

CR 82-195

RULES CERTIFICATE

STATE OF WISCONSIN)
) SS
DEPT. OF INDUSTRY,)
LABOR & HUMAN RELATIONS)

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MAR 25 1983

Revisor of Statutes
Bureau

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Howard S. Bellman, Secretary of the Department of Industry, Labor and Human Relations, and custodian of the official records of said department, do hereby certify that the annexed rule(s) relating to Fees for General Aptitude Test Battery Services

(Subject) were duly approved and adopted by this department on 3/23/83 (Date).

I further certify that said copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at 23rd in the city of Madison, this 2:00 pm day of March A.D. 1983.

Howard S. Bellman
Secretary

ORDER OF ADOPTION

Pursuant to authority vested in the Department of Industry, Labor and Human Relations by section(s) 19.35(3), 101.02(1) & 101.23, Stats., the Department of Industry, Labor and Human Relations hereby creates; amends; repeals and recreates; and repeals and adopts rules of Wisconsin Administrative Code chapter(s):

Ind. 250 Fees for General Aptitude Test Battery Services
(Number) (Title)

The attached rules shall take effect on the day following publication in the Wisconsin Administrative Register, pursuant to section 227.026, Stats.

Adopted at Madison, Wisconsin, this 23rd
day of March, A.D., 1983.

DEPARTMENT OF INDUSTRY, LABOR AND HUMAN RELATIONS

Howard S. Bellmer
Secretary

Administrative rules to create ch. ILHR 250, relating to fees for general aptitude test battery services.

ANALYSIS OF RULES

This rule establishes fees for training services and materials related to the general aptitude test battery (GATB), furnished by DILHR to governmental and nonprofit organizations. This rule is proposed under the authority of 20 C.F.R. s. 653.12(a), which requires each state to administer an employment testing program in accordance with U.S. Department of Labor regulations. There is no funding available for DILHR to comply with this requirement unless fees are charged for DILHR's services in providing the GATB materials and training the governmental and nonprofit users in administering the tests. The authority to set fees is thereby found by necessary implication in 20 C.F.R. 653.12 and s. 101.23(4), Stats., the state law accepting the provisions of the federal Wagner-Peyser Act which provides the overall authority for the U.S. Employment Service administered by the U.S. Department of Labor. DILHR also has the authority to charge for the costs of providing copies of state records to requesters (s. 19.35(3), Stats.) and the general authority to adopt rules relative to the exercise of its powers and authorities (s. 101.02(1), Stats.).

The GATB has been developed by the U.S. Department of Labor as a tool to provide employment counseling to the clients of government and nonprofit agencies. The "release agreement" between DILHR and the agencies using the GATB bars the agency from charging a fee for placement services.

Before proposing this rule, DILHR conducted a survey and found that a good number of government and nonprofit agencies would be willing to pay the fees proposed. Participation by these agencies would be entirely voluntary. The services provided by DILHR will include:

- o Training agency staffs in the administration, scoring and interpretation of the GATB.
- o Monitoring agency usage of the GATB.
- o Insuring security for the GATB and related materials.

Pursuant to the authority vested in the state of Wisconsin department of industry, labor and human relations by ss. 19.35(3), 101.02(1) and 101.23, Stats., and 20 Code of Federal Regulations, s. 653.12, the department of industry, labor and human relations creates rules interpreting ss. 19.35(3), 101.02(1) and 101.23, Stats., and 20 C.F.R. s. 653.12 as follows:

SECTION 1: Ch. ILHR 250 is created to read:

CHAPTER ILHR 250

FEEES FOR GENERAL APTITUDE TEST BATTERY SERVICES

ILHR 250.01 PURPOSE. The purpose of this chapter is to set fees for general aptitude test battery release agreements entered into by the department which reflect the costs to the department of administering the GATB program and providing required services to user agencies and organizations.

ILHR 250.02 DEFINITIONS. In this chapter:

- (1) "Department" means the department of industry, labor and human relations.
- (2) "GATB" or "general aptitude test battery" means the general aptitude test battery produced by the U.S. department of labor.
- (3) "Release agreement" means the agreement between the department and the user agency or organization which specifies how the GATB may be used and sets out the department's responsibilities for overseeing the use of the GATB under the applicable federal regulations. [Note: 20 C.F.R. 653.12 is the U.S. Department of Labor's basic regulation on employment testing.]
- (4) "User agencies and organizations" means governmental agencies or private non-profit organizations engaged in counseling, education or research.

ILHR 250.03 FEEES. The following fees shall be paid to the department by user agencies and organizations for services and materials supplied in connection with GATB release agreements:

- (1) Agreement fees.
 - (a) First year, one location: \$300.
 - (b) First year, each additional location: \$200.
 - (c) Second year, one location: \$200.
 - (d) Second year, each additional location: \$150.
- (2) Training Fees.
 - (a) One trainee, each agreement: \$300.
 - (b) Each additional trainee, each agreement: \$100.

[Note: All checks or money orders should be made payable to Wis. Department of Industry, Labor and Human Relations.]

ILHR 250.04 SERVICES. GATB release agreements shall specify the department's responsibilities under applicable federal regulations, including:

- (1) The training of the staff of user agencies and organizations in the administration, scoring and interpretation of the GATB:
- (2) Monitoring the use of the GATB by user agencies and organizations; and
- (3) Insuring the security of the GATB in accordance with federal requirements.

ILHR 250.05 FEE ADJUSTMENT. (1) The fees, as specified in this chapter, shall be charged from the effective date of this chapter through June 30, 1984.

(2) Effective July 1, 1984, and thereafter, the fees specified in this chapter shall be adjusted by the same percentage amounts and on the same effective dates as changes occur in the payrate of employes of the state.

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Pursuant to s. 227.026(1) (intro.), Stats., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.

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(end)