

CHAPTER 47

VOCATIONAL REHABILITATION; RELIEF OF THE HANDICAPPED

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SUBCHAPTER I

RELIEF AND REHABILITATION OF THE HANDICAPPED

47.01 Definition of blind. In this chapter, "blind" includes persons whose central visual acuity does not exceed 20/200 in the better eye with correcting lenses or whose visual acuity, if better than 20/200, has a limit to the field of vision to such a degree that its widest diameter subtends an angle no greater than 20 degrees.

History: 1977 c. 418

47.02 Farms at schools for visually handicapped and deaf. The department shall administer the farms connected with the Wisconsin school for the visually handicapped and the Wisconsin school for the deaf. Farm receipts shall be credited and farm expenditures shall be charged to the appropriation of the department.

47.05 Services to the blind. (1) CREATION. A program of services to the blind is established in the department.

(2) DUTIES. The department shall:

(a) Visit the blind in their homes; investigate their living conditions and home surroundings; give them such instruction and assistance as seems likely to improve their condition, increase their happiness, and make them more useful, self-respecting and self-supporting citizens.

(b) Keep a record showing the cause of their blindness, their physical, mental and financial condition, their capacity for educational and industrial training, and such other facts as seem proper and valuable.

(c) Ameliorate the condition of the aged or helpless blind by promoting visits to their homes for the purpose of instruction and by other methods.

(d) Provide vocational rehabilitation services to blind persons determined by the department to be eligible therefor.

(e) Study the causes of blindness, learn what proportion of these cases were preventable, and adopt and enforce preventive measures.

(f) Supply the county authorities with information which may assist in the administration of aid to blind persons.

(g) Assist the blind in obtaining employment, and for that purpose it may establish an employment agency.

(h) Maintain schools for industrial training and workshops for the employment of blind persons, pay the employes suitable wages and devise means for the distribution of their products. It may provide or pay for temporary lodging and support for pupils or workmen received at such schools and workshops.

(i) Maintain a trade bureau to supply raw materials to the blind at cost and dispose of the finished products by co-operative marketing.

(3) WORKSHOPS. The department shall lease buildings or apartments for workshops and provide them with heat and light and water. The rent and the cost of heat, light and water shall be paid by the state. The department may furnish to workmen in the workshops a limited amount of materials and tools required for their employment.

(4) PRIVATE WORKSHOPS AND REHABILITATION CENTERS. The department may receive and accept gifts and donations, including gifts and donations from persons benefited under this section, which may be offered unconditionally, for the purposes of establishing private, non-profit workshop and rehabilitation facilities for the rehabilitation of visually handicapped persons. All moneys received as gifts or donations shall be paid to the state treasurer and shall constitute a special account in the general fund

to be used under the direction of the department for the vocational rehabilitation of persons qualifying for this purpose. A full report of such gifts and donations, together with the names of the donors, the amounts contributed by each and all disbursements therefrom shall be included in the annual report of the department.

47.06 Trainees; workshop and schools; transportation; board. The department may provide means of instruction in a workshop or school to any blind residents of the state who desire to learn a trade; and by rule may provide for or make a reasonable allowance for the board of indigent blind persons attending the workshop who are not residents of the city of Milwaukee, for a reasonable time so as to enable them to learn a trade and become self-supporting. The department may also provide means of transportation from any point within the state for any indigent blind person who is a resident of the state and who desires to avail himself of the privileges of the workshop, schools and other facilities and services of the department.

47.07 "Blind-made" goods. (1) No person shall represent that a product or service is "blind-made" unless the manufacturer employs blind persons to an extent constituting not less than 75 per cent of the total hours worked by personnel engaged in the direct labor of production of blind-made products, or services. Direct labor production shall mean all work required for the preparation, processing, assembling and packing but not including supervision, administration, inspection and shipping or the production of the materials from which the finished product is manufactured.

(2) No person shall sell, distribute or exhibit any product which purports or is advertised to be "blind-made" unless there is attached thereto a label furnished by the department.

(3) The department shall prepare a label which shall be attached to blind-made products and which shall provide for a certification thereon that the product is "blind-made". If such article is manufactured in this state, the manufacturer shall obtain the label, affix it to the product and complete the certification. If such product is manufactured outside this state, the seller in this state shall obtain such label or stamp, affix it to the product and complete the certification. The department shall furnish these labels to vendors of blind-made products at a price covering the cost of producing such labels.

