

CHAPTER 106

APPRENTICE AND EMPLOYMENT PROGRAMS

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**Cross Reference:** See the definitions in s. 103.001.

SUBCHAPTER I

APPRENTICE PROGRAMS

**106.01 Designation of “indenture” and “apprentice”.**

(1) The term “apprentice” shall mean any person, 16 years of age or over, who shall enter into any contract of service, express or implied, whereby the person is to receive from or through the person’s employer, in consideration for the person’s services in whole or in part, instruction in any trade, craft or business.

(2) Every contract or agreement entered into by an apprentice with an employer shall be known as an indenture; such indenture shall be in writing and shall be executed in triplicate, one copy of which shall be delivered to the apprentice, one to be retained by the employer and one to be filed with the department at Madison.

(3) Any minor, 16 years of age or over, or any adult, may, by the execution of an indenture, bind himself or herself as hereinafter provided for a term of service not less than one year.

(4) Every indenture shall be signed:

- (a) By the apprentice.
- (b) If the apprentice has not reached age 18, also by the father or mother; and if both the father and mother are dead or legally incapable of giving consent, then
- (c) By the guardian of the minor, if any.
- (d) If there is no parent or guardian with authority to sign then by a deputy of the department.
- (e) By the employer.

(5) Every indenture shall contain:

- (a) The names of the parties.
- (b) The date of the birth of the person indentured.
- (c) A statement of the trade, craft or business which the apprentice is to be taught, and the time at which the apprenticeship shall begin and end.
- (d) An agreement stating the number of hours to be spent in work, and the number of hours to be spent in instruction. During the first 2 years of an apprenticeship, the apprentice’s period of instruction shall be not less than 4 hours per week or the equivalent. If the apprenticeship is for a longer period than 2 years, the total hours of instruction shall be not less than 400 hours. The total number of hours of instruction and service shall not exceed 55 per week; provided, that nothing in this paragraph shall be construed to forbid overtime work as provided in sub. (7) of this section.

(e) An agreement as to the processes, methods or plans to be taught, and the approximate time to be spent at each process, method or plan.

(f) A statement of the compensation to be paid the apprentice.

(g) An agreement that a certificate shall be given the apprentice at the conclusion of the apprentice’s indenture, stating the terms of indenture.

(5i) (a) The proper persons described in sub. (4) (a) to (d) may enter into such an indenture with any organization of employees, association of employers or other similar responsible agency in this state. Such organization, association or other agency shall thereupon, with the written consent of the other parties to the indenture, and the written acceptance thereof by the proposed employer, assign the indenture to the proposed employer, and the proposed employer and the apprentice named in the indenture shall be bound by the terms thereof. Such consent and acceptance shall be executed in triplicate and one copy of each shall be delivered, respectively to the department, to the employer and to the apprentice and in each case shall be attached to the proper indenture. The approval of the department shall first be had in each transaction. Such organization, association or other agency shall have the exclusive right to assign the indenture and the apprentice shall not be permitted to enter into any other indenture. The period transpiring before assignment to an employer shall not be credited toward the period of apprenticeship.

(b) Any employer may assign the employer’s indenture, with the approval of the department and the written consent of the other parties thereto, to any association of employers, organization of employees or any other similar responsible agency in this state. The period of time in which such association, organization or other agency shall be such assignee shall not be credited as time served by the apprentice. After such assignment the association, organization or other agency shall, with the approval of the department and the written consent of the apprentice, assign the indenture to an employer but the apprentice shall not be bound by the assignment unless the employer accepts, by the employer’s signed instruments, the terms of the indenture and that the employer will complete the employer’s unperformed obligations thereunder; each such consent and acceptance shall be executed in triplicate and one of each, respectively, shall be delivered to the department, to the assignee employer and to the apprentice and in each case shall be attached to the proper indenture. Upon acceptance the employer shall for all purposes be deemed a party to the indenture.

(c) Any employer, with the written consent, executed in triplicate, of the other parties to the indenture and the approval of the department, may assign such indenture to another employer whose written acceptance shall be upon the instrument of consent.

One copy of such consent and acceptance shall be delivered, respectively, to the apprentice, to the assignee employer and to the department and shall in each case be attached to the indenture in their respective possessions. After assignment, the new employer shall perform the unperformed obligations of the indenture. The department shall continue to have jurisdiction over the indenture assigned pursuant to this subsection and the parties bound after such assignment.

(5j) The department may, and it shall have power on its own motion, or on the complaint of any person, after due notice and a hearing had, make findings and issue orders declaring any indenture, contract or agreement at an end if it shall be proved at such hearing that any apprentice, employer or such organization, association or other agency is unable to continue with the obligations under the contract or has breached the same. Upon the termination of the indenture, the apprentice released therefrom shall be free to enter into a new indenture under such conditions and terms as the department may approve and which are not inconsistent with this section.

(5k) The department shall, upon request, furnish a copy of any instrument required to be filed with it under this section, to any party whose name appears on such instrument.

(6) The employer shall pay for the time the apprentice is receiving related instruction for no fewer hours than specified in sub. (5) (d) at the same rate per hour as for services. Nothing herein shall prohibit an agreement between the parties requiring the apprentice to take additional instruction on the apprentice's own time in excess of the number of hours required by statute. Attendance at school shall be certified by the teacher in charge.

(7) An apprentice may be allowed to work overtime. All time in excess of the hours of labor as limited to the particular craft, industry, or business and as to the particular employer, shall be considered overtime. For overtime the apprentice's rate of pay shall be increased by the same percentage as the journeyman's rate for overtime is increased in the same industry or establishment.

(8) If either party to an indenture shall fail to perform any of the stipulations thereof, the nonperforming party shall forfeit not less than one dollar nor more than \$100, such forfeiture to be collected on complaint of the department, and paid into the state treasury. Any indenture may be annulled by the department upon application of either party and good cause shown.

(9) It shall be the duty of the department, and it shall have power, jurisdiction and authority, to investigate, ascertain, determine and fix such reasonable classifications and to issue rules and regulations, and general or special orders and to hold hearings and make findings and render orders thereon as shall be necessary to carry out the intent and purposes of s. 106.01. Such hearings, investigations, classifications, findings and orders shall be made as provided in s. 103.005 and the penalties specified in s. 103.005 (12) shall apply to and be imposed for any violations of s. 106.01, excepting as to the penalties provided in s. 106.01 (8). Said orders shall be subject to review in the manner provided in ch. 227.

(10) It shall be the duty of all school officers and public school teachers to cooperate with the department and employers of apprentices to furnish, in a public school or any school supported in whole or in part by public moneys, such instruction as may be required to be given apprentices.

**History:** 1971 c. 228 s. 43; 1977 c. 29 s. 1651; 1977 c. 273; 1993 a. 492; 1995 a. 27.

Department was necessary party to action by city employe for allegedly discriminatory annulment of apprentice indenture. *Tillman v. City of Milwaukee*, 715 F (2d) 354 (1983).

**106.02 Carpenters' apprentices.** After July 1, 1943, every person, regardless of age, commencing a carpentry apprenticeship, shall be indentured under and be subject to s. 106.01, except that if the apprentice is 18 years or more of age the apprentice's signature only shall be necessary to bind the apprentice. Such apprenticeship shall be for a period of 4 years, except that the

department may upon the application of the apprentice or the employer, or both, extend such term for not to exceed one year.

**History:** 1971 c. 213 s. 5; 1993 a. 492.

**106.025 Plumber apprenticeships. (1)** The department may prescribe the conditions under which a person may serve a plumbing apprenticeship, as to preliminary and technical college attendance requirements, and the credit for school attendance in serving the apprenticeship.

(2) Every person commencing a plumbing apprenticeship shall be indentured under s. 106.01. The term of a plumbing apprentice is 5 years, but the department may upon application of the apprentice, the apprentice's employer or both extend the term for up to one additional year.

(3) After the expiration of an apprenticeship term, no apprentice may engage in the business of plumbing either as an apprentice or as a journeyman plumber unless the apprentice secures a journeyman plumber's license. In case of failure to pass the examination for the license, he or she may continue to serve as an apprentice but not beyond the time for reexamination for a journeyman plumber's license, as prescribed by the rules of the department.

(4) In order that the apprentice may qualify at the end of apprenticeship as a skilled mechanic in the art of installing plumbing work, the department may prescribe the level of supervision of an apprentice and the character of plumbing work that the apprentice may do during the 3rd year of the apprenticeship term. An apprentice in the 4th or 5th year of the apprenticeship term may install plumbing under the direction or supervision of a master or journeyman plumber without either the master or journeyman being physically present, provided that the master plumber in charge shall be responsible for the work.

**History:** 1971 c. 40; 1971 c. 154 s. 79 (2); 1979 c. 221; 1981 c. 60; 1993 a. 399; 1995 a. 286 ss. 1, 2; Stats. 1995 s. 106.025.

**106.03 Real estate apprenticeships excluded.** This chapter shall not apply to apprenticeships under ch. 452.

## SUBCHAPTER II

### EMPLOYMENT PROGRAMS

**106.04 Equal rights. (1) INTENT.** It is the intent of this section to render unlawful discrimination in housing. It is the declared policy of this state that all persons shall have an equal opportunity for housing regardless of sex, race, color, sexual orientation, disability, religion, national origin, marital status, family status, lawful source of income, age or ancestry and it is the duty of the political subdivisions to assist in the orderly prevention or removal of all discrimination in housing through the powers granted under ss. 66.432 and 66.433. The legislature hereby extends the state law governing equal housing opportunities to cover single-family residences which are owner-occupied. The legislature finds that the sale and rental of single-family residences constitute a significant portion of the housing business in this state and should be regulated. This section shall be deemed an exercise of the police powers of the state for the protection of the welfare, health, peace, dignity and human rights of the people of this state.

**(1m) DEFINITIONS.** In this section:

(ad) "Advertise" means to publish, circulate, issue or display, or cause to be published, circulated, issued or displayed, any communication, notice, advertisement or sign in connection with the sale, financing or rental of housing.

(am) "Age", in reference to a member of a protected class, means at least 18 years of age.

(b) "Aggrieved person" means a person who claims to have been injured by discrimination in housing or believes that he or

she will be injured by discrimination in housing that is about to occur.

(c) “Complainant” means a person who files a complaint alleging discrimination in housing or public place of accommodation or amusement.

(d) “Conciliation” means the attempted resolution of issues raised by a complaint or by the investigation of the complaint, through informal negotiations involving the aggrieved person, the complainant, the respondent and the department.

(e) “Condominium” has the meaning given in s. 703.02 (4).

(f) “Condominium association” means an association, as defined in s. 703.02 (1m).

(g) “Disability” means a physical or mental impairment that substantially limits one or more major life activities, a record of having such an impairment or being regarded as having such an impairment. “Disability” does not include the current illegal use of a controlled substance, as defined in s. 961.01 (4), or a controlled substance analog, as defined in s. 961.01 (4m), unless the individual is participating in a supervised drug rehabilitation program.

(h) “Discriminate” means to segregate, separate, exclude or treat a person or class of persons unequally in a manner described in sub. (2), (2m) or (2r) because of sex, race, color, sexual orientation, disability, religion, national origin, marital status, family status, lawful source of income, age or ancestry.

(i) “Dwelling unit” means a structure or that part of a structure that is used or intended to be used as a home, residence or sleeping place by one person or by 2 or more persons who are maintaining a common household, to the exclusion of all others.

(j) “Family” includes one natural person.

(k) “Family status” means any of the following conditions that apply to a person seeking to rent or purchase housing or to a member or prospective member of the person’s household regardless of the person’s marital status:

1. A person is pregnant.
2. A person is in the process of securing sole or joint legal custody, periods of physical placement or visitation rights of a minor child.
3. A person’s household includes one or more minor or adult relatives.
4. A person’s household includes one or more adults or minor children in his or her legal custody or physical placement or with whom he or she has visitation rights.
5. A person’s household includes one or more adults or minor children placed in his or her care under a court order, under a guardianship or with the written permission of a parent or other person having legal custody of the adult or minor child.

(km) “Hardship condition” means a situation under which a tenant in housing for older persons has legal custody or physical placement of a minor child or a minor child is placed in the tenant’s care under a court order, under a guardianship or with the written permission of a parent or other person having legal custody of the minor child.

(L) “Housing” means any improved property, or any portion thereof, including a mobile home as defined in s. 66.058 (1) (d) or condominium, that is used or occupied, or is intended, arranged or designed to be used or occupied, as a home or residence. “Housing” includes any vacant land that is offered for sale or rent for the construction or location thereon of any building, structure or portion thereof that is used or occupied, or is intended, arranged or designed to be used or occupied, as a home or residence.

(m) “Housing for older persons” means any of the following:

1. Housing provided under any state or federal program that the secretary determines is specifically designed and operated to assist elderly persons, as defined in the state or federal program.
2. Housing solely intended for, and solely occupied by, persons 62 years of age or older.

3. Housing primarily intended and primarily operated for occupancy by at least one person 55 years of age or older per dwelling unit.

(mm) “Interested person” means an adult relative or friend of a member of a protected class, or an official or representative of a private agency, corporation or association concerned with the welfare of a member of a protected class.

(n) “Lodging establishment” means any of the following:

1. A bed and breakfast establishment, as defined in s. 254.61 (1).
2. A hotel, as defined in s. 254.61 (3).
3. A tourist rooming house, as defined in s. 254.61 (6).
4. A campground.

(nm) “Member of a protected class” means a group of natural persons, or a natural person, who may be categorized based on one or more of the following characteristics: sex, race, color, disability, sexual orientation as defined in s. 111.32 (13m), religion, national origin, marital status, family status, lawful source of income, age or ancestry.

(om) “Political subdivision” means a city, village, town or county.

(p) 1. “Public place of accommodation or amusement” shall be interpreted broadly to include, but not be limited to, places of business or recreation; lodging establishments; restaurants; taverns; barber or cosmetologist, aesthetician, electrologist or manicuring establishments; nursing homes; clinics; hospitals; cemeteries; and any place where accommodations, amusement, goods or services are available either free or for a consideration, subject to subd. 2.

2. “Public place of accommodation or amusement” does not include a place where a bona fide private, nonprofit organization or institution provides accommodations, amusement, goods or services during an event in which the organization or institution provides the accommodations, amusement, goods or services to the following individuals only:

- a. Members of the organization or institution.
- b. Guests named by members of the organization or institution.
- c. Guests named by the organization or institution.

