

1985 Senate Bill 361

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1985 Wisconsin Act 285

AN ACT to amend 20.435 (4) (bg), 20.435 (4) (bm), 20.435 (4) (df), 20.435 (4) (pm) and (ps) and 49.50 (7) (b); and to create 46.03 (35), 46.257 (2m), 46.257 (3m), 49.50 (7) (d) and (e), 49.50 (7c), 49.50 (7g) (g), 49.50 (7j), 66.46 (6c), 66.521 (6m), 101.27 and 230.147 of the statutes; and to affect 1985 Wisconsin Act 29, section 3023 (26r), relating to various work experience, employment search and job training programs, employment of recipients of aid to families with dependent children by state agencies, notification of job openings by certain persons, granting rule-making authority and making appropriations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Statement of purpose. The purpose of the work experience and job training pilot program is to provide recipients of aid to families with dependent children with more comprehensive and intensive employment services than are currently available. The goal of the pilot program is to determine the features of an effective and efficient statewide program which can be implemented when fiscal resources become available.

SECTION 2. 20.435 (4) (bg) of the statutes is amended to read:

20.435 (4) (bg) (title) *Work incentive demonstration program and work experience and job training program; administration.* The amounts in the schedule for the administrative costs associated with the work incentive demonstration program under s. 49.50 (7) and the work experience and job training pilot program under s. 49.50 (7j).

SECTION 3. 20.435 (4) (bm) of the statutes is amended to read:

20.435 (4) (bm) (title) *Work incentive demonstration program and work experience and job training program; aids.* The amounts in the schedule for the provision or purchase of services for the work incentive demonstration program under s. 49.50 (7) and the work experience and job training pilot program under s. 49.50 (7j).

SECTION 4. 20.435 (4) (df) of the statutes, as created by 1985 Wisconsin Act 29, is amended to read:

20.435 (4) (df) (title) *Work experience, employment search and job training.* The amounts in the schedule for the employment search program under s. 49.50 (7c), the work experience and job training project, as specified program under 1985 Wisconsin Act 29, section 3023 (26r) s. 49.50 (7j) and grant diversion projects under s. 49.50 (7g).

SECTION 5. 20.435 (4) (pm) and (ps) of the statutes are amended to read:

20.435 (4) (pm) (title) *Employment programs; administration.* All federal moneys received for the administrative costs associated with the work incen-

tive demonstration program under s. 49.50 (7), the employment search program under s. 49.50 (7c), the grant diversion program under s. 49.50 (7g) and the work experience and job training program under s. 49.50 (7j).

(ps) (title) *Employment programs; aids.* All federal moneys received for the provision or purchase of services for the work incentive demonstration program under s. 49.50 (7), the employment search program under s. 49.50 (7c), the grant diversion program under s. 49.50 (7g) and the work experience and job training program under s. 49.50 (7j).

SECTION 6. 46.03 (35) of the statutes is created to read:

46.03 (35) EMPLOYMENT OF AID RECIPIENTS. Assist state agencies in efforts under s. 230.147 to employ recipients of aid under s. 49.19.

SECTION 7. 46.257 (2m) of the statutes is created to read:

46.257 (2m) If the department initiates a child support supplement program, it may provide a wage supplement for custodial parents who are participating in the program and are employed.

SECTION 8. 46.257 (3m) of the statutes is created to read:

46.257 (3m) If the department enters into agreements with counties under sub. (3), at least one of the counties may be a county which participates in the work experience and job training pilot program under s. 49.50 (7j).

SECTION 9. 49.50 (7) (b) of the statutes is amended to read:

49.50 (7) (b) The department shall pay the nonfederal share for such services enumerated in par. (a). The department shall, to the extent possible, use available in-kind services to provide the nonfederal share for the program under this subsection.

SECTION 10. 49.50 (7) (d) and (e) of the statutes are created to read:

49.50 (7) (d) In administering the program under this subsection, the department shall, directly or by contract, do all of the following:

1. Notify participants of available child care and transportation funding.

2. Inform individuals required to participate in the program of the sanctions for failure to register and participate.

3. Provide information concerning the program to non-English speaking participants in language which they can understand.

4. Give priority for receipt of services to individuals not engaged in another education or job training program.

(e) The department shall establish procedures to ensure that reimbursement of child care expenses of participants in the program under this subsection is made consistently within 2 weeks after a recipient submits a claim form.

