

Chapter HSS 210

WORK EXPERIENCE AND JOB TRAINING (WEJT)
PROGRAMS FOR AFDC RECIPIENTS

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Note: Chapter HSS 210 was created as an emergency rule effective December 31, 1986.

HSS 210.01 Introduction. (1) **AUTHORITY AND PURPOSE.** This chapter is adopted under the authority of s. 49.50 (7j) (a), Stats., to provide rules for the administration of work experience and job training (WEJT) programs under s. 49.50 (7j), Stats., for recipients of aid to families with dependent children (AFDC).

(2) **APPLICABILITY.** This chapter applies to any private or public agency that administers a work experience and job training program under s. 49.50 (7j), Stats., to the income maintenance agency in every WEJT county and to all AFDC recipients who are required to participate in WEJT or who volunteer to participate in WEJT.

(3) **DEFINITIONS.** In this chapter:

(a) "AFDC" means aid to families with dependent children, a public assistance program under title IV-A of the Social Security Act of 1935, as amended, and ss. 49.19 to 49.41, Stats., and ch. HSS 201.

(b) "AFDC recipient" or "recipient" means a person who is found eligible for and receives AFDC.

(c) "Community work experience" means a component of a WEJT program which has the purpose of making AFDC recipients more employable through either work experience, which involves placement of AFDC recipients in uncompensated community jobs that serve a useful public purpose, or a combination of this type of work experience and training, which may be vocational training.

(d) "Department" means the Wisconsin department of health and social services.

(e) "FFP" or "federal financial participation" means federal government reimbursement for allowable administrative costs of WEJT.

(f) "Income maintenance agency" means a county department of social services or human services or, as defined in s. HSS 209.01 (3) (f), an American Indian organization that administers income maintenance programs including AFDC.

(g) "MA" or "medical assistance" means the assistance program operated by the department under ss. 49.43 to 49.497, Stats., and chs. HSS 101 to 108.

(h) "Participant" means an AFDC recipient who takes part in a WEJT program.

- (i) "Registrant" means a recipient registered for WEJT.
- (j) "WEJT" means a work experience and job training program under s. 49.50 (7j), Stats.
- (k) "WEJT administrative agency" means the public or private agency that administers WEJT in a county.
- (l) "Work supplementation" means the grant diversion component of a WEJT program, in which all or part of a recipient's base grant is paid to an employer for a period of not more than 9 months as a subsidy to induce the employer to employ the recipient for at least that period of time and through this experience prepare the recipient for the unsubsidized job market.

History: Cr. Register, September, 1987, No. 381, eff. 10-1-87.

HSS 210.02 Income maintenance agency responsibilities. (1) **GENERAL.** In a county operating a WEJT program, the income maintenance agency shall register each AFDC recipient for WEJT, determine the WEJT participation status of each AFDC recipient, refer registrants who have a mandatory or voluntary WEJT participation status to the WEJT administrative agency, and impose sanctions as provided under s. HSS 210.05 for refusal to participate in WEJT.

(2) **REGISTRATION AND STATUS DETERMINATION.** (a) A properly witnessed signature under s. HSS 201.05 (5) on the application for AFDC shall constitute WEJT registration for each person included in the AFDC group at the time of application or added to the AFDC group at a later date.

(b) The WEJT status of each recipient shall be determined by the income maintenance agency to be one of the following:

1. Exempt status, which signifies that the recipient is not required to participate in WEJT for reasons specified under s. HSS 210.04 (2);
2. Mandatory status, which signifies that the recipient does not meet an exemption under s. HSS 210.04 (2); or
3. Voluntary status, which signifies that the recipient has chosen to participate in WEJT even though he or she qualifies for an exemption under s. HSS 210.04 (2).

(c) Only AFDC recipients who are not exempt under s. HSS 210.04 (2) or who volunteer to participate shall be referred to a WEJT agency.

(d) 1. At the time of application for AFDC and at the time of eligibility review immediately prior to a WEJT referral, the income maintenance agency shall give the person who signs the application form written information about the rights and responsibilities of WEJT participants.

2. The income maintenance agency shall, at the time of referral, give each registrant assigned to mandatory status under par. (b) who is referred to the WEJT administrative agency written notice of appeal rights.