(q) “Relative” means a parent, grandparent, greatgrandparent, stepparent, step grandparent, brother, sister, child, stepchild, grandchild, step grandchild, greatgrandchild, first cousin, 2nd cousin, nephew, niece, uncle, aunt, stepbrother, stepsister, half brother or half sister or any other person related by marriage, consanguinity or affinity.

(r) “Rent” means to lease, to sublease, to let or to otherwise grant for a consideration the right of a tenant to occupy housing not owned by the tenant.

(s) “Respondent” means the person accused in a complaint or amended complaint of discrimination in housing and any other person identified in the course of an investigation as allegedly having discriminated in housing or in providing a public place of accommodation or amusement.

(t) “Sexual orientation” has the meaning given in s. 111.32 (13m).

(u) “Significant facilities and services specifically designed to meet the physical or social needs of older persons” includes social and recreational programs; continuing education; information and counseling; recreational, homemaker, outside maintenance and referral services; an accessible physical environment; emergency and preventive health care programs; congregate dining facilities; transportation to facilitate access to social services; and services designed to encourage and assist residents to use the services and facilities available to them.

**(1s)** DEPARTMENT TO ADMINISTER. This section shall be administered by the department through its division of equal rights. The department may promulgate such rules as are necessary to carry out this section. No rule may prohibit the processing

of any class action complaint or the ordering of any class-based remedy, or may provide that complaints may be consolidated for administrative convenience only.

**(2) DISCRIMINATION PROHIBITED.** It is unlawful for any person to discriminate:

(a) By refusing to sell, rent, finance or contract to construct housing or by refusing to negotiate or discuss the terms thereof.

(b) By refusing to permit inspection or exacting different or more stringent price, terms or conditions for the sale, lease, financing or rental of housing.

(c) By refusing to finance or sell an unimproved residential lot or to construct a home or residence upon such lot.

(d) By advertising in a manner that indicates discrimination by a preference or limitation.

(e) For a person in the business of insuring against hazards, by refusing to enter into, or by exacting different terms, conditions or privileges with respect to, a contract of insurance against hazards to a dwelling.

(f) By refusing to renew a lease, causing the eviction of a tenant from rental housing or engaging in the harassment of a tenant.

(g) In providing the privileges, services or facilities that are available in connection with housing.

(h) By falsely representing that housing is unavailable for inspection, rental or sale.

(i) By denying access to, or membership or participation in, a multiple listing service or other real estate service.

(j) By coercing, intimidating, threatening or interfering with a person in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, a right granted or protected under this section, or with a person who has aided or encouraged another person in the exercise or enjoyment of a right granted or protected under this section.

(k) In making available any of the following transactions, or in the terms or conditions of such transactions for a person whose business includes engaging in residential real estate-related transactions:

1. The making or purchasing of loans or the provision of other financial assistance for purchasing, constructing, improving, repairing or maintaining housing or the making or purchasing of loans or the provision of other financial assistance secured by residential real estate.

2. Selling, brokering or appraising residential real property.

(L) By otherwise making unavailable or denying housing.

**(2m) REPRESENTATIONS DESIGNED TO INDUCE PANIC SALES.** No person may induce or attempt to induce a person to sell or rent housing by representations regarding the present or prospective entry into the neighborhood of a person of a particular economic status or a member of a protected class, or by representations to the effect that such present or prospective entry will or may result in any of the following:

(a) The lowering of real estate values in the area concerned.

(b) A deterioration in the character of the area concerned.

(c) An increase in criminal or antisocial behavior in the area concerned.

(d) A decline in the quality of the schools or other public facilities serving the area.

**(2r) DISCRIMINATION AGAINST PERSONS WITH DISABILITIES PROHIBITED.** (a) *Definitions.* In this subsection:

1. “Accessible” means able to be approached, entered and used by persons with disabilities.

2. “Accessible route” means a continuous, unobstructed path connecting accessible elements and spaces in a building, within a site or from a site to a vehicular route, that can be negotiated by all persons with a disability.

3. “ANSI A117.1” means the 1986 edition of the American national standards institute’s code for buildings and facilities pro-

viding accessibility and usability for physically handicapped people.

4. “Covered multifamily housing” means any of the following:

a. Housing that is first ready for occupancy on or after October 1, 1993, consisting of 3 or more dwelling units if the housing has one or more elevators.

b. Grade-level dwelling units, in housing without elevators, that are first ready for occupancy on or after October 1, 1993, consisting of 3 or more dwelling units.

5. “Remodeling” means to substantially improve, alter, extend or otherwise change the structure of a building or change the location of exits, but shall not include maintenance, redecoration, reroofing or alteration of mechanical or electrical systems.

6. “Vehicular route” means a route intended for vehicular traffic including, but not limited to, a street, driveway or parking lot.

(b) *Types of discrimination prohibited.* In addition to discrimination prohibited under subs. (2) and (2m), no person may do any of the following:

1. Segregate, separate, exclude or treat unequally in the sale or rental of, or otherwise make unavailable or deny, housing to a buyer or renter because of a disability of that buyer or renter, a disability of a person residing in or intending to reside in that housing after it is sold, rented or made available or a disability of a person associated with that buyer or renter.

2. Segregate, separate, exclude or treat unequally a person in the terms, conditions or privileges of sale or rental of housing, or in the provision of services or facilities in connection with such housing, because of a disability of that person, a disability of a person residing in or intending to reside in that housing after it is sold, rented or made available or a disability of a person associated with that person.

3. Refuse to permit, at the expense of a person with a disability, reasonable modifications of existing housing that is occupied, or is to be occupied, by such a person if the modifications may be necessary to afford the person full enjoyment of the housing, except that in the case of rental housing the landlord may, where it is reasonable to do so, condition permission for a modification on the tenant’s agreement to restore the interior of the housing to the condition that existed before the modification, other than reasonable wear and tear. The landlord may not increase any customarily required security deposit. Where it is necessary to ensure that funds will be available to pay for the restorations at the end of the tenancy, the landlord may negotiate as part of a restoration agreement a requirement that the tenant pay into an interest-bearing escrow account, over a reasonable period, a reasonable amount of money not to exceed the cost of the restorations. The interest in any such account shall accrue to the benefit of the tenant. If escrowed funds are not used by the landlord for restorations, they shall be returned to the tenant.

4. Refuse to make reasonable accommodations in rules, policies, practices or services that are associated with the housing, when such accommodations may be necessary to afford the person equal opportunity to use and enjoy housing, unless the accommodation would impose an undue hardship on the owner of the housing.

(bm) *Animals assisting persons with disabilities.* 1. If an individual’s vision, hearing or mobility is impaired, it is discrimination for a person to refuse to rent or sell housing to the individual, cause the eviction of the individual from housing, require extra compensation from an individual as a condition of continued residence in housing or engage in the harassment of the individual because he or she keeps an animal that is specially trained to lead or assist the individual with impaired vision, hearing or mobility if all of the following apply:

a. Upon request, the individual shows to the lessor, seller or representative of the condominium association credentials issued

by a school recognized by the department as accredited to train animals for individuals with impaired vision, hearing or mobility.

b. The individual accepts liability for sanitation with respect to, and damage to the premises caused by, the animal.

2. Subdivision 1. does not apply in the case of the rental of owner-occupied housing if the owner or a member of his or her immediate family occupying the housing possesses and, upon request, presents to the individual a certificate signed by a physician which states that the owner or family member is allergic to the type of animal the individual possesses.

(c) *Design and construction of covered multifamily housing.* In addition to discrimination prohibited under pars. (b) and (bm) and subs. (2) and (2m), no person may design or construct covered multifamily housing unless it meets all of the following standards:

1. There is at least one accessible entrance for each building and that entrance is on an accessible route. All other entrances that are at grade level shall be accessible to the greatest extent feasible. The department shall promulgate rules that define “to the greatest extent feasible” to ensure maximum accessibility in a way that is not disproportionate to the entire project’s cost and scope. If the covered multifamily housing units are at grade level and are served by separate entrances, each unit shall be on an accessible route. If the units have a minimum number of required exits, as determined by rules that shall be promulgated by the department, all required grade-level exits shall be accessible.

2. Public and common use areas are accessible to persons with disabilities.

3. Interior and exterior doors, and interior passages, are sufficiently wide to allow passage by persons with disabilities who use wheelchairs.

4. Light switches, electrical outlets, circuit controls, thermostats and other environmental controls are all located in accessible locations; reinforcements in bathroom walls are installed to allow later installation of grab bars around the toilet, tub, shower stall and shower seat, when such facilities are provided; kitchens and bathrooms allow an individual in a wheelchair to maneuver about the space; and, upon the request of a renter and without cost to a renter, lever door handles are on all doors and single lever controls, or other controls that are approved by the department by rule, are on all plumbing fixtures used by residents.

(d) *Remodeling.* 1. If more than 50% of the interior square footage of any housing with 3 or more dwelling units is to be remodeled, the entire housing shall conform to the standards in par. (c), regardless of when the housing was first intended for occupancy.

2. If 25% to 50% of the interior square footage of any housing with 3 or more dwelling units is to be remodeled, that part of the housing that is to be remodeled shall conform to the standards in par. (c), regardless of when the housing was first intended for occupancy.

3. If less than 25% of the interior square footage of any housing with 3 or more dwelling units is to be remodeled, the remodeling is not subject to the standards in par. (c) unless the alteration involves work on doors, entrances, exits or toilet rooms, in which case the doors, entrances, exits or toilet rooms shall conform to the standards in par. (c) regardless of when the housing was first intended for occupancy.

4. The department may grant a variance or waiver from the requirements under this paragraph relating to exterior accessibility using the standards and procedures under par. (e).

(e) *Permit and variance procedures.* 1. Plans and specifications for all covered multifamily housing subject to par. (c) and proposed remodeling subject to par. (d) shall be submitted to the department or its authorized representative for examination and approval before commencing work. The department shall promulgate rules that specify the materials to be included in the submittal, the procedures to be followed upon receipt of a submittal, reasonable time limitations for reviewing submittals and issuing

or denying permits and qualifications for authorized representatives.

2. The department may grant a variance from the requirements relating to exterior accessibility under par. (c) 1. or (d), or from administrative rules promulgated under sub. (1s), if the person designing, constructing or remodeling the housing shows that meeting those requirements is impractical because of the terrain or unusual characteristics of the site. The department shall use a slope analysis of the undisturbed site for covered multifamily housing under par. (c) or the existing site for remodeling under par. (d) to determine the minimum number of accessible entrances at each site, with a minimum goal of exterior accessibility of 50% of the dwelling units of covered multifamily housing at one site. The department may impose specific conditions in granting a variance to promote exterior accessibility of the housing to persons with disabilities. If the department finds that exterior accessibility is impractical as to all dwelling units at a site, it may grant a waiver from the requirements under par. (c) 1. or (d).

(f) *Safe harbor.* 1. Except as provided in subd. 2., covered multifamily housing and remodeled housing are accessible for purposes of this subsection if they comply with one of the following:

a. The applicable requirements of ANSI A117.1.

b. Final guidelines issued by the federal department of housing and urban development, published in the federal register on March 6, 1991.

c. Another standard that affords persons with disabilities access that is essentially equivalent to or greater than that required by ANSI A117.1.

2. Subdivision 1. does not apply to remodeled or covered multifamily housing for which a building permit is issued on or after the first day of the 7th month beginning after the effective date of administrative rules promulgated by the department under this subsection establishing the accessibility standards for design and construction under par. (c).

(g) *General powers and duties of department.* 1. The requirements under this subsection are in addition to, and do not supplant, the requirements under s. 101.13 relating to the use of public buildings by persons with disabilities. Any conflict between this subsection and s. 101.13 or the rules promulgated under s. 101.13 shall be resolved in favor of the provision providing the greatest degree of access by persons with disabilities, as determined by the department.

2. The department shall promulgate rules establishing minimum accessibility requirements for design and construction of covered multifamily housing and the remodeling of housing that are consistent with this subsection, that incorporate the applicable standards under ANSI A117.1 and that set forth permit and variance procedures for purposes of par. (e).

3. The department shall promulgate rules creating standards for interior and exterior accessibility of grade level portions of multilevel dwelling units without elevators in any housing consisting of 3 or more dwelling units with separate exterior entrances. The rules shall ensure that access to a grade-level floor is provided to at least 25% of the dwelling units first ready for occupancy on or after the effective date of the rule.

**(5m) EXEMPTIONS AND EXCLUSIONS.** (a) 1. Nothing in this section prohibits discrimination based on age or family status with respect to housing for older persons.

1e. Under this paragraph, housing under sub. (1m) (m) 3. may qualify as housing for older persons only if the owner of the housing provides the department with written certification that all of the following factors apply to the housing:

a. There exists significant facilities and services specifically designed to meet the physical or social needs of older persons under sub. (1m) (m) 3.

b. At least 80% of the dwelling units under sub. (1m) (m) 3. are occupied by at least one person 55 years of age or older.

c. Policies are published and procedures are adhered to that demonstrate an intent by the owner or manager to provide housing under sub. (1m) (m) 3. for persons 55 years of age or older.

1m. No person may discriminate by refusing to continue renting to a person living in housing for older persons under sub. (1m) (m) 3. who is subject to a hardship condition.

2. Under this paragraph, housing may qualify as housing for older persons with respect to persons first occupying the housing on or after September 1, 1992, regardless of whether a person who had not attained the age of 62 resided in the housing on that date or regardless of whether one or more dwelling units were unoccupied on that date, if the persons who first occupy the housing on or after that date have attained the age of 62.

(b) Nothing in this section shall prohibit a person from exacting different or more stringent terms or conditions for financing housing based on the age of the individual applicant for financing if the terms or conditions are reasonably related to the individual applicant.

(c) Nothing in this section shall prohibit the development of housing designed specifically for persons with disabilities and preference in favor of persons with disabilities in relation to such housing.