SECTION 11. 49.50 (7c) of the statutes is created to read:

49.50 (7c) EMPLOYMENT SEARCH PROGRAM. (a) The department shall administer an employment search program under 42 USC 602 (a) (19) for recipients of aid to families with dependent children. The department shall provide directly, or purchase through contracts, services including support services to assist individuals in obtaining regular, unsubsidized employment. Support services shall include child care and transportation costs reasonably incurred by program participants in order to meet the requirements of the program.

(b) The department shall pay the nonfederal share for services provided under par. (a).

SECTION 12. 49.50 (7g) (g) of the statutes is created to read:

49.50 (7g) (g) The department shall pay the nonfederal share of the administrative costs of the program under this subsection.

SECTION 13. 49.50 (7j) of the statutes is created to read:

49.50 (7j) WORK EXPERIENCE AND JOB TRAINING PILOT PROGRAM. (a) The department shall administer a work experience and job training pilot program in conjunction with the program under sub. (7) for recipients of aid to families with dependent children. The department shall ensure that the pilot program is coordinated with programs under the job training partnership act, 29 USC 1501 to 1781, and other job training programs. The department shall select 2 or more counties, from the counties in which the program under sub. (7) operates, to participate in the pilot program. The department shall promulgate rules for the administration of the pilot program. The department shall provide services under this subsection starting no later than January 1, 1987.

(am) Notwithstanding par. (a), if the pilot program under this subsection is implemented in more than 2 counties, the department shall select as the 3rd county to participate in the pilot program a rural county in which the program under sub. (7) does not operate on

the effective date of this paragraph [revisor inserts date].

(as) The department shall ensure that in one county participating in the pilot program under this subsection priority for participation in the pilot program is given to individuals who want to participate, whether they are required to participate or not. The department shall ensure that in the other county or counties participating in the pilot program priority for participation in the pilot program is given to individuals who are required to participate.

(b) The department may provide services for the pilot program under this subsection directly or by contract with a public or private agency. Notwithstanding s. 16.75 (6), any contract for the purchase of services for the pilot project shall be awarded by competitive bidding or by competitive sealed proposals.

(c) The pilot project established under this subsection shall include all of the following:

1. Enrollment, assessment and job search, including:

- a. Registration and case review.
- b. Remedial education.
- c. Independent job search.
- d. Group job search.
- e. Employability assessment.

2. Subsidized employment, including:

- a. On-the-job training.
- b. Grant diversion under sub. (7g).
- c. Work skills experience.

3. Job training, including:

- a. Vocational skills training.
- b. Private industry council job training programs under the job training partnership act, 29 USC 1501 to 1781.

c. Youth employment programs.

d. Other classroom programs.

4. Community work experience program as provided under par. (d).

5. Evaluation of the employment status of participants at 2 intervals following the start of employment, the first no sooner than 30 days and the 2nd no sooner than 6 months and no later than one year following the start of employment.

(cm) The department shall ensure that individuals who are required or who volunteer to participate in the pilot program under this subsection are informed of the sanctions which may be imposed in connection with the pilot program.

(d) 1. A community work experience program under 42 USC 609 established as a part of the pilot program under this subsection shall be subject to this paragraph and the rules promulgated under par. (a), notwithstanding ss. 46.22 (4) (n), 49.19 (4) (ds) and 49.51 (2) (a) 15. Rules promulgated by the department under sub. (7m) apply to a community work experience program established as part of the pilot program

to the extent that they do not conflict with this subsection.

2. A county participating in the work experience and job training pilot program under this subsection shall establish a community work experience program. The pilot county shall pay 10% of the federally allowable administrative costs of the community work experience program that are not reimbursed by the federal government and the department shall, from the appropriation under s. 20.435 (4) (df), reimburse the county for the remainder of the federally allowable administrative costs not reimbursed by the federal government.

3. In each county participating in the pilot program, the county executive or county administrator or, if the county has no county executive or county administrator, the chairperson of the county board shall appoint a council, to be known as the community work experience program council, to coordinate job placements at job sites for the program under this paragraph. The community work experience program council shall include the following members:

- a. An elected county official.
- b. A representative of the county department under s. 46.22, 46.23 or 49.51.
- c. A representative of a local school district.
- d. A representative of organized labor.
- e. A recipient of aid to families with dependent children or a representative of a recipient advocacy group.
- f. A representative of private business nominated by the area private industry council under the job training partnership act, 29 USC 1501 to 1781.
- g. A representative of the office which administers the program under sub. (7) in the county.

