

4. A referral system is established to refer voluntary GJP participants under s. HSS 207.06 (3) to the GJP job developer; and

5. Necessary supportive services as provided by s. 49.50 (7) (a), Stats., including payment for post-placement child care as provided for by s. HSS 210.03 (3) (f) are provided to GJP participants who are eligible for these services.

(d) The GJP administrative agency shall require job developers to use the work supplementation program (WSP) under ch. HSS 206, and the federal targeted jobs tax credit program under sections 50 and 51 of the internal revenue code as appropriate to place GJP participants in non-community service jobs.

(e) The GJP administrative agency shall reimburse a job developer for wages paid to GJP participants who are placed in community service jobs.

(f) The GJP administrative agency shall administer day care and transportation funds available under s. 49.50 (7) (am) and (7j), Stats., to enable recipients to participate in GJP.

(g) The GJP administrative agency shall provide the department with information that the department requires to oversee and evaluate the pilot. The information provided shall include job placement rates by gender and racial group.

History: Cr. Register, August, 1989, No. 404, eff. 9-1-89.

**HSS 207.06 Participation in GJP. (1) MANDATORY PARTICIPATION.** Except if exempted under sub. (2), an AFDC recipient shall participate in the guaranteed jobs program (GJP) to satisfy the work program participation requirements under s. HSS 210.04 if he or she:

(a) Receives AFDC benefits within 2 years after graduation from high school;

(b) Graduated from a high school participating in GJP at the time of graduation or lived in the attendance area of a GJP high school at the time of graduation; and

(c) Lives in the county in which the participating high school is located.

**(2) EXEMPTION FROM MANDATORY PARTICIPATION.** An AFDC recipient who meets the criteria under sub. (1) (a) to (c) is not required to participate in GJP if:

(a) The recipient is participating in the education and training component of WEJT;

(b) The recipient is the primary caretaker relative in the home and is personally providing care for a child under 2 years of age who is living in the home;

(c) The recipient is currently employed for at least 30 hours per week in a job expected to last a minimum of 30 days and his or her hourly earnings are at least equal to the legally established minimum wage for the type of job held, except that when the job held does not have an established minimum wage a recipient currently working at least 30

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hours per week in a job expected to last a minimum of 30 days shall be exempted from GJP regardless of wage level;

(d) The recipient is enrolled in and attending a college, vocational, technical and adult education school, or other educational program with a vocational objective;

(e) The recipient has incurred an illness or injury which temporarily prevents employment or entry into training;

(f) The recipient is incapacitated with a medically confirmed physical or mental impairment which prevents the individual from engaging in employment or training. This shall include a period of recuperation after childbirth if prescribed by the woman's physician;

(g) The recipient lacks transportation or lives so far from a training or work site that he or she is unable to travel to the site within one hour, excluding time required to take children to and from child care, through use of available transportation. In this paragraph, "available transportation" means transportation which is available to the person on a regular basis and includes public transportation and a private vehicle;

(h) The recipient is needed at home on a substantially continuous basis to care for another family member whose medical condition as determined by a physician or psychologist does not permit self-care and for whose care no other appropriate member of the household is available;

(i) The recipient is medically verified pregnant and in the second or third trimester of pregnancy; or

(j) The recipient is a full-time volunteer serving under the Volunteers in Service to America (VISTA) program, pursuant to Title I of the Domestic Volunteer Service Act of 1973, as amended, 42 USC 4951 to 4958.

(3) VOLUNTARY PARTICIPATION. (a) A person who is not required to participate in GJP under sub. (1) may participate if:

1. a. The person graduated within the past 2 years from a high school in which GJP operated at the time of graduation, or graduated within the past 2 years from another high school but lived in the attendance area of a high school in which GJP operated at the time of graduation; or

b. The person is expected to graduate within 6 months after registering for GJP from a high school in which GJP operates, or is expected to graduate from another high school within 6 months after registering for GJP and lives in the attendance area of a high school in which GJP operates; and

2. The person receives AFDC benefits or his or her family received AFDC benefits for at least 24 months during the time from his or her 13th birthday until his or her 20th birthday.

(b) Voluntary participants may register for participation in GJP with the administrative agency. Registration may occur up to 6 months prior to the expected date of graduation from high school.