(d) Nothing in this section requires that housing be made available to an individual whose tenancy would constitute a direct threat to the safety of other tenants or persons employed on the property or whose tenancy would result in substantial physical damage to the property of others, if the risk of direct threat or damage cannot be eliminated or sufficiently reduced through reasonable accommodations. A claim that an individual's tenancy poses a direct threat or a substantial risk of harm or damage must be evidenced by behavior by the individual which caused harm or damage, which directly threatened harm or damage or which caused a reasonable fear of harm or damage to other tenants, persons employed on the property or the property. No claim that an individual's tenancy would constitute a direct threat to the safety of other persons or would result in substantial damage to property may be based on the fact that a tenant has been or may be the victim of domestic abuse, as defined in s. 813.12 (1) (a).

(e) It is not discrimination based on family status to comply with any reasonable federal, state or local government restrictions relating to the maximum number of occupants permitted to occupy a dwelling unit.

(em) 1. Subject to subd. 2., nothing in this section applies to a decision by an individual as to the person with whom he or she will, or continues to, share a dwelling unit, as defined in s. 101.71 (2) except that dwelling unit does not include any residence occupied by more than 5 persons.

2. Any advertisement or written notice published, posted or mailed in connection with the rental or lease of a dwelling unit under subd. 1. may not violate sub. (2) (d), 42 USC 3604 (c), or any rules or regulations promulgated under this section or 42 USC 3601 to 3619, except that such an advertisement or written notice may be for a person of the same sex as the individual who seeks a person to share the dwelling unit for which the advertisement or written notice is placed.

(f) Nothing in this section prohibits an owner or agent from requiring that a person who seeks to buy or rent housing supply information concerning family status and marital, financial and business status but not concerning race, color, physical condition, disability, sexual orientation, age, ancestry, national origin, religion or creed.

**(6) FAIR HOUSING ADMINISTRATIVE ENFORCEMENT.** (a) *Complaints.* 1. The department may receive and investigate a complaint charging a violation of sub. (2), (2m) or (2r) if the complaint is filed with the department not later than one year after the alleged discrimination occurred or terminated.

2. The complaint shall include a written statement of the essential facts constituting the discrimination that is charged, and shall be signed by the complainant.

3. The complaint may be filed by an aggrieved person, by an interested person, or by the department under par. (b). The department shall, upon request, provide appropriate assistance in completing and filing complaints.

4. The department shall serve notice on the aggrieved person acknowledging the filing of the complaint and advising the complainant of the time limits and choice of forums provided under this subsection and the right to bring a private civil action under sub. (6m).

5. Upon the filing of an initial, amended, final or supplemental complaint, the department shall promptly serve a copy of the complaint upon the respondent, except where testing may be conducted. The initial complaint shall be served before the commencement of the investigation by the department, except where testing may be conducted. The notice shall be sent by certified mail, return receipt requested. The notice to the respondent shall include a written statement from the department directing the respondent to respond in writing to the allegations in the complaint within 20 days after the date of the notice and further stating that, if the respondent fails to answer the complaint in writing, the department will make an initial determination as to whether discrimination has occurred based only on the department's investigation and the information supplied by the complainant.

6. The department may dismiss the complaint if the complainant fails to respond to the department within 20 days from the date of mailing of any correspondence from the department concerning the complaint, if the department's correspondence requests a response and if the correspondence is sent by certified mail, return receipt requested, to the last known address of the complainant.

(b) *Powers and duties of department.* The department and its duly authorized agents may hold hearings, subpoena witnesses, take testimony and make investigations as provided in this subsection. The department may test and investigate for the purpose of establishing violations of sub. (2), (2m) or (2r) and may make, sign and file complaints alleging violations of sub. (2), (2m) or (2r). The department shall employ examiners to hear and decide complaints of discrimination under this section, and to assist in the administration of this section. The examiners may make findings and issue orders under this subsection. The department shall develop and implement an investigation manual for use in conducting investigations under par. (c).

(c) *Investigation and finding of probable cause.* 1. The department shall investigate all complaints that allege a violation of this section and that are filed within the time specified under par. (a). The department may subpoena persons or documents for the purpose of investigation. If during an investigation it appears that the respondent has engaged in discrimination against the complainant which is not alleged in the complaint, the department may advise the complainant that the complaint should be amended. If the complaint is amended, the department shall also investigate the allegations of the amended complaint.

2. At the conclusion of the investigation of the allegations, the department shall make a determination as to whether probable cause exists to believe that discrimination has occurred or is about to occur. In making a determination of probable cause, the department shall consider whether the facts concerning the alleged discrimination are sufficient to warrant the initiation of a civil action. If the department determines that probable cause exists, the department shall immediately issue a charge on behalf of the aggrieved person. Service of copies of the charge shall be made on the complainant, the respondent and the aggrieved person by certified mail, return receipt requested. When a charge is filed, a complainant, a respondent or an aggrieved person on whose behalf the complaint was filed may elect to have the claims asserted in that charge decided in a civil action under sub. (6m) in lieu of a hearing under par. (f). The election shall be made no later than 20 days after the receipt by the electing person of service of the charge, along with information about how to make the election. If an election is made, the person making the election shall give notice of doing so to the department and to all other com-

plainants and respondents to whom the charge relates. The department shall notify the aggrieved persons that an election is made.

3. No charge may be issued regarding alleged discrimination after the beginning of the trial of a civil action commenced by the aggrieved party under sub. (6m) or 42 USC 3613, seeking relief with respect to that discriminatory act.

4. If the department initially determines that there is no probable cause to believe that discrimination occurred as alleged in the complaint, it may dismiss those allegations. The department shall, by a notice to be served with the determination, notify the parties of the complainant's right to appeal the dismissal of the claim to the secretary for a hearing on the issue by a hearing examiner. Service of the determination shall be made by certified mail, return receipt requested. If the hearing examiner determines that no probable cause exists, that determination is the final determination of the department and may be appealed under par. (j).

(d) *Temporary judicial relief.* At any time after a complaint is filed alleging discrimination in violation of sub. (2), (2m) or (2r), the department may file a petition in the circuit court for the county in which the act of discrimination allegedly occurred or for the county in which a respondent resides or transacts business, seeking a temporary injunction or restraining order against the respondent to prevent the respondent from performing an act that would tend to render ineffectual an order that the department may enter with respect to the complaint, pending final determination of proceedings under this section.

(e) *Conciliation.* 1. Upon the filing of a complaint alleging discrimination in violation of sub. (2), (2m) or (2r), the department may endeavor to eliminate the discrimination by conference, conciliation and persuasion. The department shall notify the parties that conciliation services are available.

2. Conciliation efforts may be undertaken by the department during the period beginning with the filing of the complaint and ending with the dismissal of the complaint under par. (c) 4. or the issuance of a charge under par. (c) 2.

3. If conciliation resolves the dispute, a written conciliation agreement shall be prepared which shall state all measures to be taken by each party. The agreement may provide for dismissal of the complaint if the dismissal is without prejudice to the complainant's right to pursue the complaint against any respondent who fails to comply with the terms of the agreement. The agreement shall be signed by the respondent, the complainant and the aggrieved person and is subject to approval by the department. A conciliation agreement entered into under this subdivision is a public record and is subject to inspection under s. 19.35, unless the parties to the agreement request that the record be exempt from disclosure and the department finds that disclosure is not required to further the purposes of this section.

4. Whenever the department has reasonable cause to believe that a respondent has breached a conciliation agreement, the department shall refer the matter to the department of justice with a recommendation that a civil action be filed for enforcement of the agreement.

(f) *Hearing procedures.* 1. After the department issues a charge under par. (c) 2., the department shall serve the charge, along with a written notice of hearing, specifying the nature and acts of discrimination which appear to have been committed, and requiring the respondent to answer the charge at a hearing before an examiner. The notice shall specify a time of hearing, not less than 10 days after service of the charge, and a place of hearing within the county in which the violation is alleged to have occurred.

2. If an election is not made under par. (c) 2., the hearing shall be conducted by a hearing examiner. A person who is aggrieved, with respect to the issues to be determined at the hearing, may be represented by counsel.

3. The department or a party's attorney of record may issue a subpoena to compel the attendance of a witness or the production of evidence. A subpoena issued by an attorney shall be in substan-

tially the same form as provided in s. 805.07 (4) and shall be served in the manner provided in s. 805.07 (5). The attorney shall, at the time of issuance, send a copy of the subpoena to the hearing examiner who is responsible for conducting the hearing.

4. The testimony at the hearing shall be recorded by the department. Discovery shall be conducted as expeditiously and inexpensively as possible, consistent with the need of all parties to obtain relevant evidence. The hearing under this paragraph shall be conducted as expeditiously and inexpensively as possible, consistent with the needs and rights of the parties to obtain a fair hearing and a complete record. The burden of proof is on the party alleging discrimination.

5. If after the hearing the examiner finds by a fair preponderance of the evidence that the respondent has violated sub. (2), (2m) or (2r), the examiner shall make written findings and order the respondent to take actions that will effectuate the purpose of sub. (2), (2m) or (2r), and may order other penalties, damages and costs as provided in pars. (h) and (i). The department shall serve a certified copy of the final findings and order on the aggrieved party, the complainant and the respondent. The order shall have the same force as other orders of the department and be enforced as provided in this subsection except that the enforcement of the order is automatically stayed upon the filing of a petition for review under par. (j).

6. If the examiner finds that the respondent has not engaged in discrimination as alleged in the complaint, the department shall serve a certified copy of the examiner's findings on the aggrieved party, the complainant and the respondent together with an order dismissing the complaint. If the complaint is dismissed, costs in an amount not to exceed \$100 plus actual disbursements for the attendance of witnesses may be assessed against the department in the discretion of the department.

(g) *Time limitations.* 1. The department shall commence proceedings with respect to a complaint before the end of the 30th day after receipt of the complaint.

2. The department shall investigate the allegations of the complaint and complete the investigation not later than 100 days after receipt of the complaint. If the department is unable to complete the investigation within 100 days, it shall notify the complainant and respondent in writing of the reasons for not doing so.

3. The department shall make final administrative disposition of a complaint within one year after the date of receipt of a complaint, unless it is impracticable to do so. If the department is unable to do so, it shall notify the complainant and respondent in writing of the reasons for not doing so.

(h) *Damages and penalties.* 1. If the hearing examiner finds that a respondent has engaged in or is about to engage in a discriminatory act prohibited under sub. (2), (2m) or (2r), the hearing examiner shall promptly issue an order for such relief as may be appropriate, which may include economic and noneconomic damages suffered by the aggrieved person, regardless of whether he or she intervened in the action, and injunctive or other equitable relief. The hearing examiner may not order punitive damages.

2. In addition to any damages ordered under subd. 1., the hearing examiner may assess a forfeiture against a respondent who is not a natural person in an amount not exceeding \$10,000, unless the respondent who is not a natural person has been adjudged to have committed any prior discriminatory act under sub. (2), (2m) or (2r). If a respondent who is not a natural person has been adjudged to have committed one other discriminatory act under sub. (2), (2m) or (2r) during the preceding 5-year period, based on the offense date of the prior discriminatory act, the hearing examiner may assess a forfeiture in an amount not exceeding \$25,000. If a respondent who is not a natural person has been adjudged to have committed 2 or more prior discriminatory acts under sub. (2), (2m) or (2r) during the preceding 7-year period, based on the offense date of the prior discriminatory act, the hearing examiner may assess a forfeiture in an amount not exceeding \$50,000.

3. In addition to any damages ordered under subd. 1., the administrative law judge may assess a forfeiture against a respondent who is a natural person in an amount not exceeding \$10,000, unless the respondent who is a natural person has been adjudged to have committed any prior discriminatory act under sub. (2), (2m) or (2r). If a respondent who is a natural person has been adjudged to have committed one other prior discriminatory act under sub. (2), (2m) or (2r) based on an offense date that is before September 1, 1992, the administrative law judge may assess a forfeiture in an amount not exceeding \$25,000. If a respondent who is a natural person has been adjudged to have committed 2 or more prior discriminatory acts under sub. (2), (2m) or (2r) based on an offense date that is before September 1, 1992, the administrative law judge may assess a forfeiture in an amount not exceeding \$50,000.

(i) *Attorney fees and costs.* The hearing examiner may allow a prevailing complainant, including the state, reasonable attorney fees and costs. The state shall be liable for those fees and costs if the state is a respondent and is determined to have committed a discriminatory act under sub. (2), (2m) or (2r).

(j) *Judicial review.* Within 30 days after service upon all parties of an order or determination of the department under this subsection, the respondent, the complainant or the aggrieved party may appeal the order or the determination to the circuit court for the county in which the alleged discrimination took place by the filing of a petition for review. The court shall review the order or determination as provided in ss. 227.52 to 227.58.

**(6m) CIVIL ACTIONS.** (a) Any person, including the state, alleging a violation of sub. (2), (2m) or (2r) may bring a civil action for injunctive relief, for damages, including punitive damages, and, in the case of a prevailing plaintiff, for court costs and reasonable attorney fees.

(b) An action commenced under par. (a) may be brought in the circuit court for the county where the alleged violation occurred or for the county where the person against whom the civil complaint is filed resides or has a principal place of business, and shall be commenced within one year after the alleged violation occurred or terminated. The one-year statute of limitations under this paragraph shall be tolled while an administrative proceeding with respect to the same complaint is pending.

(c) The court may issue a permanent or temporary injunction or restraining order to assure the rights granted by this section. The court may order other relief that the court considers appropriate, including monetary damages, actual and punitive, a forfeiture as provided in sub. (6) (h) and costs and fees as provided in sub. (6) (i).

(d) If the attorney general has reasonable cause to believe that any person is engaged in a pattern or practice of discrimination in violation of sub. (2), (2m) or (2r) or that any person has been denied any of the rights granted under sub. (2), (2m) or (2r), and such denial raises an issue of general public importance, the department of justice may commence a civil action.

**(8) DISCRIMINATION BY LICENSED OR CHARTERED PERSONS.** (a) If the department finds reasonable cause to believe that an act of discrimination has been or is being committed in violation of this section by a person taking an action prohibited under sub. (2), (2m) or (2r), or probable cause to believe that an act has been or is being committed in violation of sub. (9), and the person is licensed or chartered under state law, the department shall notify the licensing or chartering agency of its findings, and may file a complaint with such agency together with a request that the agency initiate proceedings to suspend or revoke the license or charter of such person or take other less restrictive disciplinary action.

(b) Upon filing a complaint under par. (a), the department shall make available to the appropriate licensing or chartering agency all pertinent documents and files in its custody, and shall cooperate fully with such agency in the agency's proceedings.

