

2013 DRAFTING REQUEST

Bill

Received: 1/19/2013 Received By: gmalaise
Wanted: As time permits Same as LRB:
For: Administration-Budget 7-9546 By/Representing: Lawrence
May Contact: Drafter: gmalaise
Subject: Employ Priv - job training Addl. Drafters:
Veterans - veterans benefits Extra Copies:

Submit via email: YES
Requester's email:
Carbon copy (CC) to:

Pre Topic:

DOA:.....Lawrence, BB0407 -

Topic:

Transfer of Disabled Veterans' Outreach and Local Veterans' Employment Representative programs from DWD to DVA

Instructions:

See attached

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|-----------------------|--------------------|-----------------------|----------------|-----------------------|-----------------|-----------------|
| /? | gmalaise 1/19/2013 | jdyer 1/21/2013 | phenry 1/21/2013 | _____ | | | |
| /1 | gmalaise 1/24/2013 | | | _____ | sbasford 1/21/2013 | | |
| /2 | | jdyer 1/24/2013 | rschluet 1/25/2013 | _____ | sbasford 1/25/2013 | | |

FE Sent For:

<END>

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| /1 | | 2/24 jld | | _____ | sbasford 1/21/2013 | | |

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| | | | | | | | |
|----|----------|--|--|--|--|--|--|
| /? | gmalaise | | | | | | |
|----|----------|--|--|--|--|--|--|

FE Sent For:

<END>

Malaise, Gordon

From: Hanaman, Cathlene
Sent: Friday, January 18, 2013 5:18 PM
To: Malaise, Gordon
Subject: FW: Statutory Language Drafting Request - BB0407
Attachments: DWD-DET VETs Program - Perm Position List and Funding 1-17-13 (2).xls

From: jeffrey.lawrence@wisconsin.gov [mailto:jeffrey.lawrence@wisconsin.gov]
Sent: Friday, January 18, 2013 5:16 PM
To: Hanaman, Cathlene
Cc: Thornton, Scott - DOA; Gauger, Michelle C - DOA; Lawrence, Jeffrey R - DOA
Subject: Statutory Language Drafting Request - BB0407

Biennial Budget: 2013-15

Topic: Transfer Disabled Veterans Outreach and Local Veterans Outreach Rep Program to DVA from DWD

Tracking Code: BB0407

SBO Team: HSI

SBO Analyst: Lawrence, Jeff - DOA
Phone: (608) 267-9546
E-mail: jeffrey.lawrence@wisconsin.gov

Agency Acronym: DVA

Agency Number: 485

Priority: High

Intent:

Transfer expenditure authority and position authority for the Transfer Disabled Veterans Outreach and Local Veterans Outreach Representative Program from the Department of Workforce Development to the Department of Veterans Affairs.

Attachments: True

Please send completed drafts to statlanguage@wisapps.wi.gov

§ 4103. Directors and Assistant Directors for Veterans' Employment and Training; additional Federal personnel

(a) Directors and Assistant Directors. —

(1) The Secretary shall assign to each State a representative of the Veterans' Employment and Training Service to serve as the Director for Veterans' Employment and Training, and shall assign full-time Federal clerical or other support personnel to each such Director.

(2)

(A) Each Director for Veterans' Employment and Training for a State shall, at the time of appointment, have been a bona fide resident of the State for at least two years.

(B) The Secretary may waive the requirement in subparagraph (A) with respect to a Director for Veterans' Employment and Training if the Secretary determines that the waiver is in the public interest. Any such waiver shall be made on a case-by-case basis.

(3) Full-time Federal clerical or other support personnel assigned to Directors for Veterans' Employment and Training shall be appointed in accordance with the provisions of title 5 governing appointments in the competitive service and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5.

(b) **Additional Federal Personnel.** — The Secretary may also assign as supervisory personnel such representatives of the Veterans' Employment and Training Service as the Secretary determines appropriate to carry out the employment, training, and placement services required under this chapter, including Assistant Directors for Veterans' Employment and Training.

§ 4103A. Disabled veterans' outreach program

(a) Requirement for Employment by States of a Sufficient Number of Specialists. —

(1) Subject to approval by the Secretary, a State shall employ such full- or part-time disabled veterans' outreach program specialists as the State determines appropriate and efficient to carry out intensive services under this chapter to meet the employment needs of eligible veterans with the following priority in the provision of services:

(A) Special disabled veterans.

(B) Other disabled veterans.

(C) Other eligible veterans in accordance with priorities determined by the Secretary taking into account applicable rates of unemployment and the employment emphases set forth in chapter 42 of this title.

(2) In the provision of services in accordance with this subsection, maximum emphasis in meeting the employment needs of veterans shall be placed on assisting economically or educationally disadvantaged veterans.

