment for which the employer is reimbursed for employing and/or training a worker.

Temporary agency: An agency that hires individuals to fulfill the employment needs of various employers for a limited time period. The agency pays wages to individuals while they work at different work sites and is therefore the employer of record. If the initial job assignment with the temporary agency meets the definition of an Entered Employment, the Entered Employment should be reported in CARES using the temporary agency as the employer.

Subsequent job or site changes while still employed by the temporary agency do not count as another Entered Employment.

Temp to perm placements: An employment hire resulting from an employee who was placed in a job by a temporary agency and subsequently being hired by that employer into a (permanent) job with that employer. Such Temp to perm hires may be counted as an Entered Employment.

Unsubsidized employment: In general terms For the FSET population, unsubsidized employment is a job in which no public money goes toward paying salaries.

10.2 Appendix B: FSET vs IM Agency Responsibilities (side-by-side)

Send updated FSET referrals when changes in ES FoodShare eligibility or ABAWD participation status are confirmed

10.3 Appendix C: FSET Fundable Component Activities

ES	Employment Search	This activity may be assigned for to participants engaged in individualized employment search that is tailored to individual needs or group employment search training, such as. This includes 1) Time used to research prospective employers; 2) Making contact with prospective employers to learn of job openings, whether by phone, in person, or via the internet; 3)
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		<p>Completing applications for job vacancies; 4) Preparing for job interviews; and 5) Interviewing for jobs.; 6) Job club, and 7) Resume writing workshops.</p> <p>This is a non-qualifying activity for ABAWDs, unless it makes up less than half of a Non-Exempt ABAWD's total monthly FSET participation hours.</p>
MO	Job Readiness/Motivation	<p>This activity may be assigned for to individuals engaged in classes/activities specifically designed to prepare them for work. Activities are geared toward learning general workplace expectations, work behavior and job retention skills necessary to compete successfully in the labor market. A high-quality job readiness program uses various techniques and approaches to build self-esteem and increase self-confidence, and soft skills that enhance an individual's career prospects. Activities may include: 1) Workshops on effective job seeking and interviewing skills; 2) Instruction in workplace expectations (including instruction on appropriate attire); 3) Workshops on self-esteem, goal setting, etc.; and soft skills such as workplace expectations, adaptability, integrity, and cooperation; 2) Courses on basic computer skills and use of internet reading for information, applied mathematics, locating information, problem solving, critical thinking and basic computer skills including the use of the internet. Job readiness activities may be completed independently or in a group setting.</p> <p>This is a non-qualifying activity for ABAWDs, unless it makes up less than half of a non-exempt ABAWD's total monthly FSET participation hours.</p>

10.5 Appendix E: Qualifying Work Programs for ABAWDs

Workforce Investment Innovation and Opportunity Act (WIOA) programs

10.6 Appendix F: FSET Worker Time Frames

Last day of the month	FSET participants must provide documentation of monthly program participation to FSET case managers no later than the last day of each month.
2 months	<ul style="list-style-type: none"> Volunteer participants may be disenrolled from FSET if they have not participated in FSET for two months without good cause. FSET workers have up to two calendar months from the date the individual's FoodShare eligibility ended FoodShare eligibility end date to override a disenrollment.
3 months	<ul style="list-style-type: none"> The average longest duration of a non-exempt ABAWD's employment plan. Non-exempt ABAWD employment plans must be reviewed every 3 months. The number of time-limited benefits (TLBs) a non-exempt ABAWD may receive without meeting the work requirement. The number of additional months a non-exempt ABAWD may earn after exhausting his/her three TLBs.
6 months	<ul style="list-style-type: none"> The average longest duration of a volunteer FSET participant's employment plan. Non-ABAWD and exempt

	ABAWD employment plans must be reviewed at least every 6 months.
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