**(9) PUBLIC PLACE OF ACCOMMODATION OR AMUSEMENT.** (a) No person may do any of the following:

1. Deny to another or charge another a higher price than the regular rate for the full and equal enjoyment of any public place of accommodation or amusement because of sex, race, color, creed, disability, sexual orientation, national origin or ancestry.

1m. Deny to an adult or charge an adult a higher price than the regular rate for the full and equal enjoyment of a lodging establishment because of age, subject to s. 125.07.

2. Give preferential treatment to some classes of persons in providing services or facilities in any public place of accommodation or amusement because of sex, race, color, creed, sexual orientation, national origin or ancestry.

3. Directly or indirectly publish, circulate, display or mail any written communication which the communicator knows is to the effect that any of the facilities of any public place of accommodation or amusement will be denied to any person by reason of sex, race, color, creed, disability, sexual orientation, national origin or ancestry or that the patronage of a person is unwelcome, objectionable or unacceptable for any of those reasons.

3m. Directly or indirectly publish, circulate, display or mail any written communication which the communicator knows is to the effect that any of the facilities of a lodging establishment will be denied to an adult because of age, subject to s. 125.07.

4. Refuse to furnish or charge another a higher rate for any automobile insurance because of race, color, creed, disability, national origin or ancestry.

5. Refuse to rent, charge a higher price than the regular rate or give preferential treatment, because of sex, race, color, creed, sexual orientation, national origin or ancestry, regarding the use of any private facilities commonly rented to the public.

(b) Nothing in this subsection prohibits separate dormitories at higher educational institutions or separate public toilets, showers, saunas and dressing rooms for persons of different sexes.

(c) Nothing in this subsection prohibits separate treatment of persons based on sex with regard to public toilets, showers, saunas and dressing rooms for persons of different sexes.

**(10) INVESTIGATION AND REVIEW OF CLAIMS, PUBLIC PLACES.** (a) *Claims filed with department.* 1. The department may receive and investigate a complaint charging a violation of sub. (9) if the complaint is filed with the department no more than 300 days after the alleged act prohibited under sub. (9) occurred. A complaint shall be a written statement of the essential facts constituting the act prohibited under sub. (9) charged, and shall be verified.

2. In carrying out this subsection, the department and its duly authorized agents may hold hearings, subpoena witnesses, take testimony and make investigations as provided in this chapter. The department, upon its own motion, may test and investigate for the purpose of establishing violations of sub. (9), and may make, sign and file complaints alleging violations of sub. (9), and initiate investigations and studies to carry out the purposes of sub. (9) and this subsection.

3. The department shall employ such examiners as are necessary to hear and decide complaints of acts prohibited under sub. (9) and to assist in the effective administration of this subsection. The examiners may make findings and orders under this subsection.

4. If the department finds probable cause to believe that any act prohibited under sub. (9) has been or is being committed, it may endeavor to eliminate the discrimination or other act by conference, conciliation and persuasion. If the department determines that such conference, conciliation and persuasion has not eliminated the alleged act prohibited under sub. (9), the department shall issue and serve a written notice of hearing, specifying the nature and acts prohibited under sub. (9) which appear to have been committed, and requiring the person named, in this subsection called the "respondent", to answer the complaint at a hearing



before an examiner. The notice shall specify a time of hearing, not less than 10 days after service of the complaint, and a place of hearing within the county in which the violation of sub. (9) is alleged to have occurred. A party's attorney of record may issue a subpoena to compel the attendance of a witness or the production of evidence. A subpoena issued by an attorney must be in substantially the same form as provided in s. 805.07 (4) and must be served in the manner provided in s. 805.07 (5). The attorney shall, at the time of issuance, send a copy of the subpoena to the appeal tribunal or other representative of the department responsible for conducting the proceeding. The testimony at the hearing shall be recorded by the department. In all hearings before an examiner, except those for determining probable cause, the burden of proof is on the party alleging an act prohibited under sub. (9). If, after the hearing, the examiner finds by a fair preponderance of the evidence that the respondent has violated sub. (9), the examiner shall make written findings and order such action by the respondent as will effectuate the purpose of sub. (9) and this subsection. The department shall serve a certified copy of the examiner's findings and order on the respondent and complainant, the order to have the same force as other orders of the department and be enforced as provided in this subsection except that the enforcement of the order is automatically stayed upon the filing of a petition for review with the commission. If the examiner finds that the respondent has not engaged in an act prohibited under sub. (9) as alleged in the complaint, the department shall serve a certified copy of the examiner's findings on the complainant and the respondent together with an order dismissing the complaint. If the complaint is dismissed, costs in an amount not to exceed \$100 plus actual disbursements for the attendance of witnesses may be assessed against the department in the discretion of the department.

5. At any time after a complaint is filed, the department may file a petition in the circuit court for the county in which the act prohibited under sub. (9) allegedly occurred, or for the county in which a respondent resides or transacts business, seeking appropriate temporary relief against the respondent, pending final determination of proceedings under this subsection, including an order or decree restraining the respondent from performing an act tending to render ineffectual an order the department may enter with respect to the complaint. The court may grant such temporary relief or restraining order as it deems just and proper.

(b) *Petition for review.* 1. A respondent or complainant who is dissatisfied with the findings and order of the examiner under par. (a) may file a written petition with the department for review by the commission of the findings and order.

2. The commission shall either reverse, modify, set aside or affirm the findings and order in whole or in part, or direct the taking of additional evidence. Such action shall be based on a review of the evidence submitted. If the commission is satisfied that a respondent or complainant has been prejudiced because of exceptional delay in the receipt of a copy of any findings and order it may extend the time another 21 days for filing the petition with the department.

3. On motion, the commission may set aside, modify or change any decision made by the commission, at any time within 28 days from the date thereof if it discovers any mistake therein, or upon the grounds of newly discovered evidence. The commission may on its own motion, for reasons it deems sufficient, set aside any final decision of the commission within one year from the date thereof upon grounds of mistake or newly discovered evidence, and remand the case to the department for further proceedings.

4. If no petition is filed within 21 days from the date that a copy of the findings and order of the examiner are mailed to the last-known address of the respondent and complainant, the findings and order shall be considered final.

(c) *Judicial review.* Within 30 days after service upon all parties of an order of the commission under par. (b), the respondent

or complainant may appeal the order to the circuit court for the county in which the alleged act prohibited under sub. (9) took place by the filing of a petition for review. The respondent or complainant shall receive a new trial on all issues relating to any alleged act prohibited under sub. (9) and a further right to a trial by jury, if so desired. The department of justice shall represent the commission. In any such trial the burden shall be to prove an act prohibited under sub. (9) by a fair preponderance of the evidence. Costs in an amount not to exceed \$100 plus actual disbursements for the attendance of witnesses may be taxed to the prevailing party on the appeal.

(d) *Penalty.* 1. A person who wilfully violates sub. (9) or any lawful order issued under this subsection shall, for the first violation, forfeit not less than \$100 nor more than \$1,000.

2. A person adjudged to have violated sub. (9) within 5 years after having been adjudged to have violated sub. (9), for every violation committed within the 5 years, shall forfeit not less than \$1,000 nor more than \$10,000.

3. Payment of a forfeiture under this paragraph shall be stayed during the period in which an appeal may be taken and during the pendency of an appeal under par. (c).

(e) *Civil actions.* 1. A person, including the state, alleging a violation of sub. (9) may bring a civil action for appropriate injunctive relief, for damages including punitive damages, and, in the case of a prevailing plaintiff, for court costs and reasonable attorney fees. The attorney general shall represent the department in an action to which the department is a party.

2. An action commenced under this paragraph may be brought in the circuit court for the county where the alleged violation occurred, or for the county where the person against whom the civil complaint is filed resides or has a principal place of business, and shall be commenced within one year after the alleged violation occurred.

3. The remedies provided for in this paragraph shall be in addition to any other remedies contained in this subsection.

**History:** 1971 c. 185 s. 1; 1971 c. 228 s. 42; 1971 c. 230; 1971 c. 307 s. 51; Stats. 1971 s. 101.22; 1975 c. 94, 275, 421, 422; 1977 c. 29; 1977 c. 418 s. 929 (55); 1979 c. 110; 1979 c. 177 s. 85; 1979 c. 188, 221, 355; 1981 c. 112, 180; 1981 c. 391 s. 210; 1983 a. 27, 189; 1985 a. 238, 319; 1987 a. 262; 1989 a. 47 ss. 2 to 5, 8 to 11; 1989 a. 94, 106, 139, 359; 1991 a. 295, 315; 1993 a. 27; 1995 a. 27 s. 3687; Stats. 1995 s. 106.04; 1995 a. 225; 1995 a. 448 ss. 66, 68.

**NOTE:** 1991 Wis. Act 295, which affected this section, contains extensive legislative council notes.

"Harassment" under (2) (f) includes sexual harassment as defined in 111.32 (13). Compensable damages discussed. *Chomiccki v. Wittekind*, 128 W (2d) 188, 381 NW (2d) 561 (Ct. App. 1985).

Newspaper's classified advertising section not subject to public accommodations act. *Hatheway v. Gannett Satellite Network*, 157 W (2d) 395, 459 NW (2d) 873 (Ct. App. 1990).

Violation of sub. (2) (d) requires that an ordinary reader find that an advertisement suggests a particular class is preferred or dispreferred. *Milwaukee Fair Housing Council v. LIRC*, 173 W (2d) 199, 496 NW (2d) 159 (Ct. App. 1992).

Sub. (9) (a) 2. prohibits price differentials or discounts based on the categories specified in the statute. Offering free drinks to women and not men is prohibited regardless of whether other promotions offered preferential treatment to men. *Novak v. Madison Motel Associates*, 188 W (2d) 407, 525 NW (2d) 123 (Ct. App. 1994).

Under (3) the department is precluded from actively publicizing complaints only at those stages before the department finds that conference, conciliation and persuasion have not eliminated the alleged discrimination. 60 Atty. Gen. 43.

Wisconsin open housing law permits, but does not require, department to receive and process class action complaints of housing discrimination. 70 Atty. Gen. 250.

Insurer of apartment had duty to defend owner and manager for liability under this section. *Gardner v. Romano*, 688 F Supp. 489 (E. D. Wis. 1988).

Federal rent vouchers are not clearly within the meaning of "lawful source of income". *Knapp v. Eagle Property Management Corp.* 54 F (3d) 1272 (1995).

Closing the Door on Cohabitants Under Wisconsin's Open Housing Law. *Neuman*. 1995 WLR 965.

**106.05 Equal rights council. (1)** The equal rights council shall disseminate information and attempt by means of discussion as well as other proper means to educate the people of the state to a greater understanding, appreciation and practice of human rights for all people, of whatever race, creed, color, sexual orientation or national origin, to the end that this state will be a better place in which to live.

(2) The council shall give consideration to the practical operation and application of ss. 106.04 to 106.06 and report to the proper legislative committee its view on any pending bill relating to the subject matter of ss. 106.04 to 106.06.

**History:** 1971 c. 185 s. 1; 1971 s. 228; Stats. 1971 s. 101.221; 1981 c. 112; 1995 a. 27 s. 3688; Stats. 1995 s. 106.05.

**106.06 Division of equal rights.** (2) The division shall encourage and assist local units of government in guaranteeing all persons an equal opportunity for housing.

(3) All gifts, grants, bequests and devises to the division for its use for any of the purposes mentioned in s. 106.05 are valid and shall be used to carry out the purposes for which made and received.

(4) The division shall review complaints of discrimination against public employes exercising their rights with respect to occupational safety and health matters, under s. 101.055 (8).

(5) The division shall receive complaints of discharge or discrimination under s. 46.90 (4) (b) and shall process the complaints in the same manner that employment discrimination complaints are processed under s. 111.39.

**History:** 1971 c. 185 ss. 1, 7; Stats. 1971 s. 101.222; 1977 c. 29; 1981 c. 360; 1983 a. 398; 1989 a. 47; 1995 a. 27 s. 3689; Stats. 1995 s. 106.06.

**106.07 Postsecondary education: prohibition against discrimination on basis of physical condition or developmental disability.** (1) Subject to sub. (3), no school, university or other institution offering courses or programs in postsecondary education or vocational training which is supported wholly or in part by public funds may refuse to admit any person to any school, institution, course or program or any curricular or extracurricular activity, or may otherwise discriminate against any person, solely on the basis of physical condition or developmental disability as defined in s. 51.01 (5).

(2) If admission to any such school, university, institution, program or course requires that a prospective enrollee take a standardized aptitude examination and the prospective enrollee is unable to take such an examination under standard conditions because of physical condition or developmental disability as defined in s. 51.01 (5), the school, university or institution shall make a good-faith effort to modify the examination conditions in a manner which will permit the prospective enrollee to demonstrate aptitude. The failure of any school, university or institution to make such a good-faith effort is discrimination within the meaning of this section.

(3) The prohibition against discrimination under sub. (1) does not apply to:

(a) Courses, programs or activities involving the handling or operation of hazardous substances, machines or appliances if there is no feasible way in which the physical safety of the disabled student or of other persons can be adequately protected; or

(b) The admission of a person who does not meet the minimum physical standards which are reasonably necessary for a particular course, program or activity. The school, university or other institution has the burden of proving that such minimum physical standards are reasonably necessary.

(4) (a) The department shall receive and investigate complaints charging discrimination or discriminatory practices in particular cases, and publicize its findings with respect thereto. The department has all powers provided under s. 111.39 with respect to the disposition of such complaints. The findings and orders of examiners may be reviewed as provided under s. 106.04 (10) (b).

(b) Findings and orders of the commission under this section are subject to review under ch. 227. Upon such review, the department of justice shall represent the commission.

**History:** 1975 c. 275, 421; 1977 c. 29; 1977 c. 418 s. 929 (55); 1979 c. 221; 1981 c. 334 s. 25 (2); 1991 a. 295; 1995 a. 27 s. 3690; Stats. 1995 s. 106.07.

**106.08 Discrimination in education prohibited.** No child may be excluded from or discriminated against in admission to any public school or in obtaining the advantages, privileges and

courses of study of such public school on account of sex, race, religion or national origin.

