

CHAPTER 10

Public Assistance

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SEC. 2-10-1 POLICY ON PUBLIC ASSISTANCE.

- (a) The Village shall comply with the requirements of Chapter 49, Wis. Stats., to ensure that all eligible dependent persons within the Village are provided food, housing, clothing, fuel, light, water, and medical attention for themselves or for their school-age children, of a kind and quality adequate to support life, health, and welfare at a level commensurate with the standards of decency, safety and sanitation expected by the citizens of the Village of St. Cloud, Fond du Lac County, Wisconsin.
- (b) All applicants for and recipients of public assistance shall be guaranteed their rights under the Constitution and laws of the United States and the State of Wisconsin.

State Law Reference: Chapter 49, Wis. Stats.

SEC. 2-10-2 ORGANIZATION AND DEFINITIONS.

- (a) ORGANIZATION.
 - (1) The Director of the program shall be the Village Clerk-Treasurer unless provided otherwise by resolution of the Village Board. The Village Clerk-Treasurer shall be responsible for the maintenance of all required records of the program.
 - (2) The Public Assistance Board of Review shall be the Public Assistance Committee of the Village Board, unless otherwise provided by the Village Board.
- (b) DEFINITIONS.
 - (1) Applicant means any person who is or may be eligible for general relief from the Village under these standards and Chapter 49 of the Wisconsin Statutes.
 - (2) Village means the Village of St. Cloud.
 - (3) Denial means refusal to approve or grant benefits to an applicant and includes the termination or modification of previously approved benefits or reduction of a public assistance recipient's benefit levels.
 - (4) Board of Review means the board responsible for making the determination on an appeal from a denial of public assistance.
 - (5) County means Fond du Lac County.

- (6) Dependent Person or Dependent means a person without the present available money, income, property, credit or other means by which the same can be presently obtained, sufficient to provide necessary commodities and services for decent, safe and sanitary living in the municipality under Sec. 49.01(4), Wis. Stats., and this Chapter.
- (7) Director means the relief director or his designee.
- (8) Eligible means a person who is dependent as defined in Subsection (6) above.
- (9) Employment means full-time or part-time work for compensation.
- (10) Relief, Assistance or Public Assistance mean such services, commodities or money as reasonable and necessary under the circumstances to provide food, housing, clothing, fuel, light, water, medicine, medical, dental and surgical treatment (including hospital care), optometrical services, nursing, transportation and funeral expenses and includes wages for work relief.
- (11) Group means all eligible person listed on an application for assistance, who reside with the primary applicant and are dependent on the primary applicant for financial support.
- (12) Shelter Cost means rent payments and mortgage payments, exclusive of interest, escrow accounts required by the lender, principal payments made on mortgages and land contracts and reasonable charges for utilities.
- (13) Work Relief means any monies paid to dependent persons entitled to relief who have been required by the Village to work on any work relief project.
- (14) Work Relief Project means any undertaking performed in whole in part by persons receiving work relief.

SEC. 2-10-3 GENERAL STANDARDS AND STATUS REQUIREMENTS.

(a) GENERALLY.

- (1) Relief shall be granted to any eligible dependent person by the proper authorities of the municipality in accordance with the standards in this Section. Age or transient status or student status of any applicant shall not in itself be a bar to receiving relief from the municipality. The Relief Director may approve prorated daily payments of assistance until such time as arrangements have been completed for relief under another program administered by the County or State.
- (2) The Village Clerk-Treasurer shall be responsible for receiving all initial documentation from applicants and verifying same.
- (3) The Clerk-Treasurer is designated as the official which approves all Village-eligible applications.
- (4) The Village Clerk-Treasurer shall process all non-resident applications and forward documentation to the applicable municipality or county as required by law.

(b) ELIGIBILITY REQUIREMENTS.

- (1) All eligibility definitions shall be as defined in Section 49.01, Wis. Stats.
- (2) All legal settlement determinations shall be in accordance with Section 49.10, Wis. Stats.