(4) Any person who attaches a "blind-made" label to any product not meeting the requirements of sub. (1) shall be subject to penalty under sub. (6).

(5) Complaints of violation of this section shall be made to the department which shall investigate any such complaints and, when justified, refer the complaint for prosecution to the district attorney of the county where the alleged violation occurred.

(6) Any person violating this section shall be fined not more than \$500 or imprisoned not more than one year or both.

47.08 Business enterprises program; concessions and stands. The department may establish a business enterprise program for the blind. In connection therewith, the department may own, lease, manage, supervise and operate vending stands and other business enterprises for the use or benefit of blind persons in federal, state, private and other buildings. The share of the supervisory and other expenses of this program to be charged to each enterprise shall be determined by the department with the participation of the state committee of blind vendors established in accordance with P.L. 74-732 as amended. The ultimate objective of this program shall be to enable blind persons to own and operate their own business enterprises. To this end whenever the blind person is able to pay for his or her equipment and stock, the department shall sell it to him or her at depreciated cost. The department, however, is not required to consummate such a sale until the blind person has operated the concession under department supervision for one year. The contract between the department and the blind purchaser shall stipulate that, in the event of a subsequent resale or in the event of the death of the blind purchaser, the department shall have the option of repurchasing the enterprise, together with all its assets, at depreciated cost, such option to be exercised within 90 days after notice. It shall further stipulate that if, at the expiration of any term of lease, the lessor considers the blind lessee to be unsatisfactory, the latter shall resell to the department at depreciated cost. In such event, the department shall select another blind operator as lessee.

History: 1977 c. 418

47.09 State concessions; blind persons. The department may establish, maintain and continue to maintain concession stands in the state capitol, the state office building, the university of Wisconsin hospital and clinics, and in all new state buildings, other than correctional, mental or educational institutions, to be operated by blind persons chosen and supervised by

the department. Upon consent of the custodian of the building, the operator of the stand may also place vending machines in other locations in each of said buildings. During any period in which the department deems that a concession stand would not be profitable in any new state building, other than an educational, a correctional, or mental institution, the custodian of such building shall give preference to blind operators of merchandise vending machines. If no blind operators of merchandise vending machines are available, the department may itself place vending machines in such new state buildings, other than correctional, mental or educational institutions. In the latter case, the profit from such vending machines shall be credited to the department. The blind operators of concession stands in all state buildings, other than correctional, mental or educational institutions, shall have the right to purchase the stock and equipment on the terms set forth in s. 47.08, and to operate them independently.

History: 1977 c. 418 s. 924 (50); 1977 c. 447 s. 206.

47.095 Council on blindness. The council on blindness shall make recommendations as to procedures and policies affecting any problem of the visually handicapped before the department. The council shall advise on such services, activities, programs, investigations and researches as in its judgment will contribute to the welfare of visually handicapped persons. The department shall seek the advice of and consult with the council on problems and policy changes affecting the visually handicapped in the department's jurisdiction and the council may initiate consultations with the department. Notwithstanding any provision to the contrary, the council shall have access to files, records and statistics kept in the department which relate to matters concerning the visually handicapped.

47.10 Cooperation with federal government. The department shall cooperate, pursuant to agreements, with the federal government in carrying out the purposes of any federal statutes pertaining to vocational rehabilitation of the blind and is authorized to adopt such methods of administration as are found by the federal government to be necessary for the proper and efficient operation of such agreements or plans for vocational rehabilitation of the blind and to comply with such conditions as are necessary to secure the full benefits of such federal statutes.

47.20 Interpreters for the deaf. (1) The department may, at the request of deaf persons, provide funds for payment in whole or in part of fees charged by interpreters for the deaf. The

payments shall be made only in cases of demonstrated financial need where funds from other sources are unavailable.

(2) The following shall have priority in the funding of interpreters' services under this section:

(a) Interpreters for medical, psychiatric, psychological and other counseling services.

(b) Interpreters for legal services and civil court proceedings.

(c) Interpreters for dealings with law enforcement personnel.

(d) Interpreters for meetings of unions or professional associations or groups.

(e) Interpreters for dealings with any agency or office of the federal, state, county or municipal government.

(3) The department shall promulgate rules necessary to facilitate the implementation of this section.

History: 1977 c. 29; 1979 c. 34.