**History:** 1975 c. 94; 1995 a. 27 s. 3691; Stats. 1995 s. 106.08.

**106.09 Public employment offices.** (1) The department shall establish and conduct free employment agencies, license and supervise the work of private employment offices, do all in its power to bring together employers seeking employes and working people seeking employment, make known the opportunities for self-employment in this state, aid in procuring employment for the blind adults of the state, aid in inducing minors to undertake promising skilled employments, provide industrial or agricultural training for vagrants and other persons unsuited for ordinary employments, and encourage wage earners to insure themselves against distress from unemployment. It shall investigate the extent and causes of unemployment in this state and the remedies therefor in this and other countries, and it shall devise and adopt the most efficient means within its power to avoid unemployment, to provide employment, and to prevent distress from involuntary idleness.

(2) Any county, city, town or village may enter into an agreement with the department for such period of time as may be deemed desirable for the purpose of establishing and maintaining local free employment offices, and it shall be lawful for any county, city, town or village to appropriate and expend the necessary money and to permit the use of public property for the joint establishment and maintenance of such offices as may be agreed upon, or in counties containing 250,000 inhabitants or more in any city, town or village therein to purchase a site and construct necessary buildings. Provided, that in any county, city, village or town therein, wherein there is a citizens' committee on unemployment, such committee may rent, lease, purchase or construct necessary buildings for the joint establishment and maintenance of such free employment office, subject to the approval of such plans by the department. The department may establish such free employment offices as it deems necessary to carry out the purposes of ch. 108. All expenses of such offices, or all expenses not defrayed by the county, city, town or village in which an office is located, shall be paid from the appropriations to the department provided in s. 20.445 (1) (ga) and (n).

(3) The department may rent, furnish and equip, except as provided in sub. (2), such offices as may be needed in cities for the conduct of its affairs. All payments arising under this section shall be charged against the proper appropriation for the department.

(4) The legislature hereby accepts the provisions of an act of congress, approved June 6, 1933, entitled "An act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system, and for other purposes."

(5) The department is authorized and directed to cooperate with the U.S. employment service in the administration of said act and in carrying out all agreements made thereunder.

(6) All moneys made available to this state under said act shall, upon receipt thereof, be paid into the federal administrative financing account under s. 20.445 (1) (n).

(7) The department may, by rule, fix and collect fees for provision of employment services authorized but not funded by the U.S. employment service.

**History:** 1971 c. 185 ss. 1, 7; 1971 c. 228 ss. 25, 42; Stats. 1971 s. 101.23; 1973 c. 90 s. 559; 1979 c. 34 s. 2102 (25) (a); 1981 c. 36 s. 45; 1983 a. 27; 1985 a. 29 ss. 1650, 3202 (29); 1995 a. 27 s. 3692; Stats. 1995 s. 106.09.

**106.10 Veterans job training.** The department shall cooperate with the U.S. department of veterans affairs in the performance of functions prescribed in P.L. 79-679, 60 Stat. 934 and any acts amendatory thereof or supplementary thereto. The secretary may with the approval of the governor take all necessary steps in the making of leases or other contracts with the federal government

in the adoption and execution of plans, methods and agreements to effectuate P.L. 79–679.

**History:** 1971 c. 185 s. 1; 1971 c. 228; Stats. 1971 s. 101.25; 1977 c. 29, 272; 1989 a. 56; 1995 a. 27 s. 3693; Stats. 1995 s. 106.10.

**106.11 Employment and training programs.** (1) The department shall cooperate with the federal government in carrying out the purposes of the federal job training partnership act, [29 USC 1501 to 1781](#). In administering the programs authorized by that act the department shall, in cooperation with other state agencies and with private industry councils, establish a statewide coordinated employment and training delivery system to meet the employment, training and educational needs of persons in this state.

(2) (a) In this subsection:

1. “Economically disadvantaged individual” means an individual to whom at least one of the following applies:

a. The individual receives, or is a member of a family which receives, cash welfare payments under a federal, state or local welfare program.

b. The individual has, or is a member of a family which has, received a total family income for the 6–month period prior to application for the program involved, excluding unemployment compensation, child support payments and welfare payments, which in relation to family size did not exceed the higher of the poverty level determined in accordance with criteria established by the director of the federal office of management and budget or 70% of the lower living standard income level.

c. The individual receives food stamps pursuant to the food stamp act of 1977.

d. The individual is a foster child or treatment foster child on behalf of whom state or local government payments are made.

e. In cases permitted by regulations of the U.S. secretary of labor, the individual is an adult handicapped individual whose own income meets the requirements of subd. 1. a. or b., but who is a member of a family whose income does not meet those requirements.

2. “Eligible youth participant” means an individual between the ages of 14 and 21 who is either of the following:

a. At least one year behind his or her high school entering class in academic credit.

b. Excused from compulsory school attendance under s. [118.15 \(1\) \(c\)](#).

3. “Handicapped individual” means an individual who has a physical or mental disability which for the individual constitutes or results in a substantial handicap to employment.

(b) In carrying out its responsibilities under this section, the department shall coordinate services authorized under [29 USC 1533](#) and provided by the department of education and the technical college system board to provide programs to help eligible youth participants, at least 75% of whom shall be economically disadvantaged individuals. At least 50% of the federal moneys received under [29 USC 1602 \(b\) \(1\)](#) shall be used for programs under this subsection.

(3) (a) To ensure that the governor’s coordination and special services plan proposed by the governor’s council on workforce excellence and each job training plan proposed by a private industry council pursuant to the federal job training partnership act, [29 USC 1501 to 1792b](#), coordinate with and consider programs and services provided or proposed by other bodies with a direct interest in employment, training and human resources utilization and respond to concerns of interested citizens, employment and training service providers and members of the business community, the governor’s council on workforce excellence and each private industry council shall make their proposed plans available to the public and after reasonable notice hold at least one public hearing before submittal to the governor under par. (c). The governor’s council on workforce excellence or private industry council shall provide notice of the public hearing and a copy of the proposed

plan or a summary of it to the appropriate standing committees under par. (b). The public hearing shall be held sufficiently in advance of the date each council must submit its plan to the governor to permit the council to address concerns raised at its hearing. The public hearing shall be held at a reasonable time in a place accessible to the public, including handicapped persons.

(b) 1. The governor’s council on workforce excellence shall submit notice of public hearing and a copy of the proposed governor’s coordination and special services plan or a summary of it to the standing committees dealing with education, economic development and employment and to any other appropriate standing committee in each house of the legislature at least 120 days before the beginning of the first of 2 program years covered by the plan.

2. Each private industry council shall submit its notice of public hearing and a copy of its proposed job training plan or a summary of it to the standing committees dealing with education, economic development and employment and to any other appropriate standing committee in each house of the legislature. The private industry council shall submit notice and the plan or summary at least 120 days before the beginning of the first of 2 program years covered by the plan, pursuant to [29 USC 1515 \(a\) \(1\) \(B\)](#), and according to procedures established by the department.

(c) After the public hearing under par. (a), the governor’s council on workforce excellence or the private industry council shall submit its proposed plan to the governor according to procedures established by the department. The governor’s council on workforce excellence or the private industry council shall include all of the following with the proposed plan submitted to the governor:

1. A copy of any written testimony presented to the council.

2. A summary of any oral testimony presented to the council.

3. A discussion of testimony presented in opposition to the council’s proposed plan, including whether the council has addressed or will address the opposing parties’ concerns and a justification of any decision by the council not to address those concerns.

**History:** 1985 a. 29 ss. 43, 45 to 48, 50, 51, 1651 to 1653, 3202 (22); 1993 a. 399, 446; 1995 a. 27 ss. 3694 to 3697, 9145 (1); Stats. 1995 s. 106.11.

**106.115 Governor’s council on workforce excellence.**

(1) The governor’s council on workforce excellence shall oversee the planning, coordination, administration and implementation of the employment and education programs provided under all of the following:

(a) The job training partnership act, [29 USC 1501 to 1792b](#), including the employment and education programs provided under ss. [106.11](#) and [106.15](#).

(b) The job opportunities and basic skills program under [42 USC 682 \(a\)](#) and s. [49.193](#).

(c) The food stamp employment and training program under [7 USC 2015 \(d\) \(4\)](#) and s. [49.124](#).

(d) The adult education act, [20 USC 1201 to 1213d](#).

(e) The Carl D. Perkins vocational and applied technology education act, [20 USC 2301 to 2471](#).

(f) The school–to–work opportunities act of 1994, [20 USC 6101 to 6251](#).

(g) The youth apprenticeship program under s. [106.13](#) and any other apprenticeship program for which the department provides assistance.

(h) The public employment office system under [29 USC 49 to 49n](#) and s. [106.09](#).

(i) The national and community service corps under [42 USC 12501 to 12682](#) and s. [106.40 \[16.22\]](#).

**NOTE:** The bracketed language indicates the correct cross–reference.

(id) The rehabilitation act of 1973, [29 USC 701 to 796i](#).

(ij) The refugee act of 1980, [8 USC 1521 to 1524](#).

(im) The veterans’ rehabilitation and education amendments of 1980, [38 USC 3100 to 3121](#).

(ip) The servicemen’s readjustment act of 1944, [38 USC 3701 to 3764](#).

(ir) The development zone jobs credit program under ss. 71.07 (2dj), 71.28 (1dj) and 71.47 (1dj).

(it) The Wisconsin conservation corps program under s. 106.215.

(iv) The veterans job training program under s. 106.10 and any other job training program for veterans administered by the department.

(j) Such other employment and education programs as the governor may by executive order assign to the council.

**(2)** The governor's council on workforce excellence shall do all of the following:

(a) Identify the workforce development needs of the state and recommend to the governor goals for meeting those needs and steps to meet those goals.

(b) Review the provision of services and the allocation of funding and resources under the programs specified in sub. (1) and recommend to the governor a strategic plan for coordinating the provision of those services and for allocating that funding and those resources, consistent with the laws, rules and regulations governing those programs, so as to best respond to the workforce development needs identified under par. (a).

(c) Monitor the provision of services and the expenditure of funding and resources under the programs specified in sub. (1) and evaluate the effectiveness of those programs in meeting the employment and education needs of the participants in those programs.

(d) Determine whether any federal laws, regulations or policies impede the effectiveness or coordination of any of the programs specified in sub. (1) and, if so, recommend that the department seek waivers of those laws, regulations or policies.

(e) Recommend for approval by the department under s. 106.13 (2m) occupations for the youth apprenticeship program and statewide skill standards for programs provided under the school-to-work opportunities act of 1994, 20 USC 6101 to 6251.

(f) Review and comment on all proposals for the establishment of new employment and education programs, including the eligibility criteria for receiving services under those programs, to ensure that employment and education program services are not duplicated unnecessarily.

(g) Oversee the establishment and operation of public employment offices under s. 106.09.

(h) Provide uniform performance standards that assist in evaluating the effectiveness of the employment and education programs specified in sub. (1).

(i) Annually, prepare and submit to the legislature under s. 13.172 (2) and to the governor a report on the activities of the governor's council on workforce excellence that includes recommendations regarding the employment and education programs specified in sub. (1).

**(3)** The council may not impose any mandates on any local governmental unit or educational institution. In this subsection, "local governmental unit" means a political subdivision of this state, special purpose district in this state, instrumentality or corporation of such a political subdivision or special purpose district, combination or subunit of any of the foregoing or instrumentality of the state and any of the foregoing.

**History:** 1995 a. 27 ss. 3698, 3699; Stats. 1995 s. 106.115; 1995 a. 417.

**106.12 Division of workforce excellence.** Based on the recommendations of the governor's council on workforce excellence, the division of workforce excellence shall plan, coordinate, administer and implement the department's workforce excellence initiatives, programs, policies and funding, the youth apprenticeship and school-to-work programs under s. 106.13 and such other employment and education programs as the governor may by executive order assign to the division. Notwithstanding any limitations placed on the use of state employment and education funds under this section or s. 106.13, 106.14, 106.15, 106.20 or 106.21

or under an executive order assigning an employment and education program to the division, the secretary may issue a general or special order waiving any of those limitations on finding that the waiver will promote the coordination of employment and education services.

**History:** 1993 a. 16; 1995 a. 27 s. 3701; 1995 Stats. s. 106.12.

**106.13 Youth apprenticeship and school-to-work programs.** **(1)** The department shall provide a youth apprenticeship program and a school-to-work program in accordance with 20 USC 6101 to 6251.

**(2)** The governor's council on workforce excellence, the technical college system board and the department of education shall assist the department of industry, labor and job development in providing the youth apprenticeship program and school-to-work program under sub. (1).

**(2m)** After reviewing the recommendations of the governor's council on workforce excellence under s. 106.115 (2) (e), the department shall approve occupations and maintain a list of approved occupations for the youth apprenticeship program and shall approve statewide skill standards for the school-to-work program. From the appropriation under s. 20.445 (1) (ev), the department shall contract for the development of curricula for youth apprenticeship programs for occupations approved under this subsection.

**(3)** The youth apprenticeship program under sub. (1) shall not affect any apprenticeship program that is governed by ss. 106.01 to 106.03, except that an apprenticeship program that is governed by ch. 106 may grant credit toward the completion of an apprenticeship for the successful completion of a youth apprenticeship under sub. (1).

**(4)** (a) In this subsection:

1. "Nonprofit organization" means a nonstock, nonprofit corporation under ch. 181.

2. "Public agency" means a county, city, village, town, school district or technical college district or an agency of this state or of a county, city, village, town, school district or technical college district.

(b) From the appropriation under s. 20.445 (1) (em), the department may award grants to public agencies and nonprofit organizations that are responsible for the training of a youth apprentice. A public agency or non-profit organization that receives a grant under this subsection shall use the funds awarded under the grant to award training grants to employers who provide on-the-job training and supervision for youth apprentices. A training grant provided under this subsection may not exceed 50% of the youth apprentice's hourly wage or \$4 per hour, whichever is less. An employer may receive training grant funds for not more than 500 hours of work per youth apprentice in any school year, as defined in s. 115.001 (13).

**(5)** The department shall promulgate rules to administer this section.

**History:** 1991 a. 39; 1993 a. 16, 339, 399, 437, 491; 1995 a. 27 ss. 3703 to 3712, 9130 (4) and 9145 (1); Stats. 1995 s. 106.13.

**106.14 Career counseling centers.** **(1)** The department may award grants to nonprofit corporations and public agencies for the provision of career counseling centers throughout the state.

