

## Chapter HSS 207

## GUARANTEED JOBS PILOT PROGRAM

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**Note:** Chapter HSS 207 was created as an emergency rule effective February 1, 1989.

**HSS 207.01 Introduction.** (1) **AUTHORITY AND PURPOSE.** This chapter is adopted under the authority of s. 49.50 (7p) (f), Stats., to provide rules for the administration of the guaranteed jobs program (GJP), under s. 49.50 (7p), Stats., on a pilot basis, for persons who either receive AFDC within 2 years after high school graduation or whose family received AFDC benefits for at least 24 months during the time from the person's 13th birthday until the person's 20th birthday.

(2) **APPLICABILITY.** This chapter applies to any public or private agency that administers a guaranteed jobs program under s. 49.50 (7p), Stats., to the income maintenance agency of a county in which the program is operated, to all AFDC recipients who are required to participate in GJP or who volunteer to participate in GJP, and to all youth otherwise eligible under this chapter to participate in GJP and who volunteer to participate in GJP.

(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) "Community service job" means a job with a governmental body or with a nonprofit organization, as defined under s. 108.02 (19), Stats., which is subsidized by GJP and which serves a useful public purpose.

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

(d) "Employment skills training" means any activity which provides instruction to GJP participants in choosing an occupation and finding and retaining employment.

(e) "Governmental body" has the meaning prescribed under s. 895.52 (1) (a), Stats.

(f) "Guaranteed jobs council" means the community work experience program council established under s. 49.50 (7j) (d) 3, Stats.

(g) "GJP" means the guaranteed jobs program under s. 49.50 (7p), Stats.

(h) "GJP administrative agency" means the agency administering the program under s. 49.50 (7j), Stats., in a county.

(i) "Income maintenance agency" means a unit within a county department of social services or human services that administers the income maintenance programs.

(j) "Job developer" means a person who contracts with a GJP administrative agency to provide GJP services.

(k) "Job development" means any activity that identifies employers eligible to enter into GJP employment agreements.

(l) "Job search assistance" means any instruction provided to GJP participants in finding and pursuing job opportunities.

(m) "Participant" means a person who takes part in GJP.

(n) "Performance-based contract" means a contract in which reimbursement is based solely on the program outcome.

(o) "Placement" means the act of securing community service, partially subsidized or unsubsidized employment in the private or public sector for a participant.

(p) "Registrant" means a person registered for GJP.

(q) "WEJT" means a work experience and job training program under s. 49.50 (7j), Stats.

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

**HSS 207.02 Department responsibilities.** (1) **SELECTION OF PILOT COUNTY.** The department shall select one county in which to operate a guaranteed jobs program (GJP). The county selected by the department shall meet the following criteria:

(a) The county shall have a rate of unemployment which exceeds the statewide average as determined by the department of industry, labor and human relations for the most recent 6 month period for which data is available;

(b) The county shall have a rate of high school dropouts which exceeds the statewide average as determined by the department of public instruction;

(c) The county shall have a combined average monthly caseload of recipients of AFDC under s. 49.19, Stats., and recipients of general relief under s. 49.02, Stats., which exceeds 2,000 recipients as determined by the department; and

(d) The county shall have a WEJT program.

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(2) DEVELOPMENT OF SLIDING FEE SCALE. The department shall develop a sliding fee scale for purposes of reimbursing job developers which:

(a) Ranks jobs by quality standards, taking into account wages, employment hours, fringe benefits, and whether the job is in the private sector or public sector; and

(b) Is based on whether the job meets certain quality standards for wages, employment hours and fringe benefits, and provides that:

1. The maximum reimbursement rate is paid for placements in private sector jobs meeting all quality standards;

2. The reimbursement is reduced by a percentage to be established by the department for each quality standard not met by the job; and

3. Partial reimbursement is made upon placement and full reimbursement is made after a retention period of at least 30 days.