- ##### (c) INCOME STANDARDS.
- Persons whose monthly incomes equal or exceed the applicable total of the schedules in Section 2-10-4 shall be presumed to be nondependent and ineligible for aid unless the Director determines that special facts and circumstances exist which pose an immediate threat to life, health or safety. All income on hand or readily available, without regard to deductions for debt payments, must be considered in determining financial eligibility for relief under this program, including any public assistance readily available under other relief programs of the State, Federal or County governments.

- (d) **ASSET STANDARDS.** Except as otherwise specifically provided in this subsection, all assets which are readily convertible into cash shall be considered in determining financial eligibility for public assistance:
- (1) **Home Ownership.** Owning the home and furnishings where the applicant lives shall not act as a bar to receipt of assistance.
 - (2) **Insurance.** An insurance policy with a cash or loan value of Three Hundred (\$300.00) Dollars or less shall not act as a bar to receipt of assistance.
 - (3) **Motor Vehicles.** Ownership of an automobile or truck shall not be a bar to receipt of assistance from the Village except that debt payment on motor vehicles shall not be deducted from income in determining financial eligibility. No payments shall be made for purchases of automobiles or other motor vehicles. No assistance shall be granted for use of unregistered vehicles or for use of a vehicle by persons not holding a valid vehicle operator's license. Assistance for use of automobiles, motorcycles or trucks will be granted when that use is necessary to provide transportation for the following reasons: medical treatment, employment and purchase of basic needs. Liability insurance is recommended. Assistance for the use of privately owned vehicles will only be provided in those cases where mass transit is unavailable or in cases of exceptional hardship. Only one vehicle per person or family shall be deemed necessary.
 - (4) Failure to apply or to take necessary steps to apply non-exempt assets to the support of applicant and applicant's dependents shall be cause for the denial or termination of assistance.
- (e) **EMPLOYMENT STANDARDS.**
- (1) **Employable Applicants.** Employable applicants shall register with Wisconsin Job Service. Persons determined by the Director to be employable but who refuse to seek employment shall not receive public assistance. An employable applicant or recipient who fails or refuses to register for employment at Wisconsin Job Service and actively seek employment at Job Service by reporting weekly, shall be presumed to be ineligible for assistance under this standard, except initial start-up relief shall not be denied for failure to register for employment prior to application unless the applicant has been given notice and opportunity to register prior to application. Any change of employment status or Job Service registration shall be immediately reported to the Director, who may recommend the termination of benefits if efforts to seek employment are not maintained by an employable recipient.
 - (2) **Work Relief.** The Committee on Public Assistance, through the Director may offer work relief to any applicant for employment directly by the Village or other governmental unit under any program established by the County. Persons accepting work relief shall be compensated for such work relief in accordance with the applicable assistance schedule and budget established by the Director under Sections 2-10-5 and 2-10-8, but not less than the prevailing federal minimum wage rate. Part-time work relief shall be prorated as provided in Section 2-10-7. Any applicant or person receiving assistance from the Village who refuses work relief offered by the Director without a compelling reason, such as physical incapacity verified by a physician's statement, shall be denied or terminated from assistance. The provisions of Section 49.05, Wis. Stats., shall apply to work relief granted by the Village.
- (f) **ELIGIBILITY FOR OTHER PROGRAMS.** An applicant who is awaiting income sufficient to meet basic needs or whose age or other condition qualifies him or her for Social Security or other benefits shall be eligible for relief on an interim basis if other eligibility requirements for this program are met; provided all applicants who upon initial interview appear eligible for resources other than general relief shall be

referred immediately by the Director to the proper resources, including, but not necessarily limited to:

- (1) The County Department of Social Services
 - (2) Veterans Service Offices
 - (3) Wisconsin Department of Vocational Rehabilitation
 - (4) Social Security Administration
 - (5) Unemployment Compensation Division of Wisconsin Department of Industry, Labor and Human Relations
 - (6) Wisconsin Job Service
- (g) **ACTUAL RECEIPT OF OTHER ASSISTANCE.** The receipt of public assistance from another agency or program shall not, in itself, act as a bar to receipt of public assistance from the Village provided the applicant demonstrates to the Director or the reviewing authority the existence of needs which are not being met by such other public assistance agencies or program and that the benefit levels received by the applicant do not exceed the benefit levels in Section 2-10-5.
- (h) **REIMBURSEMENT AGREEMENTS.** Applicants shall be allowed to consult with their attorneys or other counsel before signing a reimbursement agreement pursuant to Section 49.65 Wisconsin Statutes. Aid may be paid on an interim basis not exceeding two (2) weeks pending execution of such agreement. If the applicant fails or refuses to sign such agreement within the time allowed, no further aid may be paid until such agreement is signed.

SEC. 2-10-4 HEALTH AND MEDICAL ASSISTANCE.

- (a) **NONEMERGENCY ASSISTANCE.** Nonemergency relief in the nature of medicine, medical, dental and surgical treatment (including hospital care), optometrical services, nursing and funeral expenses shall require prior written authorization from the Director and/or Committee on Public Assistance and shall be given in amounts that are reasonable and necessary under the circumstances. In determining whether to approve any particular request for nonemergency health services, the Director and/or Committee on Public Assistance shall contact the professional involved, if appropriate, to ascertain directly whether such services are reasonable and necessary.
- (b) **EMERGENCY ASSISTANCE.** The provisions of Ch. 49, Wis. Stats., with respect to liability for hospitalization and medical care rendered to eligible dependent persons having legal settlement within the municipality without previous authorization, shall apply to granting of emergency assistance by the municipality. The municipality shall not be liable for such care or hospitalization beyond what is reasonably required by the circumstances of each case and liability shall not attach unless, within seven (7) days after furnishing of the first care or hospitalization, written notices by attending physicians and the hospital are mailed or delivered to the Director reciting the name and address of the patient, so far as known, and the nature of the illness or injury and the probable duration.
- (c) **LIMITATION ON LIABILITY FOR MEDICAL AND DENTAL CARE.** Chapter 317, Laws of 1981, contains provisions which authorize a municipality to limit its liability for medical and dental care furnished as general relief, including emergency care as provided under Section 49.02(5) to the amount payable by medical assistance for similar care. The Village does therefore limit its liability for all medical and dental care furnished as general relief to the amount of medical assistance for similar care. All Health Care Providers shall certify that the amount billed in a particular case is not greater than the amount they would be reimbursed for by Medical Assistance.

SEC. 2-10-5 SCHEDULES OF ASSISTANCE.

- (a) The Director shall grant assistance based on consideration of the following schedule, subject to adjustments or prorations permitted or required under this Chapter.

MONTHLY ALLOWANCE

<u>Group Size</u>	<u>Maximum Allowance</u>
1	\$192
2	\$341
3	\$402
4	\$478
5	\$550
6	\$594
7	\$644
8	\$682
9	\$715
10	\$732

For each additional member above ten, add \$25.00 per person per month.

- (b) The allowances provided above are maximum allowances, and a lesser allowance may be provided, based on the budget deficit determined.
- (c) These schedules shall be reviewed at least annually by the Village Board to adjust for increases or decreases in the cost of living.

SEC. 2-10-6 APPLICATIONS FOR PUBLIC ASSISTANCE.

Each applicant shall complete a written application for public assistance on a form or forms supplied by the Village. Such application shall be signed, sworn to and dated by the applicant. The completed application shall be retained by the Director and shall be available for inspection by the applicant and the staff or designated representative of a public assistance agency filed upon by nonresident notice or directly involved.

SEC. 2-10-7 INVESTIGATION.