(b) **Requirement for Qualified Veterans.** — A State shall, to the maximum extent practicable, employ qualified veterans to carry out the services referred to in subsection (a). Preference shall be given in the appointment of such specialists to qualified disabled veterans.

(c) **Part-Time Employees.** — A part-time disabled veterans' outreach program specialist shall perform the functions of a disabled veterans' outreach program specialist under this section on a half-time basis.

§ 4104. Local veterans' employment representatives

(a) Requirement for Employment by States of a Sufficient Number of Representatives.

— Subject to approval by the Secretary, a State shall employ such full- and part-time local veterans' employment representatives as the State determines appropriate and efficient to carry out employment, training, and placement services under this chapter.

(b) **Principal Duties.** — As principal duties, local veterans' employment representatives shall —

(1) conduct outreach to employers in the area to assist veterans in gaining employment, including conducting seminars for employers and, in conjunction with employers, conducting job search workshops and establishing job search groups; and

(2) facilitate employment, training, and placement services furnished to veterans in a State under the applicable State employment service delivery systems.

(c) **Requirement for Qualified Veterans and Eligible Persons.** — A State shall, to the maximum extent practicable, employ qualified veterans or eligible persons to carry out the services referred to in subsection (a). Preference shall be accorded in the following order:

(1) To qualified service-connected disabled veterans.

(2) If no veteran described in paragraph (1) is available, to qualified eligible veterans.

(3) If no veteran described in paragraph (1) or (2) is available, then to qualified eligible persons.

(d) **Part-Time Employees.** — A part-time local veterans' employment representative shall perform the functions of a local veterans' employment representative under this section on a half-time basis.

(e) **Reporting.** — Each local veterans' employment representative shall be administratively responsible to the manager of the employment service delivery system and shall provide reports, not less frequently than quarterly, to the manager of such office and to the Director for Veterans' Employment and Training for the State regarding compliance with Federal law and regulations with respect to special services and priorities for eligible veterans and eligible persons.

§ 4104A. Repealed. Pub. L. 107–288, § 4(a)(3)(A)(i), Nov. 7, 2002, 116 Stat. 2042]

Section, added Pub. L. 100–323, § 4(a)(1), May 20, 1988, 102 Stat. 562, § 2004A; renumbered § 4104A and amended Pub. L. 102–83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406, related to performance of disabled veterans' outreach program specialists and local veterans' employment representatives.

§ 4105. Cooperation of Federal agencies

(a) All Federal agencies shall furnish the Secretary such records, statistics, or information as the Secretary may deem necessary or appropriate in administering the provisions of this chapter, and shall otherwise cooperate with the Secretary in providing continuous employment and training opportunities for eligible veterans and eligible persons.

(b) For the purpose of assisting the Secretary and the Secretary of Veterans Affairs in identifying employers with potential job training opportunities under the Veterans' Job Training Act (Public Law 98–77; 29 U.S.C. 1721 note) and otherwise in order to carry out this chapter, the Secretary of Defense shall, on the 15th day of each month, provide the Secretary and the Secretary of Veterans Affairs with updated information regarding any list maintained by the Secretary of Defense of employers participating in the National Committee for Employer Support of the Guard and Reserve.



State of Wisconsin
2013 - 2014 LEGISLATURE

IN 119



LRB-1258/7

GMM

JLD

DOA:.....Lawrence, BB0407 - Transfer of Disabled Veterans' Outreach and Local Veterans' Employment Representative programs from DWD to DVA

FOR 2013-2015 BUDGET - NOT READY FOR INTRODUCTION

LPS -
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check
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Perf ✓

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1 AN ACT ...; relating to: the budget. ✓

EMPLOYMENT ← head

Analysis by the Legislative Reference Bureau

Under current law, DWD administers the federal Disabled Veterans' Outreach Program, under which DWD employs specialists to carry out intensive services to meet the employment needs of eligible veterans, and the federal Local Veterans' Employment Representative Program, under which DWD employs representatives to conduct outreach to employers to assist veterans in gaining employment and to facilitate employment, training, and placement services for veterans. This bill transfers responsibility for administering those programs from DWD to DVA. Included in the transfer to DVA are all assets and liabilities, positions and employees, tangible personal property, pending matters, contracts, and rules and orders of DWD that are related primarily to those programs.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 9151. Nonstatutory provisions; Workforce Development.

3 (1) TRANSFER OF DISABLED VETERANS' OUTREACH AND LOCAL VETERANS' EMPLOYMENT

4 REPRESENTATIVE PROGRAMS.

(a) *Definitions.* In this subsection:

1. "Disabled veterans' outreach program" means the disabled veterans' outreach program under 38 USC 4103a.

