

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date November 17, 2022
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) Chapter DWD 65	
4. Subject Order Of Selection For Vocational Rehabilitation Services	
5. Fund Sources Affected <input checked="" type="checkbox"/> GPR <input checked="" type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	6. Chapter 20, Stats. Appropriations Affected 20.445 (5) (a) and (n)
7. Fiscal Effect of Implementing the Rule <input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input checked="" type="checkbox"/> Could Absorb Within Agency's Budget	
8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)	
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0	
10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
11. Policy Problem Addressed by the Rule The federal Workforce Innovation and Opportunity Act of 2014 (WIOA), Public Law 113-128, authorizes state agencies to provide services and equipment to an individual for maintaining employment regardless of the individual's category under a wait list for vocational rehabilitation services that is called an order of selection. The Department of Workforce Development (Department) promulgated Clearinghouse Rule CR 22-008 to make various changes to its vocational rehabilitation rules, including allowing the Department's Division of Vocational Rehabilitation (DVR) to exercise that authority. Subsequently, the Rehabilitative Services Administration (RSA) of the US Department of Education recommended to DVR staff that Clearinghouse Rule 22-008 should be revised so that the authority should apply only to individuals in immediate risk of losing employment. The revision is necessary to meet the intent of federal regulations. This rule makes the revision recommended by RSA.	
12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. The Department posted the statement of scope (SS 084-21) for this rule and Clearinghouse Rule CR 22-008 for 14 days to solicit public comment on economic impact. No comments were received. In drafting this rule and Clearinghouse Rule CR 22-008, the Department obtained the advice of the Wisconsin Rehabilitation Council.	
13. Identify the Local Governmental Units that Participated in the Development of this EIA. None.	
14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) There is no fiscal impact associated with this rule.	
15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule Implementing this rule will help ensure the Department's eligibility for federal vocational rehabilitation grants. The policy alternative is to disregard the RSA's recommendation and thereby jeopardize the Department's eligibility for the federal grants.	

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16. Long Range Implications of Implementing the Rule

Other than the benefits described above, there are no long-range implications for implementing the rule.

17. Compare With Approaches Being Used by Federal Government

The RSA makes vocational rehabilitation grants to state agencies under the federal Rehabilitation Act, 29 USC 720 to 751. Federal regulations implementing the grant program are set forth at 34 CFR Part 361. To be eligible for the grants, a state must have a state plan that is approved by the RSA. 29 USC 721 (a) (1) (A). See also 34 CFR 361.2. If vocational rehabilitation services cannot be provided to all eligible individuals, the state plan must include an order of selection that ensures that individuals with the most significant disabilities are selected first to receive the services. 29 USC 721 (a) (5) (C). WIOA added a provision to the Rehabilitation Act that authorizes a state, at its discretion, to serve eligible individuals, whether or not they are receiving vocational rehabilitation services, who require specific services or equipment to maintain employment. 29 USC 721 (a) (5) (D); 34 CFR 361.36 (a) (3) (v). In the preamble to regulations implementing WIOA, the RSA stated that this authority applies to individuals at immediate risk of losing employment. 81 Federal Register 55667 (August 16, 2016).

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Order of selection rules in Illinois and Minnesota do not address providing services or equipment for maintaining employment to individuals regardless of their category under an order of selection waiting list. See Ill. Admin. Code title 89, ss. 553.130 and 553.140; Minn. Rules, parts 3300.5010, 3300.5030, and 3325.0135. However, Minnesota State Services for the Blind in the Department of Employment and Economic Development has issued guidance specifying that job retention services are available to individuals who are at risk of losing employment.

Iowa's order of selection rules include a mechanism for providing vocational rehabilitation services and goods for maintaining employment to an individual on an order of selection wait list who is at immediate risk of job loss. See Iowa Admin. Code 281-56.3 (259) (defining "job retention waiting list") and 281-56.6 (1) c. (making job retention services available to eligible individuals).

Michigan does not appear to have any order of selection rules.

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20. Contact Phone Number

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ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No
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