**(2)** (a) A career counseling center under this section shall provide youths with access to comprehensive career education and job training information, including information regarding post-secondary educational options in vocational and technical educational programs. A career counseling center under this section may also assist youths in locating apprenticeship and other work experience opportunities that are related to the youth's education.

(b) A career counseling center under this section shall coordinate its services with the counseling and guidance activities and the education for employment program under s. 121.02 (1) (m)

provided by the school board of the school district in which the career counseling center is located.

(3) Any nonprofit corporation or public agency may apply for a grant to operate a career counseling center under this section. The department shall review the applications submitted under this subsection according to procedures and criteria established by the department.

(4) Amounts awarded under sub. (3) may be paid in installments and shall range from 25% to 75% of the total cost of operating the career counseling center, except that after 3 years of receiving grant funds under this section a grant recipient may receive no more than 50% of the total cost of operating the career counseling center. The department shall require the grant recipient to provide the remaining percentage share of the total project cost.

**History:** 1993 a. 16; 1995 a. 27 ss. 3713, 3770m and 3770p; Stats. 1995 s. 106.14.

**106.15 Assistance for dislocated workers. (1) DEFINITIONS.** In this section:

(a) “Council” means the governor’s council on workforce excellence established under 29 USC 1792.

(b) “Dislocated worker” has the meaning established by the department by rule in substantial conformance with 29 USC 1652 (a).

(c) “Dislocated worker committee” means the committee or other subunit of the council that deals with the dislocated workers program under 29 USC 1651 to 1662b.

(d) “Substate plan” means a substate plan required under 29 USC 1661b (a) as a condition for a grant.

(3) **GRANTS.** From the appropriation under s. 20.445 (1) (bc), (jm), (mb) and (mc), the department shall make grants to persons providing to dislocated workers programs offering training and related employment services including but not limited to the following:

(a) Job search assistance, including participation in job clubs.

(b) Training in job skills.

(c) Support services, including but not limited to transportation assistance, relocation assistance, financial counseling, personal counseling and programs conducted in cooperation with employers or labor organizations.

(4) **GRANT APPROVAL.** No grant may be awarded under this section unless both of the following occur:

(a) The dislocated workers committee approves the substate plan or application for funding and refers its decision to the secretary.

(b) After receiving a referral under par. (a), the secretary approves the substate plan or application for funding.

(5) **SUBSTATE PLAN OR APPLICATION REVIEW.** In reviewing substate plans and applications for funding under this section, the dislocated workers committee and the secretary shall consider all of the following:

(a) The severity of the need for the program in the community to be served when compared with the severity of need in other communities.

(b) The appropriateness of the skill development or training to be provided, including whether the demand for that skill exceeds the supply.

(c) Whether the program provides for labor organizations to participate in program planning.

(d) Whether the program provides for coordination with other employment and training programs offered in the community in which the program will be offered.

(6) **RULE MAKING.** The department shall adopt rules to administer this section. The rules shall address eligible applicants and program providers, application requirements, criteria and procedures for awarding grants, reporting and auditing procedures and administrative operations.

(7) **FUNDING.** From the amounts appropriated under s. 20.445 (1) (ma), (mb) and (mc), all moneys received under 29 USC 1651

to 1661c shall be expended to fund grants and operations under this section.

**History:** 1985 a. 153; 1987 a. 27; 1989 a. 31, 44; 1995 a. 27 ss. 3714, 3715; Stats. 1995 s. 106.15.

**NOTE:** This section is created by 1985 Act 153. Section 2 of Act 153 is entitled “Legislative purpose and intent.”

**106.16 Notification of position openings. (1)** In this section:

(a) “Company” means any business operated for profit.

(b) “State agency” has the meaning given in s. 20.001 (1).

(2) Any company that receives a loan or grant from a state agency or an authority under ch. 231 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 that is related to the project for which the grant or loan is received 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.

(3) A state agency or an authority under ch. 231 or 234 shall notify the department of commerce if it makes a loan or grant to a company.

(4) (a) The department shall, upon complaint by any person or on its own motion, investigate any allegation that a company has violated sub. (2) if the complaint is filed with the department no more than 300 days after the alleged violation occurred.

(b) If after investigation under par. (a) the department finds probable cause to believe that a company has violated sub. (2), the department shall notify the company of the department’s finding of probable cause, of the actions specified under par. (d) that the department proposes to take and of the company’s right to request a hearing regarding the alleged violation of sub. (2).

(c) A company that receives a notice under par. (b) may, within 30 days after the date of the notice, request a contested case hearing under s. 227.42. If the department does not receive a request for a contested case hearing under s. 227.42 within 30 days after the date of the notice under par. (b), the department shall issue a final decision that the company has violated sub. (2) and take the actions specified under par. (d).

(d) If the department receives a request under par. (c) for a hearing, the department shall hold a hearing as provided under s. 227.44. If, after hearing, the department finds that a company has violated sub. (2), the department shall issue a final decision under s. 227.47 that the company has violated sub. (2) and shall order the company to take any remedial action that the department considers appropriate based on the severity of the noncompliance with sub. (2).

**History:** 1985 a. 285, 332; 1987 a. 27, 399; 1991 a. 39; 1995 a. 27 ss. 3716 and 9116 (5); Stats. 1995 s. 106.16.

**106.17 Local labor market information. (1)** The department shall collect information concerning local labor markets and periodically prepare reports dealing with labor forces at a local level in this state for general circulation.

(2) The collection and distribution of local labor market information under sub. (1) shall be funded only from the appropriations under s. 20.445 (1) (m), (ma) and (n).

**History:** 1987 a. 27; 1995 a. 27 s. 3717; Stats. 1995 s. 106.17.

**106.18 Job opportunities and basic skills program; aid to families with dependent children recipients.** The department may contract with the department of health and family services for the provision of supportive services under the job opportunities and basic skills program under s. 49.193. Fees charged for the contractual services provided shall be credited to the appropriation under s. 20.445 (1) (ka).

**History:** 1977 c. 418; 1983 a. 27; 1989 a. 31; 1993 a. 16; 1995 a. 27 ss. 3718, 9126 (19); Stats. 1995 s. 106.18.

**106.19 Trade adjustment assistance overpayment waiver. (1)** On or before October 8, 1989, the department shall establish a policy for waiving recovery of overpayments made

under the federal adjustment assistance for workers program under [19 USC 2272](#) to [2318](#).

(2) The waiver policy shall require the department to grant a waiver if all of the following apply:

(a) The overpayment was not the fault of the person who received it.

(b) Requiring repayment would be contrary to equity and good conscience.

(3) The department shall do all of the following:

(a) Notify all of the following persons of the waiver policy and the person's right to request a waiver:

1. A person from whom the department attempts to recover an overpayment made under [19 USC 2272](#) to [2318](#).

2. A person from whom the department is in the process of recovering an overpayment made under [19 USC 2272](#) to [2318](#).

(b) Comply with the guidelines issued by the U.S. secretary of labor under [19 USC 2315](#) in connection with the waiver policy.

(c) Establish the waiver policy by rule, using the procedure under s. [227.24](#).

**History:** 1989 a. 31; 1995 a. 27 s. 3719; Stats. 1995 s. 106.19.

### 106.20 Pilot Wisconsin job opportunity business subsidy program. (1) DEFINITIONS. In this section:

(a) "Business" means any person engaged in a business enterprise for profit in this state.

(c) "Eligible job applicant" means an individual who the department determines meets the requirements of s. [101.35 \(9\)](#), 1991 stats.

(cm) "Eligible unit of government" means a county described in s. [101.35 \(2\) \(a\)](#), 1991 stats., or designated under s. [101.35 \(2\) \(b\)](#), 1991 stats., or a unit of government designated under s. [101.35 \(2\) \(d\)](#), 1991 stats.

(d) "Local service agency" means an organization designated under s. [101.35 \(3\)](#), 1991 stats.

(e) "Minority business" has the meaning given in s. [560.036 \(1\) \(e\)](#).

(f) "Small business" has the meaning given in s. [227.485 \(2\) \(c\)](#).

(g) "Urban county" means a county located in a federal standard metropolitan statistical area.

(h) "Wisconsin job opportunity business subsidy program" means the program administered under this section.

(11) REPAYMENT. (a) If an eligible job applicant leaves the employ of a business that received funds to subsidize the wages of the eligible job applicant under s. [101.35 \(5\)](#), 1991 stats., the business shall repay the following percentage of the funds:

1. If the eligible job applicant leaves while the position is subsidized, 70%.

2. If the eligible job applicant leaves less than 12 months after the subsidy ended, a percentage between 70% and 0%, decreasing proportionally to 0% 12 months after the subsidy has ended.

3. If the eligible job applicant leaves 12 months or more after the subsidy ended, 0%.

(b) A business need not repay funds under par. (a) if the business replaces the departing eligible job applicant with another eligible job applicant who remains employed with the business for at least 12 months after the subsidy paid to the departing eligible job applicant would have ended.

(c) The secretary may waive all or part of a repayment required under par. (a) if the secretary determines that waiving the repayment is in the best interests of the state.

(d) The local service agency shall use the amounts repaid under this subsection for additional wage subsidies.

(13) FINAL REPORT. On or before September 1, 1993, the department shall submit a final report concerning the Wisconsin job opportunity business subsidy program to the chief clerk of

each house of the legislature for distribution to the legislature under s. [13.172 \(2\)](#). The report shall include all of the following information for the period covered by the report:

(a) The average wage paid to an eligible job applicant at the following times:

1. When hired.

2. Sixty days after the subsidy for the eligible job applicant ends.

3. Fourteen months after the subsidy for the eligible job applicant ends.

(b) The number of qualified businesses and eligible job applicants that participated in each eligible unit of government.

(c) The age, education level, family status, gender, race and work experience of each eligible job applicant.

(d) The number of eligible job applicants who met the criteria in s. [101.35 \(10\) \(b\)](#), 1991 stats., and in s. [101.35 \(10\) \(c\)](#), 1991 stats., as affected by [1993 Wisconsin Act 16](#).

(e) Any other information the department considers relevant. **History:** 1987 a. 399; 1989 a. 31, 336; 1991 a. 32, 39, 315; 1993 a. 16, 213, 243, 491; 1995 a. 27 s. 3720; Stats. 1995 s. 106.20.

### 106.21 Wisconsin service corps program. (1) DEFINITIONS. In this section:

(a) "Community services activity" means an activity that addresses a social, health or economic need of the community.

(b) "Corps member" means a person enrolled in the Wisconsin service corps program under this section.

(c) "Financial support" includes in-kind services and materials.

(d) "In-kind services and materials" includes services such as training, supervision, administration, transportation, insurance liability coverage and similar services and materials such as supplies, fuel, tools, equipment, safety equipment and other materials for a project.

(e) "Local unit of government" means the governing body of any city, town, village, county, county utility district, town sanitary district, public inland lake protection and rehabilitation district, metropolitan sewerage district or school district or the elected tribal governing body of a federally recognized American Indian tribe or band.

(f) "Nonprofit organization" has the meaning given in s. [108.02 \(19\)](#).

(g) "Public assistance" means relief provided by counties under s. [59.53 \(21\)](#), Wisconsin works under ss. [49.141](#) to [49.161](#), aid to families with dependent children under s. [49.19](#), medical assistance under subch. [IV](#) of ch. 49, low-income energy assistance under s. [16.385](#) and the food stamp program under [7 USC 2011](#) to [2029](#).

**NOTE:** Par. (g) is shown as affected by three acts of the 1995 legislature and as merged by the revisor under s. [13.93 \(2\) \(c\)](#).

(h) "State agency" has the meaning given in s. [227.01 \(1\)](#) but also includes the office of district attorney.

(2) OBJECTIVES. The department shall develop guidelines for the Wisconsin service corps program designed to promote the objectives of:

(a) *Employment of young adults.* Providing employment for young men and women in a county with a population of 500,000 or more.

(b) *Personal development.* Encouraging and developing work skills, discipline, cooperation, meaningful work experiences and training and educational opportunities for corps members.

(c) *Community services.* Addressing the social, health and economic needs of a community within a county that has a population of 500,000 or more.

(3) APPLICATION FOR PROJECT APPROVAL. (a) *Eligible sponsors.* A state agency, local unit of government or private organization that operates in a county that has a population of 500,000 or

more may apply to the department for approval of a project consisting of community services activities.

(b) *Eligible projects.* In order to qualify as an approved project, the project must provide employment opportunities, consist of community services activities and be located in a county that has a population of 500,000 or more. If the sponsor is a nonprofit organization, the project must serve a valid public purpose in order to qualify as an approved project.

(c) *Sponsor's application.* In order to qualify as an approved project, the sponsor must submit in the application:

1. A summary of the extent and value of all financial support it will provide for the project.

2. A preliminary cost estimate including a summary of all anticipated costs resulting from implementation of the project.

3. A preliminary work plan specifying the nature, scope and duration of the project.

(d) *Local government sponsors.* The department shall encourage local units of government to apply for the approval of projects and shall provide assistance and information to facilitate these applications.

(e) *Not to involve labor dispute or displace other employes.* No project may be approved by the department if corps members will be used in any manner in connection with a work or labor dispute or if approval of the project would impair existing contracts or collective bargaining agreements with existing employes of the sponsor. No project may be approved by the department if corps members will be used to displace existing permanent employes of the sponsor, including any employes who have been temporarily laid-off by the sponsor.

**(4) GUIDELINES FOR PROJECT APPROVAL.** The department shall establish guidelines to be used in selecting projects for approval. These guidelines shall include:

(a) *Employment opportunities.* The extent to which the project will provide employment in meaningful labor intensive work activities for corps members.

(b) *Community services.* The extent to which the project will address the social, health or economic needs of the community that is to be served by the project.

(c) *Implementation.* The degree of difficulty in implementing the project and its compatibility with other projects in the area.

(d) *Extent of sponsor's responsibility.* The value of financial support to be provided by the sponsor.

(e) *Public purpose and benefit.* The extent to which the project will serve a valid public purpose and benefit a large segment of the public.

**(5) PROJECT FUNDING.** (a) *Community services activities; appropriations.* Moneys appropriated under s. 20.445 (1) (cm), (jr) and (km) may be used for community services activities as authorized under those appropriations.

(b) *Other state agency appropriations.* A state agency may use moneys from any appropriation for that agency to sponsor a project if implementation of the project is consistent with any purpose for which the moneys are appropriated.