SUBCHAPTER II

VOCATIONAL REHABILITATION

47.40 Rehabilitation law. (1) This state hereby assents to and accepts the provisions and benefits of the act of congress entitled "An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," approved June 2, 1920, and any amendatory or supplementary acts thereto as the congress of the United States may enact. The department shall cooperate, pursuant to agreements, with the federal government and the rehabilitation services administration in carrying out the purposes of any federal statutes pertaining to vocational rehabilitation and is authorized to adopt such methods of administration as are found by the federal government to be necessary for the proper and efficient operation of such agreements or plans for vocational rehabilitation and to comply with such conditions as may be necessary to secure the full benefits of such federal statutes. The state treasurer is designated and appointed custodian of all moneys received by the state from the federal government for the purpose of carrying out any federal statutes pertaining to vocational rehabilitation, and to make disbursements therefrom and from all state funds available for vocational rehabilitation purposes upon the order of the department.

(2) This section may be cited as the "Rehabilitation Law".

(3) As used in this section the terms:

(a) "Handicapped person" means any person who, by reason of a physical or mental disability, impairment or infirmity, whether congenital or

acquired by accident, injury or disease is or may be expected to be totally or partially incapacitated for remunerative occupation, or who may reasonably be expected to be fit to engage in a remunerative occupation after receiving vocational rehabilitation service.

(b) "Rehabilitation" means the rendering of a handicapped person fit to engage in a remunerative occupation.

(d) "Federal act" means the act of congress entitled "An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," approved June 2, 1920, and any amendatory or supplementary acts thereto.

(e) "Homebound person" means one who, because of the severity of his physical or mental disabilities, is not expected to be able to compete with the able-bodied persons in normal employment.

(f) "Nonprofit" when used with respect to a workshop or rehabilitation facility, means a workshop or rehabilitation facility owned and operated by a corporation or association, no part of the earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual and the income of which is exempt from taxation under the internal revenue code.

(g) "Workshop" means a place where any manufacture or handiwork is carried on, and which is operated for the primary purpose of providing remunerative employment to severely handicapped individuals as an interim step in the rehabilitation process for those who cannot readily be absorbed in the competitive labor market or during such time as employment opportunity in the labor market does not exist.

(h) "Rehabilitation facility" means a facility operated for the primary purpose of assisting in the rehabilitation of handicapped individuals by providing one or more of the services set forth in this section.

(4) This section shall not apply to any person who, in the judgment of the department, may not be susceptible of rehabilitation.

(5) Any handicapped person may apply to the department for advice and assistance relative to his rehabilitation.

(6) The department shall:

(a) Provide that all persons reporting or making application to it as handicapped shall be promptly visited by its agent or representative with a view of determining whether or not vocational rehabilitation is feasible; acquaint all such persons for whom vocational rehabilitation is feasible with the rehabilitation facilities afforded by the state and counsel them regarding the selection of a suitable vocation; register all such persons electing to take advantage of the

benefits of rehabilitation offered and prescribe and provide such training as may be necessary to insure their vocational rehabilitation; maintain a record of all such persons, together with the measures taken for their rehabilitation; utilize in the rehabilitation of such persons such existing educational facilities of the state as may be advisable and practicable including public and private educational institutions, public and private establishments, plants or factories and the services of persons specially qualified for the instruction of handicapped persons.

(b) Promote, aid in the establishment of or establish schools, classes and workshops and rehabilitation and other facilities for the rehabilitation of handicapped persons; supervise the training, restoration or employment of such persons and confer with their relatives and other persons interested concerning any matter affecting their vocational rehabilitation.

(c) Aid handicapped persons in securing such employment as will facilitate their training or will be suitable to their condition and provide for the placement in suitable gainful occupation of persons completing courses of training provided by the department, including supervision for a reasonable time after placement.

(d) Utilize the facilities of such agencies, both public and private, as may be practicable in securing employment for such persons and all public agencies are authorized and directed to cooperate with the department for the purposes stated.

(e) Procure and furnish at cost to handicapped persons artificial limbs and other orthopedic and prosthetic appliances, to be paid for in instalments, when such appliances cannot be otherwise provided. The instalment payments of the sale thereof shall be paid to the state treasurer and shall be held by him in a special account in the general fund for the purpose of this paragraph. Payments from this account shall be made at the direction of the department.

