

CR 88-121

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CERTIFICATE

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STATE OF WISCONSIN)
) SS
DEPARTMENT OF HEALTH AND SOCIAL SERVICES)

I, Patricia A. Goodrich, Secretary of the Department of Health and Social Services and custodian of the official records of the Department, do hereby certify that the annexed emergency rules relating to the required participation of AFDC recipients in work and training programs were duly approved and adopted by this Department on November 18, 1988.

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

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the State Office Building, 1 W. Wilson Street, in the city of Madison, this 18th day of November, 1988.

SEAL:



Patricia A. Goodrich, Secretary
Department of Health and Social Services

1-1-89

ORDER OF THE
DEPARTMENT OF HEALTH AND SOCIAL SERVICES
REPEALING, AMENDING AND REPEALING AND RECREATING RULES

To repeal HSS 201.19(1)(c), 209.03(1)(c) and 210.04(2)(c); to amend HSS 201.19(1)(a), 208.05(5), 208.07(2)(b), 209.02(2)(a)2, 209.02(3)(a)(intro.), 209.03(1)(intro.), 210.04(2)(a) and 210.04(5)(f); and to repeal and recreate HSS 209.03(1)(a), relating to participation of recipients of Aid to Families with Dependent Children (AFDC) in the Wisconsin Employment Opportunities Program (WEOP), the Community Work Experience Program (CWEP), and the Work Experience and Job Training (WEJT) Program.

Analysis Prepared by the Department of Health and Social Services

Wisconsin's welfare reform effort aims at making welfare recipients self-sufficient. As one part of that effort the state is requiring some previously exempt recipients to participate in work and training programs which will move them towards economic independence. Current rule requirements lead to a long period of time during which certain adults on AFDC are exempt from mandatory participation in the labor market regardless of their skills and readiness for work. This makes their eventual entry into the work force more difficult due to loss of skills and motivation.

While all AFDC recipients must register for work programs, some are exempt from actually participating in work programs. One exemption criterion for both the Wisconsin Employment Opportunities Program (WEOP) and Work Experience and Job Training (WEJT) Program is that the recipient is the parent or caretaker of a child under 6 years of age. In the Community Work Experience Program (CWEP) an AFDC recipient must participate if the youngest child is over the age of 6 or if the child is 3 to 5 years of age and there is licensed or certified child care available. Another exemption criterion exists for the recipient who is the spouse of the primary wage earner in an AFDC-Unemployed (AFDC-U) case or the spouse of a mandatory participant in a work program.

These rule changes will permit the State of Wisconsin to require a parent or other caretaker relative of a child age 2 years or older, and both parents in a two-parent household, to participate in the full range of work and training programs to the extent that such programs and resources are available. Mandatory work program participants will not be sanctioned for nonparticipation if child care licensed under s.48.65(1), Stats., certified under s.48.651, Stats., or established under s.120.13(14), Stats., is unavailable. Child care will be considered unavailable if there is no space available in regulated or licensed day care within reasonable travel time and distance or if the cost of the care where space is available exceeds the maximum rate established by the county under s.46.98(4), Stats., and s. HSS 55.74. Day care established under s.120.13(14), Stats., is included for all employment and training programs because many teenagers, especially those who are parents, are exempt from the Learnfare requirement under s.49.50(7), Stats., as amended and created by 1987 Wisconsin Act 27, and s. HSS 201.195. These teenagers may then be

required to participate in work and training programs, with school attendance likely to be the form that this participation takes.

Clients will be free to use regulated or unregulated day care under these rule amendments. Different reimbursement rates will be used for each. Clients choosing regulated day care will be reimbursed up to the maximum reimbursement rate established under s.46.98(4), Stats., and s. HSS 55.74. Clients choosing unregulated day care will be reimbursed up to the AFDC maximums of \$120 per child per month if the client is participating in an employment and training program for less than 30 hours a week and \$160 per child per month if the client is participating for 30 hours or more per week.