4. A person shall participate in the community work experience program under this paragraph if the person has completed the rest of the work experience and job training pilot program and remains unemployed. No person may be required to work for more than 16 weeks or more than 32 hours per week in the community work experience program. Any person who would otherwise be exempt from registering for a work program because the person is caring for a child whose age is less than 6 years but who volunteers for the pilot program under this subsection shall be required to participate in a community work experience program if child day care licensed under s. 48.65 (1) or certified under s. 48.651 is available for the child.

5. A community work experience program may not be operated so as to supplant a regular employe of any governmental unit or to fill an established vacant governmental job.

6. A recipient of aid to families with dependent children who is caring for a child under the age of 3 and who is not required to participate in the pilot program established under this subsection but who volunteers to participate shall be informed of the provisions of subd. 4 and that the penalties under subd. 7 apply to a

voluntary participant unless the participant has withdrawn from the community work experience program after giving 20 days' advance notice of his or her intent to withdraw.

7. Except as provided in subd. 6, if a participant in the community work experience program under this paragraph fails or refuses, without good cause, to participate in the program, sanctions shall apply as specified in 45 CFR 238.22.

8. Prior to imposing a sanction on a recipient of aid to families with dependent children for failure to participate in the community work experience program, the county must notify the recipient in writing of the reason for the proposed sanction. The notice must inform the recipient of the right to explain any disagreement with the decision informally by contacting the county department within 10 working days after the written notice. This right shall be in addition to the right to a formal review under 45 CFR 238.24.

(e) As part of the pilot program under this subsection, the department shall provide funds to pay child care costs of individuals who secure unsubsidized employment following participation in the pilot program and lose eligibility for aid to families with dependent children because of earned income. The funds shall be used to provide care for children for all or part of a day during which the individual works. The child care services must be provided by a child care provider as defined in s. 46.98 (1) (a). The department shall establish a formula for assistance under this paragraph based on ability to pay. The rates for child care services under this paragraph shall be determined as provided under s. 46.98 (4) (d).

(em) If child care funds provided in the pilot program under this subsection are insufficient to meet the needs of participants in the pilot program, a county may give priority for aid under s. 46.98 to participants in the pilot program, after meeting the needs of all parents eligible under s. 46.98 (4) (a) 4; however, a county may not reduce or terminate aid provided to any parent under s. 46.98 in order to provide aid to participants in the pilot program.

(f) The department shall request a waiver from the secretary of the federal department of health and human services under 42 USC 1396n (c) to permit the department to provide medical assistance benefits in the circumstances under s. 49.46 (1) (cm) for 12 months, rather than 9 months, following the month in which the family is ineligible for aid to families with dependent children only to families in which one or more members secure employment following participation in the pilot program under this subsection. If a waiver is received, the department shall provide medical assistance benefits beginning January 1, 1987, or the date of the waiver, whichever is later, in the circumstances under s. 49.46 (1) (cm) for 12 months following the month in which the family is ineligible for aid to families with dependent children to families in which one or more members secure employment fol-

lowing participation in the pilot program under this subsection.

(g) The department shall submit a report evaluating the effectiveness of the pilot program established under this subsection and containing its findings and recommendations on which components of the pilot program under this subsection should be implemented statewide to the presiding officer of each house of the legislature by July 1, 1988.

SECTION 14. 66.46 (6c) of the statutes is created to read:

66.46 (6c) NOTIFICATION OF POSITION OPENINGS. (a) Any person who operates for profit and is paid project costs under sub. (2) (f) 1. a, d, j and k in connection with the project plan for a tax incremental district shall notify the department of industry, labor and human relations and the area private industry council under the job training partnership act, 29 USC 1501 to 1798, of any positions to be filled in the county in which the city which created the tax incremental district is located during the period commencing with the date the person first performs work on the project and ending one year after receipt of its final payment of project costs. The person shall provide this notice at least 2 weeks prior to advertising the position.

(b) Any person who operates for profit and buys or leases property in a tax incremental district from a city for which the city incurs real property assembly costs under sub. (2) (f) 1. c shall notify the department of industry, labor and human relations and the area private industry council under the job training partnership act, 29 USC 1501 to 1798, of any position to be filled in the county in which the city creating the tax incremental district is located within one year after the sale or commencement of the lease. The person shall provide this notice at least 2 weeks prior to advertising the position.

