

CHAPTER 55

VOCATIONAL REHABILITATION

55 01 Rehabilitation law.

55 02 Employee credit for past service.

55.01 Rehabilitation law. (1) This state hereby assents to and accepts the provisions and benefits of the act of congress entitled "An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," approved June 2, 1920, and any amendatory or supplementary acts thereto as the congress of the United States may enact. The department shall co-operate, pursuant to agreements, with the federal government and the rehabilitation services administration in carrying out the purposes of any federal statutes pertaining to vocational rehabilitation and is authorized to adopt such methods of administration as are found by the federal government to be necessary for the proper and efficient operation of such agreements or plans for vocational rehabilitation and to comply with such conditions as may be necessary to secure the full benefits of such federal statutes. The state treasurer is designated and appointed custodian of all moneys received by the state from the federal government for the purpose of carrying out any federal statutes pertaining to vocational rehabilitation, and to make disbursements therefrom and from all state funds available for vocational rehabilitation purposes upon the order of the department.

(2) This section may be cited as the "Rehabilitation Law".

(3) As used in this section the terms:

(a) "Handicapped person" means any person who, by reason of a physical or mental defect or infirmity, whether congenital or acquired by accident, injury or disease, or any nondisabled person who, by reason of economic, educational, experiential, sociocultural or other deficiency or inadequacy, is or may be expected to be totally or partially incapacitated for remunerative occupation, or who may reasonably be expected to be fit to engage in a remunerative occupation after receiving vocational rehabilitation service.

(b) "Rehabilitation" means the rendering of a handicapped person fit to engage in a remunerative occupation.

(d) "Federal act" means the act of congress entitled "An act to provide for the promotion of

vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," approved June 2, 1920, and any amendatory or supplementary acts thereto.

(e) "Homebound person" means one who, because of the severity of his physical or mental disabilities, is not expected to be able to compete with the able-bodied persons in normal employment.

(f) "Nonprofit" when used with respect to a workshop or rehabilitation facility, means a workshop or rehabilitation facility owned and operated by a corporation or association, no part of the earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual and the income of which is exempt from taxation under the internal revenue code.

(g) "Workshop" means a place where any manufacture or handiwork is carried on, and which is operated for the primary purpose of providing remunerative employment to severely handicapped individuals as an interim step in the rehabilitation process for those who cannot readily be absorbed in the competitive labor market or during such time as employment opportunity in the labor market does not exist.

(h) "Rehabilitation facility" means a facility operated for the primary purpose of assisting in the rehabilitation of handicapped individuals by providing one or more of the services set forth in this section.

(4) This section shall not apply to any person who, in the judgment of the department, may not be susceptible of rehabilitation.

(5) Any handicapped person may apply to the department for advice and assistance relative to his rehabilitation.

(6) The department shall:

(a) Provide that all persons reporting or making application to it as handicapped shall be promptly visited by its agent or representative with a view of determining whether or not vocational rehabilitation is feasible; acquaint all such persons for whom vocational rehabilitation is feasible with the rehabilitation facilities afforded by the state and counsel them regarding the selection of a suitable vocation; register all such persons electing to take advantage of the benefits

of rehabilitation offered and prescribe and provide such training as may be necessary to insure their vocational rehabilitation; maintain a record of all such persons, together with the measures taken for their rehabilitation; utilize in the rehabilitation of such persons such existing educational facilities of the state as may be advisable and practicable including public and private educational institutions, public and private establishments, plants or factories and the services of persons specially qualified for the instruction of handicapped persons.

(b) Promote, aid in the establishment of or establish schools, classes and workshops and rehabilitation and other facilities for the rehabilitation of handicapped persons; supervise the training, restoration or employment of such persons and confer with their relatives and other persons interested concerning any matter affecting their vocational rehabilitation.

(c) Aid handicapped persons in securing such employment as will facilitate their training or will be suitable to their condition and provide for the placement in suitable gainful occupation of persons completing courses of training provided by the department, including supervision for a reasonable time after placement.

(d) Utilize the facilities of such agencies, both public and private, as may be practicable in securing employment for such persons and all public agencies are authorized and directed to co-operate with the department for the purposes stated.

