



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1258/2
GMM:jld:rs

DOA:.....Lawrence, BB0407 – Transfer of Disabled Veterans’ Outreach and Local Veterans’ Employment Representative programs from DWD to DVA

FOR 2013-2015 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

Under current law, DWD administers the federal Disabled Veterans’ Outreach Program, under which DWD employs specialists to carry out intensive services to meet the employment needs of eligible veterans, and the federal Local Veterans’ Employment Representative Program, under which DWD employs representatives to conduct outreach to employers to assist veterans in gaining employment and to facilitate employment, training, and placement services for veterans. This bill requires DWD and DVA, jointly, to prepare a plan for transfer of the administration of those programs from DWD to DVA and to submit that plan to the secretary of the federal department of labor (secretary) for approval. If the secretary approves the plan, responsibility for administration of those programs shall be transferred from DWD to DVA. Included in the transfer to DVA are all assets and liabilities, positions and employees, tangible personal property, pending matters, contracts, and rules and orders of DWD that are related primarily to those programs.

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

SECTION 9151. Nonstatutory provisions; Workforce Development.

(1) TRANSFER OF DISABLED VETERANS' OUTREACH AND LOCAL VETERANS' EMPLOYMENT REPRESENTATIVE PROGRAMS.

(a) *Definitions.* In this subsection:

1. "Approval" means approval by the secretary of the federal department of labor of a plan submitted jointly by the department of workforce development and the department of veterans affairs for transfer of the administration of the disabled veterans' outreach program and the local veterans' employment representative program from the department of workforce development to the department of veterans affairs.

2. "Disabled veterans' outreach program" means the disabled veterans' outreach program under [38 USC 4103a](#).

3. "Local veterans' employment representative program" means the local veterans' employment representative program under [38 USC 4104](#).

(b) *Approval by secretary of federal department of labor.* The department of workforce development and the department of veterans affairs, jointly, shall prepare a plan for transfer of the administration of the disabled veterans' outreach program and the local veterans' employment representative program from the department of workforce development to the department of veterans affairs and shall submit that plan to the secretary of the federal department of labor for approval. If the secretary of the federal department of labor approves the plan, administration of those programs shall be transferred from the department of workforce development to the department of veterans affairs as provided in paragraphs (c) to (i).

(c) *Assets and liabilities.* On the effective date of approval, the assets and liabilities of the department of workforce development that are primarily related to

the disabled veterans' outreach program or the local veterans' employment representative program, as determined by the secretary of administration, shall become the assets and liabilities of the department of veterans affairs.

(d) *Positions and employees.* On the effective date of approval, all positions and all incumbent employees holding those positions in the department of workforce development performing duties that are primarily related to the disabled veterans' outreach program or the local veterans' employment representative program, as determined by the secretary of administration, are transferred to the department of veterans affairs.

(e) *Employee status.* Employees transferred under paragraph (d) have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of veterans affairs that they enjoyed in the department of workforce development immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who has attained permanent status in class is required to serve a probationary period.

(f) *Tangible personal property.* On the effective date of approval, all tangible personal property, including records, of the department of workforce development that is primarily related to the disabled veterans' outreach program or the local veterans' employment representative program, as determined by the secretary of administration, is transferred to the department of veterans affairs.

(g) *Pending matters.* Any matter pending with the department of workforce development on the effective date of approval that is primarily related to the disabled veterans' outreach program or the local veterans' employment representative program, as determined by the secretary of administration, is transferred to the department of veterans affairs. All materials submitted to or actions taken by the

department of workforce development with respect to the pending matter are considered as having been submitted to or taken by the department of veterans affairs.

(h) *Contracts.* All contracts entered into by the department of workforce development in effect on the effective date of approval that are primarily related to the disabled veterans' outreach program or the local veterans' employment representative program, as determined by the secretary of administration, remain in effect and are transferred to the department of veterans affairs. The department of veterans affairs shall carry out any obligations under those contracts unless modified or rescinded by the department of veterans affairs to the extent allowed under the contract.

(i) *Rules and orders.* All rules promulgated by the department of workforce development in effect on the effective date of approval that are primarily related to the disabled veterans' outreach program or the local veterans' employment representative program remain in effect until their specified expiration dates or until amended or repealed by the department of veterans affairs. All orders issued by the department of workforce development in effect on the effective date of approval that are primarily related to the disabled veterans' outreach program or the local veterans' employment representative program remain in effect until their specified expiration dates or until modified or rescinded by the department of veterans affairs.

(END)