SECTION 15. 66.521 (6m) of the statutes is created to read:

66.521 (6m) NOTIFICATION OF POSITION OPENINGS. A municipality may not enter into a revenue agreement with any person who operates for profit unless that person has agreed to notify the department of industry, labor and human relations and the area private industry council under the job training partnership act, 29 USC 1501 to 1798, of any position to be filled in that municipality within one year after issuance of the revenue bonds. The person shall provide this notice at least 2 weeks prior to advertising the position.

SECTION 16. 101.27 of the statutes is created to read:

101.27 Notification of position openings. (1) In this section, "company" means any business operated for profit.

(2) Any company which receives a loan or grant from a state agency, as defined in s. 20.001 (1), or an authority under ch. 231, 233 or 234 shall notify the department and the area private industry council

under the job training partnership act, 29 USC 1501 to 1798, of any position in the company to be filled in this state within one year after receipt of the loan or grant. The company shall provide this notice at least 2 weeks prior to advertising the position.

SECTION 17. 230.147 of the statutes is created to read:

230.147 Employment of aid recipients. (1) Each appointing authority of an agency with more than 100 authorized permanent full-time equivalent positions shall implement steps to employ persons who, at the time they commence employment with the agency, receive aid under s. 49.19 with the goal of making the ratio of those persons occupying permanent positions in the agency to the total number of persons occupying permanent positions in the agency equal to the ratio of the average case load receiving aid under s. 49.19 in this state in the previous fiscal year, as determined by the department of health and social services, to the average number of persons in the state civilian labor force in the preceding fiscal year, as determined by the department of industry, labor and human relations.

(2) Each appointing authority of an agency with 100 or fewer authorized permanent full-time equivalent positions is encouraged to employ persons who, at the time they commence employment with the agency, receive aid under s. 49.19 to attempt to make the ratio of those persons occupying permanent positions in the agency to the total number of persons occupying permanent positions in the agency equal to the ratio of the average case load receiving aid under s. 49.19 in this state in the previous fiscal year, as determined by the department of health and social services, to the average number of persons in the state civilian labor force in the preceding fiscal year, as determined by the department of industry, labor and human relations.

SECTION 18. 1985 Wisconsin Act 29, section 3023 (26r), as affected by 1985 Wisconsin Act 120, is repealed.

SECTION 19. **Nonstatutory provisions; health and social services.** (1) **WORK EXPERIENCE, EMPLOYMENT SEARCH AND JOB TRAINING FUNDING.** From the amounts appropriated under section 20.435 (4) (bg), (bm), (df), (pm) and (ps) of the statutes, the department of health and social services shall expend \$3,276,600 for the employment search program under section 49.50 (7c) of the statutes, as created by this act, \$243,400 for grant diversion under section 49.50 (7g) of the statutes, as affected by this act, \$185,800 for the community work experience program under section 49.50 (7j) (d) of the statutes, as created by this act, \$400,000 for child care services under section 49.50 (7j) (e) of the statutes, as created by this act, the cost of extending medical assistance benefits for 3 months under section 49.50 (7j) (f) of the statutes, as created by this act, and \$984,500 for the other components of the work experience and job training pilot program

under section 49.50 (7j) of the statutes, as created by this act.

(2) **WORK EXPERIENCE AND JOB TRAINING PILOT PROGRAM; RULES.** If the department of health and social services determines that it will be unable to promulgate rules under section 49.50 (7j) (a) of the statutes, as created by this act, by January 1, 1987, it shall promulgate rules using the procedures specified in section 227.027 of the statutes to govern the interim period from January 1, 1987, to the effective date of the rules required under section 49.50 (7j) (a) of the statutes, as created by this act.

SECTION 20. Initial applicability. (1) **INDUSTRY, LABOR AND HUMAN RELATIONS.** (a) *Notification of position openings; loans and grants.* The treatment of section 101.27 of the statutes by this act first applies to companies which receive loans and grants on the effective date of this paragraph.

(b) *Notification of position openings; tax incremental financing.* The treatment of section 66.46 (6c) of the statutes by this act first applies to persons who are paid project costs in connection with tax incremental districts created on the effective date of this paragraph.