(f) Arrange for the physical or psychiatric examination of any person applying for or reported as needing rehabilitation; and arrange for such therapeutic treatment as may be necessary for rehabilitation of any handicapped person who registered with the department, except persons who are entitled to such treatment under the worker's compensation law.

(g) Cooperate with any department in the state government, the federal government or with any county or other municipal authority within the state, or with any private agency, in carrying out this section.

(h) Make such rules and regulations as may be necessary to carry out this section.

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(i) Report to the governor and to the rehabilitation services administration as may be required or requested.

(7) Pursuant to rules, regulations and standards prescribed by the department, the department may provide maintenance cost during actual training to handicapped persons registered for rehabilitation services, except that no maintenance cost shall be provided to persons receiving maintenance cost under s. 102.61.

(8) The department of industry, labor and human relations shall communicate to the department all reports made to the department of industry, labor and human relations of cases of injury to employes which in its opinion may render the persons injured handicapped; and shall cooperate with the department in carrying out this section.

(9) The department shall establish and maintain cooperative working relationships with all federal, state and local public agencies and private organizations and agencies providing services directly or indirectly related to vocational rehabilitation so as to assure maximum utilization on a coordinated basis of the services which such agencies offer for over-all vocational rehabilitation of handicapped persons.

(11) The department may receive and accept gifts and donations, including gifts and donations from persons benefited under this section, which may be offered unconditionally, for the purposes of this section. All moneys received as gifts or donations shall be paid to the state treasurer and shall constitute a special account in the general fund to be used under the direction of the department for vocational rehabilitation purposes. A full report of all such gifts and donations, together with the names of the donors, the amounts contributed by each and all disbursements therefrom shall be included in the annual report of the department.

(12) (a) The department shall provide such services as vocational training or instruction in crafts as may be practicable for severely handicapped persons, who cannot be inducted into the regular types of remunerative employment, and who elect to take advantage of the benefits of the state services herein described. When deemed advisable and feasible, handicapped persons may be transported to a central place where classes or schools shall be provided for giving vocational training and instruction in the various crafts as will propitiate the rehabilitation of the individual.

(b) No vocational training or craft instruction shall be rendered to a homebound handicapped person whose disability may be of a progressive nature without a certificate from the

regular physician certifying that such handicapped person can carry on such work without injurious results.

(c) The department shall aid the homecraft clients in the disposition of the finished products and shall utilize the facilities of such agencies both public and private in such manner as may be practical in providing ways and means of disposing of the products made by such handicapped homebound persons. In the absence of public or private facilities the department may establish and operate such facilities.

(d) When products are sold which are made by severely handicapped persons who are under the supervision of the department, the cost of the raw material furnished such persons for use in fabricating products may be deducted from receipts which are obtained from the sale of such products. Such material cost refunds will be deposited by the department in the general fund and are appropriated therefrom to the department to be used in purchasing raw materials for severely handicapped persons who are under the supervision of the department.

(13) (a) It shall be unlawful, except for purposes directly connected with the administration of the vocational rehabilitation program, and in accordance with rules and regulations prescribed by the department, for any person or persons to solicit, disclose, receive or make use of, or authorize, knowingly permit, participate in or acquiesce in the use of any list of, or names of, or any information concerning, persons applying for or receiving vocational rehabilitation, directly or indirectly derived from the records, papers, files or communications of the state or subdivisions or agencies thereof, or acquired in the course of the performance of official duties. Any person who violates this section or rules and regulations prescribed thereunder, shall be fined not exceeding \$500, or imprisoned not exceeding 6 months, or both.

(b) Nothing in par. (a) prevents an individual client from obtaining access to his or her client record, subject to rules established by the department.

History: 1971 c. 164; 1973 c. 90, 243; 1973 c. 284 s. 8; 1973 c. 333; 1975 c. 39; 1975 c. 147 s. 54; 1975 c. 199; 1977 c. 83; 1979 c. 221.

Sub. (13) precludes the release of vocational rehabilitation information for the purpose of determining legal settlement of a dependent person. 65 Atty. Gen. 142.

47.41 Employe credit for past service.

Any person employed as a homecraft teacher under s. 41.71, 1965 stats., who subsequently is employed in the same capacity by the department of health and social services under this chapter shall receive full credit for the entire period of employment under s. 41.71, 1965

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stats., in determining accumulated sick leave and vacation benefits.

History: 1971 c 146; 1973 c. 12 s. 37; 1973 c 284 s. 8; 1975 c. 39, 199.