



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Added To File: 10/10/2003 (Per: PJK)



☞ The 2001 drafting file for LRB 01-1277

has been copied/added to the 2003 drafting file for

LRB 03-3460

☞ The attached 2003 draft was incorporated into the new 2003 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as a appendix, to the new 2003 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

☞ This cover sheet was added to rear of the original 2003 drafting file. The drafting file was then returned, intact, to its folder and filed.

2001 DRAFTING REQUEST

Bill

Received: 11/30/2000

Received By: isagerro

Wanted: As time permits

Identical to LRB:

For: Legislative Council - LRC

By/Representing: Nick Zavos

This file may be shown to any legislator: NO

Drafter: isagerro

May Contact:

Alt. Drafters:

Subject: Public Assistance - Wis works

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Displacement grievance procedure

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>
/P1	isagerro 12/27/2000	jdyer 12/28/2000	martykr 01/11/2001	_____	lrb_docadmin 01/11/2001		

FE Sent For:

<END>

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1/?	isagerro	1/1 12/28 jld	Km's	Kt Km/11			
		* needs NOTES					

- FE Sent For:

<END>

- Per Nick Zavor 11/30/00
Key Council Atty

01-1271
(4) Create language in sec. 49.141(5), Stats., to provide for a displacement grievance procedure in the W-2 program that is consistent with the procedure required by the federal Temporary Assistance for Needy Families program.

49.141(5) NONSUPPLANT. No Wisconsin works employment position may be operated so as to do any of the following:

- (a) Have the effect of filling a vacancy created by an employer terminating a regular employee or otherwise reducing its work force for the purpose of hiring an individual under s. 49.147 (3), (4) or (5).
- (b) Fill a position when any other person is on layoff or strike from the same or a substantially equivalent job within the same organizational unit.
- (c) Fill a position when any other person is engaged in a labor dispute regarding the same or a substantially equivalent job within the same organizational unit.

49.141(5m) GRIEVANCE PROCEDURE. The department shall establish a grievance procedure to resolve complaints alleging violations of sub. (5).

Need for change: This would add a provision to the state W-2 statute that ensures consistency with the federal requirement that a grievance procedure of this type be available. DWD is currently implementing the federal requirement under its general authority to administer the W-2 program.

Fiscal effect: None.



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-1277/P1

ISR:.....

JLD

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Gen

1 AN ACT ...; relating to: a grievance procedure for resolving complaints of
2 employment displacement under the Wisconsin works program and granting
3 rule-making authority.

the department of workforce development

temporary assistance for needy families

Analysis by the Legislative Reference Bureau

Wisconsin works

Under current law, as a condition of eligibility for the (W-2) program, an individual may be required to participate in a wholly or partially subsidized employment position. Current law prohibits a W-2 employer from creating a W-2 employment position by terminating employment of a regular employee or by filling a position that is vacant because a non-W-2 employee is on strike, is on layoff, or is engaged in a labor dispute. Under federal law, as a condition of receiving federal (TANF) funds, (DWD) must implement a grievance procedure to resolve complaints of alleged violations of these requirements.

This bill requires DWD to promulgate rules specifying a grievance procedure for resolving complaints of alleged violations of the requirements.

For further information, see the NOTES provided by the law revision committee of the joint legislative council.

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

4 SECTION 1. 49.141 (5) of the statutes is renumbered 49.141 (5) (am).



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-1277/P1
ISR:jld:km

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** to renumber 49.141 (5); and to create 49.141 (5) (bm) of the statutes;
2 **relating to:** a grievance procedure for resolving complaints of employment
3 displacement under the Wisconsin works program and granting rule-making
4 authority.

Analysis by the Legislative Reference Bureau

Under current law, as a condition of eligibility for the Wisconsin works (W-2) program, an individual may be required to participate in a wholly or partially subsidized employment position. Current law prohibits a W-2 employer from creating a W-2 employment position by terminating employment of a regular employee or by filling a position that is vacant because a non-W-2 employee is on strike, is on layoff, or is engaged in a labor dispute. Under federal law, as a condition of receiving federal temporary assistance for needy families (TANF) funds, the department of workforce development (DWD) must implement a grievance procedure to resolve complaints of alleged violations of these requirements.

This bill requires DWD to promulgate rules specifying a grievance procedure for resolving complaints of alleged violations of the requirements.

For further information, see the NOTES provided by the law revision committee of the joint legislative council.

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