Section 49.50(7)(f), Stats., as created by 1987 Wisconsin Act 27, directed the Department to apply for a federal waiver so that the Department might require participation in WEOP, CWEP, or WEJT by a parent or caretaker of a child older than 3 months of age but younger than 6 years of age even if the other parent or another adult relative of the child is required to participate in one of those programs. Wisconsin's waiver request was approved by the U.S. Department of Health and Human Services (DHHS). However, because of the scarcity of day care providers for very young children and because the employment-related programs do not have the resources to serve everyone who is a mandatory participant, the Department will exempt caretakers of children under the age of 2 years.

WEOP is a program of job placement, job training and job-related supportive services for recipients of AFDC. AFDC recipients are required to register for and accept employment or training to prepare for employment as a condition of receiving financial assistance.

CWEP is established by county option. In a county with CWEP, AFDC recipients who are not exempt are required to work in unpaid community jobs and engage in job search as a condition of continuing to receive public assistance.

WEJT is a state-funded program designed to improve the employability of AFDC recipients. It includes a range of employability development services including assessment, remedial education, skills development and subsidized employment. All AFDC recipients in program counties must register for WEJT as a condition of being eligible for AFDC.

The Department's authority to repeal, amend, and repeal and recreate these rules is found in s.49.50(2) Stats., and s.3024(11j) of 1987 Wisconsin Act 27. The rules interpret s.49.50(7)(f), Stats., as created by 1987 Wisconsin Act 27.

SECTION 1. HSS 201.19(1)(a) is amended to read:

HSS 201.19(1)(a) The primary caretaker relative for a child under age-6 2 years of age living in the home, when there are only brief and infrequent absences of the caretaker relative from the child. Only one person in an AFDC group may be exempt for this reason;

SECTION 2. HSS 201.19(1)(c) is repealed.

SECTION 3. HSS 208.05(5) is amended to read:

HSS 208.05(5) The registrant is the primary caretaker relative for a child at least 2 years of age but less than 6 years of age who is living in the relative's home and ~~Child~~ child care services are necessary for the registrant to participate but ~~needed services~~ child care licensed under s.48.65, Stats., certified under s.48.651, Stats., or established under s.120.13(14), Stats., ~~are is~~ not available. Child care shall be considered unavailable if there is no space available for the child in day care licensed under s.48.65, Stats., certified under s.48.651, Stats., or established under s.120.13(14), Stats., within reasonable travel time and distance, or if the cost of the care where space is available exceeds the maximum rate established by the county under s.46.98(4), Stats., and s. HSS 55.74;

SECTION 4. HSS 208.07(2)(b) is amended to read:

HSS 208.07(2)(b) Actual child care expenses up to the maximum child care deduction permitted by the AFDC program if unregulated child care is used or up to the maximum reimbursement rates under s.HSS 55.74 if child care licensed under s.48.65, Stats., certified under s.48.651, Stats., or established under s.120.13(14), Stats., is used, shall be paid to the provider after a bill has been submitted to the WEOP agency when the registrant is participating in an approved WEOP activity; and

SECTION 5. HSS 209.02(2)(a)2 and (3)(a)(intro.) are amended to read:

HSS 209.02(2)(a)2. Payment for child care, including child care during the time a participant travels to and from a CWEP assignment, shall be in the amounts determined by the department to be reasonable, necessary and cost-effective but not in excess of the maximum reimbursement rates under s.HSS 55.74, if child care licensed under s.48.65, Stats., certified under s.48.651, Stats., or established under s.120.13(14), Stats., is used, or \$120 a month for each child if the recipient is participating less than 30 hours a week nor more than \$160 a month if the recipient is participating 30 hours or more a week if unregulated child care is used;