(4) CONDITIONS FOR NOT ACCEPTING WORK OR TRAINING. A registrant who is required to participate under sub. (1) and who is not exempt under sub. (2) shall participate in guaranteed jobs program (GJP) unless

one or more of the following conditions exist in relation to a specific assignment:

(a) The registrant is not physically or mentally able to participate. The GJP administrative agency may require the registrant to submit written medical verification of the condition;

(b) Participation would require more than one hour travel time one way between the registrant's home and the work, training or other activity site using available transportation. Time spent taking children to and from child care is not included in the travel time;

(c) The work site is in violation of federal, state or local health and safety standards;

(d) There is a probable cause finding by either the equal rights and labor standards division in Wisconsin's department of industry, labor and human relations or the federal office of civil rights of discrimination against the GJP registrant because of age, handicap, sex, race, creed, color or national or ethnic origin at the work, training or activity site;

(e) Child care services are necessary for the registrant to participate but child care licensed under s. 48.65, Stats., certified under s. 48.651, Stats., or established under s. 120.13 (14), Stats., 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;

(f) The job wage does not meet applicable federal or state minimum wage requirements, or the wage rates, hours of work or conditions of employment do not conform to requirements of the federal fair labor standards act, as amended, 29 USC 201 ff;

(g) The job is vacant because of a strike, lockout or other bona fide labor dispute;

(h) The job wages of the principal wage earner working 100 or more hours per month, minus the work-related expenses allowed by AFDC and the health insurance premiums not paid by the employer, would equal less than the AFDC-U grant;

(i) Taking the job would be against the rules of a union to which the registrant belongs; or

(j) The job would interfere with the registrant's expected return to his or her regular job within a short period of time. The registrant may, however, be required to take a temporary job until the regular job resumes.

(5) REFUSAL TO PARTICIPATE AND DETERMINATION OF GOOD CAUSE. (a) Adjudication action shall be initiated by the GJP administrative agency when a GJP registrant who is not exempt under sub. (2) refuses to participate in the program. Refusal to participate occurs when:

1. The registrant expresses verbally or in writing to GJP administrative agency staff that he or she refuses to participate; or

2. The registrant implies refusal to participate when she or he:

a. Fails to appear for employer, GJP administrative agency or other assigned interviews or activities;

b. Voluntarily leaves assigned employment or training without good cause as determined under pars. (c) and (d);

c. Is discharged from appropriate employment or training for misconduct; or

d. Through some other behavior or action shows that he or she refuses to participate in GJP activities.

(b) The GJP administrative agency shall schedule an interview with the GJP registrant who has refused to participate to determine:

1. If he or she had good cause as determined under par. (c) for past incidents of refusal to participate; and

2. If he or she is now willing and able to resume participation in GJP activities.

(c) Good cause for not participating in an assigned GJP activity shall be one or more of the conditions in sub. (4) or any of the following circumstances:

1. A court-required appearance or temporary incarceration;

2. A family crisis;

3. Breakdown in transportation arrangements;

4. Failure to be properly notified of a GJP activity; or

5. Any other circumstances beyond the control of the registrant.

(d) The interview under par. (b) shall result in one of the following determinations:

1. The registrant had good cause under par. (c) and the conditions causing nonparticipation have been resolved. The resolution of the temporary problems or misunderstandings enables the registrant to begin or resume active GJP participation;

2. The registrant had good cause under par. (c) and the conditions causing nonparticipation cannot be resolved. The GJP administrative agency shall refer the registrant back to the income maintenance agency for status reexamination or shall arrange for appropriate supportive services to enable the registrant to participate;

3. The registrant did not have good cause under par. (c) for past refusal to participate but the problems have been resolved or eliminated and there is agreement that the registrant will begin or resume active participation; or

4. The registrant did not have good cause under par. (c) for past refusal to participate and the problem or problems preventing participation cannot be resolved. This includes those occasions when the registrant did not keep appointments with the GJP administrative agency to discuss nonparticipation issues.

History: Cr. Register, August, 1989, No. 404, eff. 9-1-89; renum. (2) (f) (Intro.) to be (2) (f) and am., r. (2) (f) 1. and 2., am. (2) (h) and (i), cr. (2) (j), Register, February, 1990, No. 410, eff. 3-1-90.

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**HSS 207.07 Sanctions for not participating.** The guaranteed jobs program (GJP) administrative agency shall send a written report to the income maintenance agency when a registrant fails to report to the GJP administrative agency or otherwise refuses to participate in GJP without good cause. The report shall include the specific circumstances of refusal to participate and the date of the occurrence. The income maintenance agency shall take appropriate action in accordance with s. HSS 201.19 (2) for failure to participate.

**History:** Cr. Register, August, 1989, No. 404, eff. 9-1-89.