(3) **REFERRAL.** The income maintenance agency shall refer registrants to the WEJT administrative agency as follows:

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(a) The income maintenance agency shall refer registrants who have a mandatory or voluntary WEJT status to the WEJT administrative agency for employment and training services;

(b) The income maintenance agency shall provide the WEJT administrative agency with the registrant's name and other information pertinent to the registrant's participation taken from the registrant's AFDC application form; and

(c) The income maintenance agency shall notify the registrant in writing of his or her referral to the WEJT administrative agency, that reimbursement is available for child care and transportation expenses and of the sanctions for refusal to participate.

(4) CHILD CARE FOR WEJT PARTICIPANTS. If WEJT funds for child care run out, the income maintenance agency may, in accordance with s. 49.50 (7j) (em), Stats., give priority to WEJT participants for aid under 46.98, Stats.

History: Cr. Register, September, 1987, No. 381, eff. 10-1-87.

HSS 210.03 Program requirements. (1) DESIGNATION OF WEJT ADMINISTRATIVE AGENCY. (a) The department shall develop criteria for designating the WEJT administrative agency by means of a competitive process. The criteria shall be based upon the following general standards:

1. The agency shall be experienced in providing employment and training services;
2. The agency shall be experienced in providing services to AFDC recipients or other economically disadvantaged persons;
3. The agency shall have a demonstrated capability of exercising programmatic and financial control over a WEJT program;
4. The agency shall give evidence of willingness to coordinate and cooperate with other employment and training programs and providers in the provision of WEJT services to WEJT participants; and
5. The agency shall demonstrate an understanding of the purpose and functions of a WEJT program.

(b) In order to receive FFP for WEJT, the WEJT administrative agency shall comply with s. 49.50, Stats., this chapter and related program procedures.

(c) In order to receive FFP for WEJT, the public or private agency designated by the department to be the WEJT administrative agency shall enter into a contract with the department and shall make available all records necessary for the department's exercise of its supervisory functions under s. 46.206, Stats.

(2) ESTABLISHMENT OF COMMUNITY WORK EXPERIENCE COMPONENT. (a) In order for a county to be a WEJT county, the county board shall establish the community work experience component of the WEJT program under s. 49.50 (7j) (d), Stats. The community work experience component shall be operated in accordance with ch. HSS 209 as modified by par. (b) and s. HSS 210.04 (4).

(b) A county shall pay 10% of the federally allowable administrative costs of the community work experience component of WEJT that are

not reimbursed by the federal government, and the department shall reimburse the county for the remainder of the federally allowable administrative costs that are not reimbursed by the federal government.

(3) **WEJT ADMINISTRATIVE AGENCY RESPONSIBILITIES.** Each WEJT administrative agency shall:

(a) Provide or coordinate the provision of enrollment, assessment and job search services, subsidized employment services and job training services under s. 49.50 (7j) (c), Stats.;

(b) As a means of fostering maximum coordination and minimal duplication among employment and training service providers, contract with the department of industry, labor and human relations for services defined in s. 49.50 (7j) (c), Stats., in the areas of employment and job search, unless there are other available service providers who can demonstrate that they are as capable as job service. Provider capability shall be determined by means of a competitive process based on criteria developed by the department using job service performance as the standard.

(c) Coordinate WEJT with other job training programs, including community work experience under sub. (2);

(d) Provide work supplementation in accordance with s. 49.50 (7g), Stats., and ch. HSS 206. Participation in work supplementation is voluntary;

(e) 1. Except as provided in subd. 2, give service priority to registrants who are not engaged in another education or job training program;

2. In one county designated by the department, give service priority to individuals who volunteer for participation; and

(f) When a recipient who participated in WEJT secures unsubsidized employment following participation and loses AFDC eligibility because of earned income, ensure that child care is provided when needed to the former recipient for up to one year after the recipient loses AFDC eligibility. The funds shall be used to provide care for children for all or part of a day during which the former recipient works. Provision of post-program child care shall be in accordance with ch. HSS 55 and the following conditions:

1. The child care payment schedule developed by the department under s. 46.98 (4), Stats., and s. HSS 55.77 (2) shall be used to determine ability to pay for a person who completes the WEJT program. A person is eligible in income terms if gross family income does not exceed 82% of state median income; and

2. The rates for child care shall be determined as provided under s. 46.98 (4) (d), Stats., and s. HSS 55.74;

(g) Initiate adjudication action under s. HSS 210.04 when a WEJT registrant refuses to participate in WEJT; and

(h) Report a registrant's refusal to participate in WEJT to the registrant's income maintenance agency.