(3)(a) Child care services, when determined to be reasonable, necessary, and cost-effective, are available and all costs are reimbursed by CWEP. Child care services shall be considered unavailable if there is no space available for the child in day care licensed under

s.48.65, Stats., certified under s.48.651, Stats., or established under s.120.13(14), Stats., within reasonable travel time and distance, or if the cost of the care where space is available exceeds the maximum rate established by the county under s.46.98(4), Stats., and s. HSS 55.74. When child care costs are greater ~~that~~ than the ~~amounts~~ amount allowed ~~under sub. (2)(a)2~~, the agency shall:

SECTION 6. HSS 209.03(1) (intro.) is amended to read:

HSS 209.03(1) (intro.) REGISTRATION FOR COMMUNITY WORK EXPERIENCE. All AFDC recipients shall register for community work experience as a condition of AFDC eligibility in counties that elect to establish a CWEP, ~~unless a recipient is exempt.~~ A recipient is exempt from participation if:

SECTION 7. HSS 209.03(1)(a) is repealed and recreated to read:

HSS 209.03(1)(a) The recipient is the primary caretaker relative in the home and is caring for a child under 2 years of age. If the child is at least 2 years of age but less than 6 years of age, and living in the relative's home, the recipient shall participate if day care licensed under s.48.65(1), Stats., certified under s. 48.651, Stats., or established under s.120.13(14), Stats., is available for the child. Child care shall be considered unavailable if there is no space available for the child in day care licensed under s.48.65, Stats., certified under s.48.651, Stats., or established under s.120.13(14), Stats., within reasonable travel time and distance, or if the cost of the care where space is available exceeds the maximum rate established by the county under s.46.98(4), Stats., and s. HSS 55.74;

SECTION 8. HSS 209.03(1)(c) is repealed.

SECTION 9. HSS 210.04(2)(a) is amended to read:

HSS 210.04(2)(a) The recipient is the primary caretaker relative in the home and is caring for a child under 6 2 years of age who is living in the home and there are only brief and infrequent absences of the caretaker relative from the child;

SECTION 10. HSS 210.04(2)(c) is repealed.

SECTION 11. HSS 210.04(5)(f) is amended to read:

HSS 210.04(5)(f) The registrant is the primary caretaker relative for a child at least 2 years of age but less than 6 years of age who is living in the relative's home and ~~Child~~ child care services are necessary for the registrant to participate but ~~needed services~~ child care licensed under s.48.65, Stats., certified under s.48.651, Stats., or established under s.120.13(14), Stats., ~~are~~ is not available. Child

care shall be considered unavailable if there is no space available for the child in day care licensed under s.48.65, Stats., certified under s.48.651, Stats., or established under s.120.13(14), Stats., within reasonable travel time and distance, or if the cost of the care where space is available exceeds the maximum rate established by the county under s.46.98(4), Stats., and s. HSS 55.74;

The rules contained in this order shall take effect on January 1, 1989.

Wisconsin Department of Health
and Social Services

Dated: November 18, 1988

By:


Patricia A. Goodrich
Secretary

Seal:



State of Wisconsin \

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
1 West Wilson Street, Madison, Wisconsin 53702

Tommy G. Thompson
Governor

Patricia A. Goodrich
Secretary

Mailing Address:
Post Office Box 7850
Madison, WI 53707

November 18, 1988

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NOV 18 1988

Mr. Orlan Prestegard
Revisor of Statutes
7th Floor - 30 on the Square
Madison, Wisconsin 53702

Revisor of Statutes
Bureau

Dear Mr. Prestegard:

As provided in s. 227.20, Stats., there is hereby submitted a certified copy of HSS 201, 208, 209 and 210, administrative rules relating to the required participation of AFDC recipients in work and training programs.

These rules are also being submitted to the Secretary of State as required by s. 227.20, Stats.

These rules concern county administration of a federal-state public assistance program. They do not directly affect small businesses as defined in s. 227.114(1)(a), Stats.

Sincerely,

Patricia A. Goodrich
SECRETARY

Enclosure