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

**HSS 207.03 Selection of participating schools.** (1) The county department established under s. 46.215, 46.22, or 46.23, Stats., shall consult with the appropriate school board in selecting one or more high schools to participate in the guaranteed jobs program (GJP). The county department shall consider the following criteria in selecting a high school:

(a) Whether the high school's dropout rate for all students exceeds the county average;

(b) Whether the high school's AFDC population or the number of students participating in the free and reduced price school lunch program exceeds the county average; and

(c) Whether the high school's teen parent population exceeds the county average.

(2) The county department established under s. 46.215, 46.22, or 46.23, Stats., shall provide the names of participating high schools to the GJP administrative agency.

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

**HSS 207.04 Income maintenance agency responsibilities.** In a county in which a guaranteed jobs program (GJP) is established the income maintenance agency shall:

(1) Register those AFDC recipients who are required under s. 49.50 (7p) (h), Stats., and s. HSS 207.06 (1) to participate in GJP, using the procedures under s. HSS 210.02 (2);

(2) Refer registrants who are required to participate in GJP and who are not exempt under s. HSS 210.04 (2) to the GJP administrative agency, using the procedures under s. HSS 210.02 (3). The GJP administrative agency shall determine which WEJT registrants are obliged to participate in GJP; and

(3) Initiate a sanction action under s. HSS 207.07 for refusal to participate in GJP.

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

**HSS 207.05 Program requirements.** (1) DESIGNATION OF GJP ADMINISTRATIVE AGENCY. The guaranteed jobs program (GJP) shall be administered by the WEJT administrative agency. For purposes of GJP the WEJT administrative agency shall be called the GJP administrative agency.

(2) GUARANTEED JOBS COUNCIL. The GJP council established under s. 49.50 (7j) (d) 3, Stats., shall coordinate job placements at job sites for the GJP.

(3) GJP ADMINISTRATIVE AGENCY RESPONSIBILITIES. (a) The guaranteed jobs program (GJP) administrative agency shall determine which WEJT registrants are obliged to participate in GJP and shall register volunteers pursuant to s. HSS 207.06 (3);

(b) The GJP administrative agency shall provide or shall contract with one or more job developers to do the following:

1. Provide orientation and assessment to participants;

2. Provide employment skills training to participants;

3. Help participants with job search activities;

4. Develop unsubsidized jobs;

5. Develop community service jobs; and

6. Place participants in the jobs developed under subs. 4 and 5.

(c) The GJP administrative agency shall ensure that:

1. The amount of reimbursement is based solely on job placements;

2. GJP participants are placed in private sector jobs or unsubsidized public sector jobs except that if these jobs are unavailable, participants may be placed in subsidized community service jobs;

3. The placement of a GJP participant in a community service job meets the following conditions:

a. A GJP participant placed in a community service job is compensated at the higher of the federal minimum hourly wage rate established under 29 USC 206 (a) or the state minimum hourly wage rate established under s. 104.04, Stats.;

b. A GJP participant placed in a community service job does not displace a regular employe of a governmental body or decrease overtime worked by a regular employe of a governmental body;

c. A GJP participant placed in a community service job does not fill an established unfilled governmental position unless the position is unfunded in a governmental body budget;

d. A GJP participant placed in a community service job does not fill a position that would otherwise be a promotional opportunity for a regular employe of a governmental body;

e. A community service job complies with all required personnel procedures and provisions of collective bargaining agreements and does not cause violation of a collective bargaining agreement by a governmental body;

f. A community service job assignment does not displace a job which is customarily performed by an employe of a

governmental body in a job classification within a recognized collective bargaining unit at the work site or a work assignment in a governmental bargaining unit in which funded positions are vacant or in which regular employees are laid off; and

g. The length of time a GJP participant spends in community service employment does not exceed 16 weeks without reassessment and an attempt is made to place the GJP participant in unsubsidized employment;

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 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

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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.

**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.