2. "Local veterans' employment representative program" means the local veterans' employment representative program under 38 USC 4104.

(b) *Assets and liabilities.* On the effective date of this paragraph, the assets and liabilities of the department of workforce development that are primarily related to the disabled veterans' outreach program or the local veterans' employment representative program, as determined by the secretary of administration, shall become the assets and liabilities of the department of veterans affairs.

(c) *Positions and employees.* On the effective date of this paragraph, all positions and all incumbent employees holding those positions in the department of workforce development performing duties that are primarily related to the disabled veterans' outreach program or the local veterans' employment representative program, as determined by the secretary of administration, are transferred to the department of veterans affairs.

(d) *Employee status.* Employees transferred under paragraph (c) have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of veterans affairs that they enjoyed in the department of workforce development immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who has attained permanent status in class is required to serve a probationary period.

(e) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the department of workforce development that is primarily related to the disabled veterans' outreach program or

a.r.

17

1 the local veterans' employment representative program, ✓ as determined by the
2 secretary of administration, is transferred to the department of veterans affairs. ✓

3 (f) *Pending matters.* ✓ Any matter pending with the department of workforce
4 development ✓ on the effective date of this paragraph that is primarily related to the
5 disabled veterans' outreach program or the local veterans' employment
6 representative program, ✓ as determined by the secretary of administration, is
7 transferred to the department of veterans affairs. ✓ All materials submitted to or
8 actions taken by the department of workforce development ✓ with respect to the
9 pending matter are considered as having been submitted to or taken by the
10 department of veterans affairs. ✓

11 (g) *Contracts.* ✓ All contracts entered into by the ✓ department of workforce
12 development in effect on the effective date of this paragraph ✓ that are primarily
13 related to the disabled veterans' outreach program or the local veterans' employment
14 representative program, as determined by the secretary of administration, ✓ remain
15 in effect and are transferred to the department of veterans affairs. ✓ The department
16 of veterans affairs shall carry out any obligations under those contracts unless
17 modified or rescinded by the ✓ department of veterans affairs to the extent allowed
18 under the contract.

19 (h) *Rules and orders.* ✓ All rules promulgated by the department of workforce
20 development ✓ in effect on the effective date of this paragraph that are primarily
21 related to the ✓ disabled veterans' outreach program or the local veterans' employment
22 representative program, ✓ remain in effect until their specified expiration dates or
23 until amended or repealed by the department of veterans affairs. ✓ All orders issued
24 by the department of workforce development in effect on the effective date of this
25 paragraph that are primarily related to the disabled veterans' outreach program ✓ or

1 the local veterans' employment representative program, remain in effect until their
2 specified expiration dates or until modified or rescinded by the department of
3 veterans affairs. ✓

4 (END)

Malaise, Gordon

From: Lawrence, Jeffrey R - DOA <Jeffrey.Lawrence@wisconsin.gov>
Sent: Thursday, January 24, 2013 11:31 AM
To: Malaise, Gordon
Subject: Amendment to LRB-1258/1 DVOP/LVER

Hi Gordon,

We would like to make an amendment to this draft so that the transfer of the program is contingent upon approval from the U.S. Department of Labor. Thank you.



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1258/V
GMM;jld:ph

IN 1124

2
RMR

DOA:.....Lawrence, BB0407 - Transfer of Disabled Veterans' Outreach and Local Veterans' Employment Representative programs from DWD to DVA

FOR 2013-2015 BUDGET - NOT READY FOR INTRODUCTION

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AN ACT ...; relating to: the budget.

✓
Insert A

Analysis by the Legislative Reference Bureau

EMPLOYMENT

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4 1. "Disabled veterans' outreach program" means the disabled veterans'
5 outreach program under 38 USC 4103a.

6 2. "Local veterans' employment representative program" means the local
7 veterans' employment representative program under 38 USC 4104.

8 3. *Assets and liabilities.* On the effective date of ~~this paragraph~~, the assets and
9 liabilities of the department of workforce development that are primarily related to
10 the disabled veterans' outreach program or the local veterans' employment
11 representative program, as determined by the secretary of administration, shall
12 become the assets and liabilities of the department of veterans affairs.

13 4. *Positions and employees.* On the effective date of ~~this paragraph~~, all
14 positions and all incumbent employees holding those positions in the department of
15 workforce development performing duties that are primarily related to the disabled
16 veterans' outreach program or the local veterans' employment representative
17 program, as determined by the secretary of administration, are transferred to the
18 department of veterans affairs.

19 5. *Employee status.* Employees transferred under paragraph (c) have all the
20 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
21 statutes in the department of veterans affairs that they enjoyed in the department
22 of workforce development immediately before the transfer. Notwithstanding section
23 230.28 (4) of the statutes, no employee so transferred who has attained permanent
24 status in class is required to serve a probationary period.