(e) Procure and furnish at cost to handicapped persons artificial limbs and other orthopedic and prosthetic appliances, to be paid for in instalments, when such appliances cannot be otherwise provided. The instalment payments of the sale thereof shall be paid to the state treasurer and shall be held by him in a special account in the general fund for the purpose of this paragraph. Payments from this account shall be made at the direction of the department.

(f) Arrange for the physical or psychiatric examination of any person applying for or reported as needing rehabilitation; and arrange for such therapeutic treatment as may be necessary for rehabilitation of any handicapped person who registered with the department, except persons who are entitled to such treatment under the workmen's compensation law.

(g) Co-operate with any department in the state government, the federal government or with any county or other municipal authority within the state, or with any private agency, in carrying out this section.

(h) Make such rules and regulations as may be necessary to carry out this section.

(i) Report to the governor and to the rehabilitation services administration as may be required or requested.

(7) Pursuant to rules, regulations and standards prescribed by the department, the department may provide maintenance cost during actual training to handicapped persons registered for rehabilitation services; except that no maintenance cost shall be provided to persons receiving maintenance cost under s. 102.61.

(8) The department of industry, labor and human relations shall communicate to the department all reports made to the department of industry, labor and human relations of cases of injury to employes which in its opinion may render the persons injured handicapped; and shall cooperate with the department in carrying out this section.

(9) The department shall establish and maintain co-operative working relationships with all federal, state and local public agencies and private organizations and agencies providing services directly or indirectly related to vocational rehabilitation so as to assure maximum utilization on a co-ordinated basis of the services which such agencies offer for over-all vocational rehabilitation of handicapped persons.

(11) The department may receive and accept gifts and donations, including gifts and donations from persons benefited under this section, which may be offered unconditionally, for the purposes of this section. All moneys received as gifts or donations shall be paid to the state treasurer and shall constitute a special account in the general fund to be used under the direction of the department for vocational rehabilitation purposes. A full report of all such gifts and donations, together with the names of the donors, the amounts contributed by each and all disbursements therefrom shall be included in the annual report of the department.

(12) (a) The department shall provide such services as vocational training or instruction in crafts as may be practicable for severely handicapped persons, who cannot be inducted into the regular types of remunerative employment, and who elect to take advantage of the benefits of the state services herein described. When deemed advisable and feasible, handicapped persons may be transported to a central place where classes or schools shall be provided for giving vocational training and instruction in the various crafts as will propitiate the rehabilitation of the individual.

(b) No vocational training or craft instruction shall be rendered to a homebound handicapped person whose disability may be of a progressive nature without a certificate from the regular

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physician certifying that such handicapped person can carry on such work without injurious results.

(c) The department shall aid the homecraft clients in the disposition of the finished products and shall utilize the facilities of such agencies both public and private in such manner as may be practical in providing ways and means of disposing of the products made by such handicapped homebound persons. In the absence of public or private facilities the department may establish and operate such facilities.

(d) When products are sold which are made by severely handicapped persons who are under the supervision of the department, the cost of the raw material furnished such persons for use in fabricating products may be deducted from receipts which are obtained from the sale of such products. Such material cost refunds will be deposited by the department in the general fund and are appropriated therefrom to the department to be used in purchasing raw materials for severely handicapped persons who are under the supervision of the department.

(13) It shall be unlawful, except for purposes directly connected with the administration of the vocational rehabilitation program, and in ac-

cordance with rules and regulations prescribed by the department, for any person or persons to solicit, disclose, receive or make use of, or authorize, knowingly permit, participate in or acquiesce in the use of any list of, or names of, or any information concerning, persons applying for or receiving vocational rehabilitation, directly or indirectly derived from the records, papers, files or communications of the state or subdivisions or agencies thereof, or acquired in the course of the performance of official duties. Any person who violates this section or rules and regulations prescribed thereunder, shall be fined not exceeding \$500, or imprisoned not exceeding 6 months, or both.

History: 1971 c. 164.

55.02 Employee credit for past service.

Any person employed as a homecraft teacher under s. 41.71, 1965 stats., who subsequently is employed in the same capacity by the department of health and social services under this chapter shall receive full credit for his entire period of employment under s. 41.71, 1965 stats., in determining accumulated sick leave, vacation benefits and years of service for purposes of s. 16.105 (2) (bf).

History: 1971 c. 146.