Upon receiving an application for relief, the Director shall examine the applicant regarding the factual circumstances supporting the claim to eligibility and needs and the corresponding amounts and thereafter shall make such other investigation as he or she deems reasonably necessary under the circumstances. As a condition to receiving assistance under this Chapter, the applicant shall be required to cooperate fully with the investigation of the Director. The cooperation of the applicant shall include but not be limited to completing necessary waivers or release forms sufficient to allow the Director to obtain necessary information to complete his or her investigation.

SEC. 2-10-8 BUDGET AND DISTRIBUTION OF AID.

- (a) **ASSISTANCE BUDGET.** The Director and/or Committee on Public Assistance shall prepare a budget for each applicant which provides for meeting the various categories of need. All income and non-exempt assets on hand or readily available to the applicant shall be subtracted from the budgeted needs. The amount of the resulting budget deficit, if any, shall be the amount of assistance to which the applicant is entitled.

- (b) ASSISTANCE LIMITED TO NEED. In determining the amounts of the budgetary deficit, allowance shall be provided for each category unless no demonstrated need exists, or for the category of assistance.
- (c) ASSISTANCE PRORATED. The assistance allowed of any applicant or recipient may be prorated on the basis of any part-time work relief received, or on the basis of any support received from nondependent persons because of a shared living arrangement.
- (d) EXCESS AID. Aid based on amounts greater than approved benefit levels shall be granted by the Director only when he or she determines that circumstances and facts exist which impose significant additional burdens that are not otherwise being met. The Director shall maintain records for any deviation from the schedule of aids set forth herein and shall make such records available for inspection by the designated representative of a public assistance agency filed upon by non-resident notice or directly involved.
- (e) FORM OF GRANT. Assistance may be granted in cash or by the vendor/voucher system payable directly to the merchant, medical facility, physician, grocery store, furnishing merchant or other vendor. Cash grants of assistance may be made for use of laundromats, to persons in transit who are returning to their place of legal settlement and for such other cases as the Director deems necessary. Cash grants of assistance shall be made to persons for work relief.

SEC. 2-10-9 DENIALS OF RELIEF.

- (a) BASIS FOR DENIAL. Except when an application is withdrawn, the Director shall not deny public assistance at the level and in accordance with these guidelines except for one or more of the following reasons:
 - (1) Ineligible Under Standards. Applicant does not meet the standards of eligibility set forth herein.
 - (2) Refusal to Submit Application. Applicant has refused to submit a written application or to complete any portion of the application form, refused to sign his or her application, or has failed or refused to sign a reimbursement agreement as required by these guidelines.
 - (3) Insufficient Information. Applicant has failed or refused to supply sufficient information from which the Director can form a good faith belief as to the applicants identity, residence history or eligibility for public assistance.
 - (4) Failure to Seek Employment. Recipient/applicant has failed or refused to seek or obtain employment or to register for employment with the Wisconsin Job Service after applicant has been given notice and opportunity to do so. Notice and opportunity to seek or obtain employment shall be deemed to mean the recipient/applicant has been notified of at least two (2) suitable job opportunity commensurate with his or her physical ability, training and skills, and has failed or refused to contact the prospective employer or to make application for such job opportunity or to accept the position, if offered.
 - (5) Failure to Assign Claim. Recipient/applicant has failed to sign an assignment of claim for third party liability agreement as provided by Sec. 49.65, Wis. Stats.
 - (6) False Representation. Recipient/applicant's eligibility or need is dependent on the truth of a representation which the Director has reasonable cause to believe was a false representation.
 - (7) Refusal of Employment. Recipient/applicant has refused a bona fide offer of employment or training without good cause, or has accepted and subsequently given inadequate performance through wilful neglect.