**(6) ADMINISTRATION AND MATCHING FUNDS.** (a) *Administration.* The department shall provide guidelines for administration of the Wisconsin service corps program and the program shall be administered according to those guidelines.

(b) *Requirements for matching funds.* The department shall set requirements as to the amount of financial support that a sponsor must provide. The department may waive the requirements for a project sponsored by a local unit of government or a state agency and may reduce the amount of matching funds required for a project sponsored by a private organization.

**(7) PROJECT APPROVAL AND IMPLEMENTATION; CORPS MEMBERS SUPERVISION.** (a) *Approval.* Projects shall be selected and approved by the department based on guidelines established under sub. (4) and the requirements established under sub. (6) (b).

(b) *Responsibility agreement; detailed work plan.* Before the approval of a project, the sponsor shall prepare and submit to the department a responsibility agreement that incorporates the complete project cost estimate and a detailed work plan and specifies in detail the responsibilities of the sponsor and of the department with respect to the project. The complete project cost estimate shall include a summary of all anticipated costs resulting from the implementation of the project. The detailed work plan shall specify the nature, scope and duration of the project; the number of corps members required for the project; training, supervisory, administrative and other service requirements; supply, fuel, tool, equipment, safety equipment and other material requirements; time schedules; and other details relating to the implementation of the project.

(c) *Signing of responsibility agreement.* A project is not authorized and may not be implemented until the sponsor and the secretary sign the responsibility agreement.

(d) *Implementation; supervision.* Except as provided in a responsibility agreement, the sponsor is responsible for the implementation of and the administrative services for an authorized project and the department is responsible for the recruitment, supervision, control and training of corps members for the project.

(e) *Number of corps members on project.* The number of corps members serving on a project may not exceed 3.

**(8) EDUCATION AND TRAINING.** The department shall facilitate arrangements with local schools and institutions of higher education for academic study by corps members during nonworking hours to upgrade literacy skills, obtain equivalency diplomas or college degrees or enhance employment skills. The department shall encourage the development of training programs for corps members for use during periods when circumstances do not permit work on a project.

**(9) CORPS MEMBERS.** (a) *Authorization.* The department may employ corps members.

(b) *Outside civil service.* All corps members shall be employed outside the civil service.

(c) *Wages.* Corps members shall be paid at the prevailing federal minimum wage or the applicable state minimum wage established under ch. 104, whichever is greater. Corps members shall receive their pay for the previous pay period on the last working day of the current pay period.

(d) *Unemployment compensation.* A corps member is not eligible for unemployment compensation benefits by virtue of his or her employment in the Wisconsin service corps program. To the extent permitted by federal law, the Wisconsin service corps program shall be considered a work-relief and working-training program for the purpose of determining eligibility for benefits under s. 108.02 (15) (g) 1.

(e) *Worker's compensation.* A corps member is eligible for worker's compensation benefits as provided under ch. 102.

(f) *Health care and other benefits.* A corps member is not an eligible employe for health care benefits or other benefits under ch. 40.

(g) *Education voucher.* 1. A person who is employed as a corps member for the specified term of a project and who receives a satisfactory employment evaluation upon termination of employment is entitled to an education voucher that is worth at least \$1,000 but not more than \$1,800. The department may authorize a partial education voucher for a person who is employed as a corps member and who receives a satisfactory employment evaluation upon termination of employment if the person is employed as a corps member for less than the specified term of the project and if the department determines that employment was terminated because of special circumstances beyond the control of the corps member or was terminated in order to enable the corps member to attend an institution of higher education, technical college or other training program or to enable the corps member to obtain other employment.

2. The education voucher is valid for 3 years after the date of issuance for the payment of tuition and required program activity fees at any institution of higher education, as defined under s. 39.32 (1) (a), that accepts the voucher and the department shall authorize payment to the institution of face value of the voucher upon presentment.

**(10) QUALIFICATIONS AND REQUIREMENTS FOR CORPS MEMBERS.** (a) *Age.* In order to qualify for employment as a corps member, a person is required to have attained the age of 18 years but may not have attained the age of 26 years at the time he or she accepts employment.

(b) *Unemployed.* In order to qualify for employment as a corps member, a person is required to be unemployed at the time he or she applies for employment. In order to establish that a person is unemployed at the time of application for employment, the department may require the person to be certified as unemployed by a local job service office.

(c) *Enrollment period.* In order to qualify for employment as a corps member, a person is required to sign a statement of intention to serve in the Wisconsin service corps program for a 9-month period. This statement does not obligate the department to provide employment for the member for that period.

(d) *Training and skills.* No training or skills are required in order to qualify for employment as a corps member.

(e) *Physical examination.* No physical examination is required in order to apply for employment as a corps member but the department shall require a physical examination before employment. The department may accept evidence of a physical examination conducted within one year before employment if the examining physician signs a form containing the information required by the department.

**(11) SELECTION OF CORPS MEMBERS.** (a) *Standards.* The department shall establish standards for the selection of corps members from among those persons who are qualified and who seek employment.

(am) *Employment of certain persons.* The department shall attempt to hire at least 50% of its corps members from among those persons who are receiving public assistance at the time of application for employment, who have received public assistance within one year of the time of application for employment or who are likely to be eligible for public assistance if they do not obtain employment.

(b) *Affirmative action plan.* The department shall adopt a statewide affirmative action plan and shall comply with the requirements under s. 230.06 (1) (g) to (k). The standards established under par. (a) shall be consistent with this plan.

(c) *Hiring procedure.* The department shall develop procedures for the hiring of corps members. The department shall use any appropriate local job service office in the area of a project to distribute applications, conduct interviews and evaluate applicants and make recommendations concerning the hiring of corps members. The department may use project sponsors who are sponsoring long-term projects to conduct interviews, evaluate applicants and make recommendations concerning the hiring of corps members.

**(12) ENROLLMENT PERIOD; EVALUATION; DISCIPLINE.** (a) *Enrollment period.* The normal enrollment period for a corps member is from 6 to 9 months. The department may authorize the employment of a corps member beyond the end of the normal enrollment period for a limited time, not to exceed 3 months, under special circumstances where continued employment is required in order to complete a project in progress.

(b) *Evaluation; discipline.* The department shall establish standards and procedures to evaluate the performance, for discipline and for termination of employment of corps members.

**(13) GUIDELINES.** The department need not promulgate as rules the guidelines described under subs. (2), (4) and (6).

**History:** 1991 a. 39; 1993 a. 399; 1995 a. 27 s. 3721; Stats. 1995 s. 106.21; 1995 a. 201, 289; s. 13.93 (2) (c).

## 106.215 Wisconsin conservation corps program.

**(1) DEFINITIONS.** Unless the context requires otherwise, as used in this section:

(a) “Board” means the Wisconsin conservation corps board.

(b) “Conservation activity” means an activity which has a long-term beneficial impact on the land and waters of this state and enhances, promotes or preserves wildlife, fisheries, forest, agricultural, recreational, historical, cultural and commercial resources. This term also includes but is not limited to energy conservation projects, reclamation of lands and disaster assistance.

(c) “Corps enrollee” means a person enrolled in the Wisconsin conservation corps program.

(cg) “Disability” means a physical or mental impairment that substantially limits one or more major life activities, a record of having such an impairment or being regarded as having such an impairment. “Disability” includes any physical disability or developmental disability, as defined in s. 51.01 (5) (a). “Disability” does not include the current illegal use of a controlled substance, as defined in s. 961.01 (4), or a controlled substance analog, as defined in s. 961.01 (4m), unless the individual is participating in a supervised drug rehabilitation program.

(cm) “Human services activity” means an activity which promotes the social well-being of children, the elderly, persons with disabilities or persons with low incomes.

(d) “In-kind services and materials” includes services such as training, supervision, administration, transportation, insurance liability coverage and similar services and materials such as supplies, fuel, tools, equipment, safety equipment and other materials for a project.

(e) “Local unit of government” means the governing body of any city, town, village, county, county utility district, town sanitary district, public inland lake protection and rehabilitation district, metropolitan sewerage district or school district, the Fox-Winnebagos regional management commission or the elected tribal governing body of a federally recognized American Indian tribe or band.

(f) “Nonprofit organization” has the meaning specified under s. 108.02 (19).

(fm) “Public assistance” means relief provided by counties under s. 59.53 (21), Wisconsin works under ss. 49.141 to 49.161, aid to families with dependent children under s. 49.19, medical assistance under subch. IV of ch. 49, low-income energy assistance under s. 16.385, weatherization assistance under s. 16.39 and the food stamp program under 7 USC 2011 to 2029.

**NOTE:** Par. (fm) is shown as affected by three acts of the 1995 legislature and as merged by the revisor under s. 13.93 (2) (c).

(g) “State agency” has the meaning specified under s. 227.01 (1) but also includes the office of district attorney.

**(2) OBJECTIVES.** The board shall develop guidelines for the Wisconsin conservation corps program designed to promote the objectives of:

(a) *Employment of young adults.* Providing employment for young men and women in all regions of the state.

(b) *Conservation.* Conserving, developing, enhancing or maintaining the natural resources of this state through the implementation of projects which have a long-term beneficial impact on the environment.

(c) *Personal development.* Encouraging and developing work skills, discipline, cooperation, meaningful work experiences and training and educational opportunities for corps enrollees.

(d) *Human services.* Promoting the social well-being of children, the elderly, persons with disabilities and persons with low incomes through the implementation of projects that include human services activities.

**(3) PROGRAM RESPONSIBILITY AND COORDINATION.** The board is the policy-making body responsible for the Wisconsin conservation corps program and shall establish guidelines for this program. The board may delegate responsibility for administration, implementation of projects, corps enrollee employment and



supervision, project coordination and other details of the program to the executive secretary or other staff of the board. The department shall assist the board in payroll, accounting and related management functions.

**(3m) REPORTING REQUIREMENT FOR DONATIONS.** The board shall submit an annual report to the chief clerk of each house of the legislature for distribution to the legislature under s. 13.172 (2) that identifies, for each gift, grant or bequest credited under s. 20.445 (6) (jb), the name of the individual or organization making it and the amount of and the manner in which it is utilized.

**(4) STAFF AND EMPLOYEES.** (a) *Executive secretary.* The governor shall nominate, and with the advice and consent of the senate appoint, an executive secretary of the board outside the classified service to serve at the pleasure of the governor.

(b) *Staff.* The board shall employ staff within the classified service which is necessary to administer the Wisconsin conservation corps program, including staff to coordinate, supervise and implement projects, to recruit and train corps enrollees and to provide administrative, typing and clerical services. The department shall provide staff within the classified service which is necessary to provide for payroll, accounting and related management functions associated with the Wisconsin conservation corps program.

**(5) APPLICATION FOR PROJECT APPROVAL.** (a) *Eligible sponsors.* The federal government, a state agency, local unit of government or nonprofit organization may apply to the board for approval of a project.

(b) *Eligible projects.* In order to qualify as an approved project, the project is required to provide employment opportunities and to consist of conservation activities or human services activities or both. If the sponsor is a nonprofit organization, the project is required to serve a valid public purpose in order to qualify as an approved project.

(c) *Sponsor's application.* In order to qualify as an approved project, the sponsor is required to submit in the application:

1. A summary of the extent and value of all in-kind services and materials it will provide for the project as well as any other costs associated with the project which it agrees to pay.

2. A preliminary cost estimate including a summary of all anticipated costs resulting from implementation of the project.

3. A preliminary work plan specifying the nature, scope and duration of the project.

(d) *Local government sponsors.* The board and department shall encourage local units of government to apply for the approval of projects and shall provide assistance and information to facilitate these applications.

(e) *Not to involve labor dispute or displace other employes.* No project may be approved by the board if corps enrollees will be used in any manner in connection with a work or labor dispute or if approval of the project would impair existing contracts or collective bargaining agreements with existing employes of the sponsor. No project may be approved by the board if corps enrollees will be used to displace existing permanent employes of the sponsor, including any employes who have been temporarily laid-off by the sponsor.

**(6) GUIDELINES FOR PROJECT APPROVAL.** The board shall establish guidelines to be used in selecting projects for approval. These guidelines shall include:

(a) *Employment opportunities.* The extent to which the project will provide employment in meaningful labor intensive work activities for corps enrollees.

(b) *Conservation.* The extent to which the project will promote the long-term beneficial conservation of resources. The guidelines shall assign a high priority to projects required under a shoreland management ordinance under s. 92.17.

(bm) *Human services.* The extent to which the project will promote the social well-being of children, the elderly, persons with disabilities and persons with low incomes. The guidelines

shall give priority to projects providing services to children and the elderly.

(c) *Implementation.* The degree of difficulty in implementing the project and its compatibility with other projects in the area.

(d) *Extent of sponsor's responsibility.* The share of the total cost of the project, including the value of in-kind services and materials, to be paid or provided by the sponsor.

(dm) *Benefits to enrollees.* The extent to which the sponsor will provide to the corps enrollees on the project additional wages or other additional benefits.

(e) *Public purpose and benefit.* The extent to which the project will serve a valid public purpose and benefit a large segment of the public.

**(7) PROJECT FUNDING.** (a) *Conservation activities; appropriations.* Moneys appropriated under s. 20.445 (6) (j), (m) and (u) may be utilized for conservation activities as authorized under those appropriations.

(am) *Human services activities; appropriations.* Moneys appropriated under s. 20.445 (6) (b), (j) and (m) may be utilized for human services activities as authorized under those appropriations.

(b) *Other state agency appropriations.* A state agency may utilize moneys from any appropriation for that agency to sponsor a project if implementation of the project is consistent with any purpose for which the moneys are appropriated.

**(8) ADMINISTRATION; PROJECT APPROVAL; WORK PLANS; IMPLEMENTATION; ENROLLEE SUPERVISION.** (a) *Guidelines for administration.* The board shall provide guidelines for administration of the Wisconsin conservation corps program.

(b) *Administration.* The Wisconsin conservation corps program shall be administered according to guidelines provided by the board.

(c) *Administrative expenses; appropriations; reallocation.* Moneys appropriated under s. 20.445 (6) (ja), (n) or (y) may be utilized for the payment of administrative expenses related to the Wisconsin conservation corps program as authorized under those appropriations. If the board determines that these appropriations are not sufficient, it may request the joint committee on finance to take action under s. 13.101 (4) to transfer moneys from the appropriation under s. 20.445 (6) (j), (m) or (u) to the appropriation under s. 20.445 (6) (ja), (n) or (y).