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Insert
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approval

✓ approval

1 ~~(f)~~ ^(#) ~~(f)~~ *Tangible personal property.* On the effective date of ~~this paragraph~~, all
 2 tangible personal property, including records, of the department of workforce
 3 development that is primarily related to the disabled veterans' outreach program or
 4 the local veterans' employment representative program, as determined by the
 5 secretary of administration, is transferred to the department of veterans affairs.

6 ~~(g)~~ ^(g) ~~(f)~~ *Pending matters.* Any matter pending with the department of workforce
 7 development on the effective date of ~~this paragraph~~ that is primarily related to the
 8 disabled veterans' outreach program or the local veterans' employment
 9 representative program, as determined by the secretary of administration, is
 10 transferred to the department of veterans affairs. All materials submitted to or
 11 actions taken by the department of workforce development with respect to the
 12 pending matter are considered as having been submitted to or taken by the
 13 department of veterans affairs.

14 ~~(h)~~ ^(h) ~~(g)~~ *Contracts.* All contracts entered into by the department of workforce
 15 development in effect on the effective date of ~~this paragraph~~ that are primarily
 16 related to the disabled veterans' outreach program or the local veterans' employment
 17 representative program, as determined by the secretary of administration, remain
 18 in effect and are transferred to the department of veterans affairs. The department
 19 of veterans affairs shall carry out any obligations under those contracts unless
 20 modified or rescinded by the department of veterans affairs to the extent allowed
 21 under the contract.

22 ~~(i)~~ ⁽ⁱ⁾ ~~(h)~~ *Rules and orders.* All rules promulgated by the department of workforce
 23 development in effect on the effective date of ~~this paragraph~~ that are primarily
 24 related to the disabled veterans' outreach program or the local veterans' employment
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auto ref 24B

approved ✓

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4 the local veterans' employment representative program remain in effect until their
5 specified expiration dates or until modified or rescinded by the department of
6 veterans affairs.

7

(END)

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1258/2ins
GMM.....

(INSERT 2-3)

1 1. "Approval" means approval by the secretary of the federal department of
2 labor of a plan submitted jointly by the department of workforce development and
3 the department of veterans affairs for transfer of the administration of the disabled
4 veterans' outreach program and the local veterans' employment representative
5 program from the department of workforce development to the department of
6 veterans affairs.

(END OF INSERT)

(INSERT 2-7)

7 (b) *Approval by secretary of federal department of labor.* The department of
8 workforce development and the department of veterans affairs, jointly, shall prepare
9 a plan for transfer of the administration of the disabled veterans' outreach program
10 and the local veterans' employment representative program from the department of
11 workforce development to the department of veterans affairs and shall submit that
12 plan to the secretary of the federal department of labor for approval. If the secretary
13 of the federal department of labor approves the plan, administration of those
14 programs shall be transferred from the department of workforce development to the
15 department of veterans affairs as provided in paragraphs (c) to (i).

(END OF INSERT)

auto ref A ↑ ↑ auto ref B

(INSERT A)

¶ This bill requires DWD and DVA, jointly, to prepare a plan for transfer of the administration of those programs from DWD to DVA and to submit that plan to the secretary of the federal department of labor (secretary) for approval. If the secretary approves the plan, responsibility for administration of those programs shall be transferred from DWD to DVA.

(END OF INSERT)



DOA:.....Lawrence, BB0407 – Transfer of Disabled Veterans’ Outreach and Local Veterans’ Employment Representative programs from DWD to DVA

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

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9 program from the department of workforce development to the department of
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11 2. "Disabled veterans' outreach program" means the disabled veterans'
12 outreach program under 38 USC 4103a.

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15 (b) *Approval by secretary of federal department of labor.* The department of
16 workforce development and the department of veterans affairs, jointly, shall prepare
17 a plan for transfer of the administration of the disabled veterans' outreach program
18 and the local veterans' employment representative program from the department of
19 workforce development to the department of veterans affairs and shall submit that
20 plan to the secretary of the federal department of labor for approval. If the secretary
21 of the federal department of labor approves the plan, administration of those
22 programs shall be transferred from the department of workforce development to the
23 department of veterans affairs as provided in paragraphs (c) to (i).

24 (c) *Assets and liabilities.* On the effective date of approval, the assets and
25 liabilities of the department of workforce development that are primarily related to

1 the disabled veterans' outreach program or the local veterans' employment
2 representative program, as determined by the secretary of administration, shall
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12 (i) *Rules and orders.* All rules promulgated by the department of workforce
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21 veterans affairs.

22 (END)