History: Cr. Register, September, 1987, No. 381, eff. 10-1-87.

HSS 210.04 Participation in WEJT. (1) **REGISTRATION.** All AFDC recipients in a WEJT county shall register for WEJT as a condition of AFDC Register, September, 1987, No. 381

eligibility. Registration for WEJT shall be as provided in s. HSS 210.02 (2).

(2) EXEMPTION FROM PARTICIPATION. An AFDC recipient is not required to participate in WEJT if:

(a) 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;

(b) The recipient is 60 years of age or older;

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

(e) The recipient is less than 16 years of age;

(f) The recipient is 16 or 17 years of age, is enrolled full time in school, has not graduated and has not been legally excused from school attendance by the school board except where he or she has been excused for no more than 30 days due to a physical or mental condition;

(g) The recipient is an 18-year-old student who is enrolled in and regularly attending high school, vocational or technical school with the expectation of graduation, and can reasonably be expected to complete the program before reaching age 19;

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

(i) 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;

(j) The recipient 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;

(k) 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;

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

(m) 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. An AFDC recipient who is exempt under sub. (2) from having to participate in WEJT may volunteer for

WEJT. Except as provided in sub. (4), an AFDC recipient who volunteers for WEJT is required to participate in community work experience if day care licensed or certified under ch. 48, Stats., and ch. HSS 55 is available. A voluntary participant is subject to the same conditions under subs. (5) and (6) as a mandatory participant except that a voluntary participant who has refused to participate or leaves a component without good cause may only be deregistered from WEJT.

(4) **COMMUNITY WORK EXPERIENCE COMPONENT.** (a) A recipient shall participate in the community work experience component of WEJT if the recipient has completed the rest of the WEJT program and remains unemployed.

(b) A WEJT participant shall comply with a community work experience assignment except that a voluntary participant who is caring for a child under 3 years of age may withdraw from community work experience after giving 20 days advance notice of intent to withdraw.

(5) **CONDITIONS FOR NOT ACCEPTING WORK OR TRAINING.** A WEJT registrant shall accept temporary, permanent, full-time, part-time or seasonal employment and participate in WEJT training activities 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 WEJT 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 WEJT registrant because of age, handicap, sex, race, creed, color or national or ethnic origin at the work, training or activity site;

(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 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. 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;

(g) 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;

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

(i) 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;

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

(k) 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.

(6) REFUSAL TO PARTICIPATE AND DETERMINATION OF GOOD CAUSE. (a) Adjudication action shall be initiated by the WEJT administrative agency when a WEJT registrant who is not exempt under sub. (2) or who volunteers for WEJT refuses to participate in the program, except for the work supplementation component. Refusal to participate occurs when:

1. The registrant expresses verbally or in writing to WEJT 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, WEJT 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 WEJT activities.

(b) The WEJT administrative agency shall schedule an interview with the WEJT 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 WEJT activities.

(c) Good cause for not participating in an assigned WEJT activity shall be one or more of the conditions in sub. (5) 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 WEJT activity; or

5. Any other circumstance 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 WEJT participation;

2. The registrant had good cause under par. (c) and the conditions causing nonparticipation cannot be resolved. The WEJT 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 WEJT administrative agency to discuss nonparticipation issues.

History: Cr. Register, September, 1987, No. 381, eff. 10-1-87; emerg. am. (2) (a), r. (2) (c), eff. 9-1-88; (2) (a) and (5) (f) r. (2) (c), Register, December, 1988, No. 396, eff. 1-1-89; emerg. am. (2) (a) and (1), eff. 7-1-89; am. (2) (a), (b) and (1), renum. (2) (i) (intro.) to be (2) (i) and am., r. (2) (i) 1. and 2., cr. (2) (m), Register, February, 1990, No. 410, eff. 3-1-90.

HSS 210.05 Sanctions for not participating without good cause. The WEJT administrative agency shall send a written report to the income maintenance agency when a registrant fails to report to the WEJT administrative agency or otherwise refuses to participate in WEJT 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 refusal to participate except that the income maintenance agency may only deregister a voluntary participant.

History: Cr. Register, September, 1987, No. 381, eff. 10-1-87.