(d) *Approval.* Except as provided in sub. (8g), projects shall be selected and approved by the board based on guidelines established under sub. (6).

(e) *Complete project cost estimate.* Prior to approval of a project, the executive secretary shall prepare and submit to the board a complete project cost estimate. This estimate shall include a summary of all anticipated costs resulting from the implementation of the project.

(f) *Detailed work plan.* Prior to approval of a project, the executive secretary shall prepare and submit to the board a detailed work plan specifying the nature, scope and duration of the project; the number of corps enrollees; training, supervisory, administrative and other service requirements; supply, fuel, tool, equipment, safety equipment and other material requirements; time schedules; and other details relating to the implementation of the project.

(g) *Responsibility agreement.* Prior to approval of a project, the executive secretary shall prepare and submit to the board a responsibility agreement which incorporates the complete project cost estimate and detailed work plan and specifies in detail the responsibilities of the sponsor and the board with respect to the project.

(i) *Signing of responsibility agreement.* A project is not authorized and may not be implemented until the sponsor and the board sign the responsibility agreement.

(j) *Implementation.* Except as provided in a responsibility agreement, the board is responsible for the implementation of an authorized project. The board may delegate to a sponsor responsibility for implementing various aspects of a project in the responsibility agreement.

(k) *Enrollee supervision.* 1. The board is responsible for the overall supervision and control of corps enrollees.

2. The board may delegate to a sponsor responsibility for enrollee recruitment, training and supervision and for administrative services to be provided for a project in the responsibility agreement.

(L) *Project coordination.* The board is responsible for the coordination of work activities related to various projects in the same area.

**(8g) PARTNERSHIP PROJECTS.** (a) If a sponsor pays for the total cost of a project, the board may select and approve a project without using the guidelines established under sub. (6).

(b) If the department of corrections is a sponsor of a project that is approved under this subsection, the corps members on the project shall be prisoners in state prison, probationers or parolees and the members of the project shall receive applicable alcohol or other drug abuse treatment and educational programming services for a portion of each work week, but not to exceed 8 hours per work week.

**(8m) ADMINISTRATIVE PROJECT.** In addition to the projects authorized under this section, the board may approve one project that provides employment for corps enrollees in an administrative work or training project sponsored by the Wisconsin conservation corps. Subsections (5) (a) to (d), (6) and (8) (d), (g) to (j) and (k) 1. do not apply to a project approved under this subsection.

**(9) WORK CAMPS; TRAINING.** (a) *Work camps.* If necessary for the implementation of a conservation project, the board may establish or utilize residential facilities but the board may not use moneys appropriated under s. 20.445 (6) (u) or (y) for the establishment of new residential facilities.

(b) *Education and training.* The board shall facilitate arrangements with local schools and institutions of higher education for academic study by corps enrollees to upgrade literacy skills, obtain equivalency diplomas or college degrees or enhance employment skills. The board shall encourage the development of training programs for corps enrollees for use during time periods when circumstances do not permit work on a project.

**(10) CORPS ENROLLEES.** (a) *Authorization; classification.* The board may employ corps enrollees. The board shall classify these enrollees as corps members, assistant crew leaders, crew leaders or regional crew leaders.

(b) *Outside civil service.* All corps enrollees shall be employed outside the civil service.

(c) *Wages.* Corps members shall be paid at the prevailing federal minimum wage or the applicable state minimum wage established under ch. 104, whichever is greater. Assistant crew leaders, crew leaders and regional crew leaders may be paid more than the prevailing federal minimum wage or applicable state minimum wage but may not be paid more than twice the hourly wage of a corps member. The board may waive the wage limitation of a regional crew leader. Corps enrollees shall receive their pay for the previous pay period on the last working day of the current pay period.

(cm) *Wages of certain crew leaders.* Notwithstanding par. (c), a corps enrollee who, on July 29, 1995, is a crew leader and is paid more than twice the hourly wage of a corps member may be paid the greater of the hourly wage that he or she is receiving on July 29, 1995, or an hourly wage not exceeding twice the hourly wage of a corps member. This paragraph does not apply to assistant crew leaders or regional crew leaders.

(d) *Unemployment compensation.* A corps enrollee is not eligible for unemployment compensation benefits by virtue of his or her employment in the Wisconsin conservation corps program. To the extent permitted by federal law, the Wisconsin conserva-

tion corps program shall be considered a work-relief and working-training program for the purpose of determining eligibility for benefits under s. 108.02 (15) (g) 1.

(e) *Worker's compensation.* A corps enrollee is eligible for worker's compensation benefits as provided under ch. 102.

(f) *Health care and other benefits.* Except as provided in par. (fm), a corps enrollee is not an eligible employe for health care benefits or other benefits under ch. 40.

(fm) *Group health care coverage.* The board may provide group health care coverage, including group health care coverage offered by the state under s. 40.51, to any of the following:

1. Corps enrollees who have been crew leaders, regional crew leaders or a combination thereof for at least 2 years.

2. Crew leaders or regional crew leaders who are discharging special responsibilities, as determined by the board.

(g) *Incentive payment or voucher.* 1. A person who is employed as a corps enrollee for a 6-month to one-year period of continuous employment, as determined by standards adopted by the board, and who receives a satisfactory employment evaluation upon termination of employment is entitled to an incentive payment of \$500 prorated in the same proportion as the number of hours of employment completed by that person bears to 2,080 hours or an education voucher that is worth at least double the monetary value of the prorated incentive payment, but not more than \$2,400 prorated in the same proportion as the number of hours of employment completed by that person bears to 2,080 hours. No corps enrollee may receive more than 2 incentive payments or 4 education vouchers.

2. The board may authorize a partial incentive payment or education voucher to a person who is employed as a corps enrollee and who receives a satisfactory employment evaluation upon termination of employment if the person is employed as a corps enrollee for less than a one-year period of continuous employment and the board determines that employment was terminated because of special circumstances beyond the control of the corps enrollee or if the person is employed as a corps enrollee for at least 10 months but less than a one-year period of continuous employment and the board determines that employment was terminated in order to enable the person to attend an institution of higher education, technical college or other training program or to enable the person to obtain other employment.

3. The education voucher is valid for 3 years after the date of issuance for the payment of tuition and required program activity fees at any institution of higher education, as defined under s. 39.32 (1) (a), which accepts the voucher and the board shall authorize payment to the institution of face value of the voucher upon presentation.

(h) *Helmets; footwear; safety equipment.* The board shall provide each corps enrollee working on a conservation activity with a safety helmet displaying a Wisconsin conservation corps emblem. The board shall require each corps enrollee to have adequate protective footwear, if needed for the project, and may partially reimburse corps enrollees for the cost of obtaining this footwear. The board shall ensure that all other necessary safety equipment is provided for each corps enrollee.

**(11) QUALIFICATIONS AND REQUIREMENTS FOR CORPS ENROLLEES.** (a) *Age.* In order to qualify for employment as a corps member or an assistant crew leader, a person is required to have attained the age of 18 years but may not have attained the age of 26 years at the time he or she accepts employment. In order to qualify for employment as a crew leader or a regional crew leader, a person is required to have attained the age of 18 years at the time he or she accepts employment.

(b) *Unemployed.* In order to qualify for employment as a corps member, a person is required to be unemployed at the time he or she applies for employment. In order to qualify for employment as an assistant crew leader, a person is required to be either unemployed at the time he or she applies for employment or is required to be employed as a corps member. In order to establish that a per-

son is unemployed at the time of application for employment, the board may require the person to be certified as unemployed by a local job service office.

(c) *Enrollment period.* In order to qualify for employment as a corps enrollee, a person is required to sign a statement of intention to serve in the Wisconsin conservation corps program for a 6-month to one-year period. This statement does not obligate the board to provide employment for the enrollee for that period.

(d) *Training and skills.* No training or skills are required in order to qualify for employment as a corps member. The board shall establish minimum levels of performance, training and skills required to qualify for employment as or promotion to assistant crew leader, crew leader or regional crew leader.

(e) *Physical examination.* No physical examination is required in order to apply for employment as a corps enrollee but the board may require a physical examination after a corps enrollee is employed. The board may accept evidence of a physical examination conducted within one year prior to employment as meeting such a requirement if the examining physician signs a form containing the information required by the board.

**(12) SELECTION OF CORPS ENROLLEES.** (a) *Standards.* The board shall establish standards for the selection of full-time and part-time corps enrollees from among those persons who are qualified and seek employment.

(am) *Employment of certain persons.* On and after January 1, 1988, the board shall attempt to hire at least 50% of its corps members from among those persons who are receiving public assistance at the time of application for employment, who have received public assistance within one year of the time of application for employment or who are likely to be eligible for public assistance if they do not obtain employment.

(b) *Affirmative action plan.* The board shall adopt a statewide affirmative action plan and shall comply with the requirements under s. 230.06 (1) (g) to (k). The standards established under par. (a) shall be consistent with this plan.

(c) *Hiring procedure.* The board shall develop procedures for the hiring of corps enrollees in cooperation with the department. The board shall utilize any appropriate local job service office in the area of a project to distribute applications, conduct interviews and evaluate applicants and make recommendations concerning the hiring of corps enrollees. The board may utilize project sponsors who are sponsoring long-term projects to conduct interviews, evaluate applicants and make recommendations concerning the hiring of corps enrollees.

**(13) ENROLLMENT PERIOD; EVALUATION; PROMOTION; DISCIPLINE.** (a) *Enrollment period.* The board may authorize the employment of a corps member who is not promoted to assistant crew leader beyond the 6-month to one-year enrollment period for a limited time, not to exceed one year, if the corps member has a disability. The normal enrollment period for a corps member who is promoted to assistant crew leader or for a person who is hired as assistant crew leader is 2 years. The board may authorize the employment of a corps member or assistant crew leader beyond the normal enrollment period for a limited time, not to exceed 3 months, under special circumstances where continued employment is required in order to complete a project in progress. The normal enrollment period for a crew leader or a regional crew leader is 2 years. The board may extend the employment of a crew leader beyond the normal enrollment period if the crew leader possesses special experience, training or skills valuable to the program. The board may extend the employment of a regional crew leader for an unlimited time.

(b) *Evaluation; promotion; discipline.* The board shall establish standards and procedures to evaluate the performance, to determine promotions, for discipline and for termination of employment of corps enrollees.

**History:** 1983 a. 27, 181; 1985 a. 29 ss. 103m, 104m, 619 to 623x, 3202 (39); Stats. 1985 s. 16.20; 1987 a. 27, 255; 1989 a. 28, 31, 329, 359; 1991 a. 32, 39, 269, 309; 1993 a. 16, 202, 399; 1995 a. 27 ss. 239d to 278; Stats. 1995 s. 106.215; 1995 a. 201, 289; 1995 a. 448 ss. 1, 69; s. 13.93 (2) (c).

## 106.25 Public insurrection; death and disability benefits. (1) DEFINITIONS.

In this section:

(a) “Public insurrection” means a civil disturbance in which a group or groups of persons are simultaneously engaged in acts of violence against persons or property by the illegal use of weapons, by burning, pillaging or looting or by committing any other illegal acts, and which is of such a magnitude as to result in any of the following:

1. Extraordinary utilization of off-duty local law enforcement personnel.
2. Declaration of a public emergency by the governor.
3. The calling of the national guard or other troops.

**(2) DEATH AND DISABILITY BENEFITS.** If the department finds that the injury or death of a state or local government officer or employe arose out of the performance of duties in connection with a public insurrection, and finds that death or disability benefits are payable under ch. 102, a supplemental award equal to the amount of the benefits, other than medical expense, payable under ch. 102 shall be made to the persons and in the same manner provided by ch. 102, except that when benefits are payable under s. 102.49, a supplemental award equal to one-half the benefits payable under that section shall be made.

**(3) PAYMENTS.** All payments under this section shall be made from the general fund.

**(4) BENEFITS ADDITIONAL TO ALL OTHERS.** Death and disability benefits under this section are in addition to all other benefits provided by state law or by action of any municipality or public agency.

**History:** 1971 c. 40; 1975 c. 199; 1975 c. 404 s. 7; 1975 c. 405 s. 7; Stats. 1975 s. 101.47; 1977 c. 29 s. 1651; 1995 a. 27 s. 3726; Stats. 1995 s. 106.25; 1995 a. 225.

## 106.26 Employment transit assistance program.

**(1) FINDINGS AND PURPOSE.** The legislature finds that, for many workers and persons seeking employment in outlying suburban and sparsely populated and developed areas, conventional, fixed-route mass transit systems do not provide adequate transportation service. The purpose of the employment transit assistance program under this section is to correct this deficiency in access to employment locations and to stimulate the development of innovative transit service methods.

**(2) DEFINITIONS.** In this section:

- (a) “Eligible applicant” means a local public body or a private organization.
- (b) “Local public body” has the meaning given in s. 85.20 (1) (d).
- (c) “Mass transit system” has the meaning given in s. 85.20 (1) (e).

(d) “Project” means a project designed to improve access to jobs located in outlying suburban and sparsely populated and developed areas that are not adequately served by a mass transit system and to develop innovative transit service methods.

**(3) ADMINISTRATION.** The department shall administer the employment transit assistance program and shall have all powers necessary and convenient to implement this section, including the following:

- (a) To conduct a project.
- (b) To make and execute contracts with eligible applicants.
- (c) To make grants to eligible applicants to conduct projects or to match a federal grant awarded to an eligible applicant to conduct a project. Grants by the department are subject to all of the following requirements:

1. A grant may not exceed 80% of the total cost of a project.
2. A grant may only be made to an eligible applicant that provides access to nontemporary employment.

(d) To receive and review applications from eligible applicants for grants under this section and to prescribe the form, nature and extent of information that shall be included in applications.

(e) To establish criteria for evaluating applications for grants under this section.

**(4) REQUIREMENTS.** The following requirements apply to the employment transit assistance program:

(a) All jobs accessed by the program must pay at least \$4 per hour.

(b) Fares charged under the program must not exceed \$2 per one-way trip.

(c) Employers must pay at least 50% of the cost per one-way trip for their employees who participate in the program.

**History:** 1989 a. 31; 1995 a. 27 s. 3526m; Stats. 1995 s. 106.26.