- (8) Failure to Utilize Resources. Applicant/recipient has refused to or failed to take full advantage of other resources available.
 - (9) Failure to Cooperate. Applicant/recipient has refused or failed to cooperate with the Director's investigation of the validity of his or her application.
- (b) DENIALS.
- (1) Denials to be Written. Denials shall be in writing stating the specific reasons for the denial in plain language. Written denials shall be mailed by first class mail to the address given in the application within five (5) working days of the date of application. Denial shall be deemed delivered if mailed within such five (5) working-day period.
 - (2) Written Denials to be Filed. The Director shall maintain a file of all written denials and supporting reasons.
 - (3) Denials to Include Notice of Appeal Rights. Each written denial shall include a notice to the applicant of his or her right to appeal such denial as set forth in these standards and policies.
 - (4) Failure to Respond Deemed Denial. Failure of the Director to respond to a written application for assistance within ten (10) working days shall be deemed a denial of the applicant's request. The Director shall nevertheless provide the applicant with the notice of his or her right to appeal such denial as set forth in these standards and policies.

SEC. 2-10-10 PRORATION OF ASSISTANCE.

The Director and/or Committee on Public Assistance may, in their discretion, provide assistance on a daily, weekly, bimonthly or monthly schedule prorating the benefits furnished. Grants made on a weekly basis shall be prorated on the basis of 7/30th of the monthly allowance. Bimonthly grants shall be fifty (50%) percent of the monthly allowance set forth in Sec. 2-10-5.

SEC. 2-10-11 APPEALS.

Any applicant denied relief by the Director shall have the right of appeal as provided below:

- (a) INITIATING APPEAL. Appeals may be taken from the Director's denial of relief by filing a written appeal in the office of the Village Clerk. Appeal forms will be provided by the municipality upon request.
- (b) APPEAL HEARING. The appeal shall be heard by the Committee which shall be comprised of the Village Board of the Village of St. Cloud. Said appeal shall be heard at the next regularly scheduled Village Board meeting unless the particular facts require an appeal hearing at an earlier date. The appeal shall be heard at a time fixed by the Clerk which will, whenever practicable, be convenient to the applicant. The Clerk shall give at least two (2) days written notice to the applicant by first class mail of any such appeal hearing.
- (c) CONDUCT OF HEARING. Either party to the appeal may be represented by counsel, present evidence by testimony or otherwise, cross-examine witnesses and make argument either in person or by an agent of his or her choosing. Proceedings may and, upon request of the applicant, shall be recorded. All witnesses shall be sworn.
- (d) DECISION ON APPEAL. The decision of the Committee on an appeal shall be in writing and shall state the reasons for the decision. Decisions shall be rendered

solely on the evidence presented at the hearing, except that the Committee may take official notice of statutes, ordinances of the municipality, these policies and procedures, and administrative rules of the County Department of Health and Social Services and of the State, and facts which are generally recognized as established. The decision of the Committee shall be rendered within seven (7) working days of the close of the hearing and the Committee shall immediately upon rendering the decision mail a copy thereof by first class mail to the applicant at the current post office address given in his or her application.

- (e) **DECISION TO BE FINAL.** The decision of the Committee on appeal shall be a final determination and shall be subject to judicial review as provided in Sec. 68.13, Wis. Stats.

SEC. 2-10-12 ELECTION NOT TO BE GOVERNED BY CHAPTER 68, WIS. STATS.

The Village of St. Cloud determines that the appeal procedures in these standards shall constitute the exclusive method for administrative review of determinations of the Director relating to granting of general relief under Ch. 49, Wis. Stats., and elects not to be governed by the provisions of Ch. 68, Wis. Stats., except as expressly provided herein. The appeal procedures contained in these standards shall apply equally to initial determinations of eligibility; the level of public assistance determined to be granted; and to subsequent determinations which terminate or reduce assistance.

SEC. 2-10-13 PENALTIES.

Any person shall be subject to the penalties stated in Section 49.12, Wis. Stats., if any of the following conditions apply:

- (a) Willfully makes a false representation on an application.
- (b) Does any act designed to interfere with the proper administration of public assistance.
- (c) Sells or exchanges supplies or articles furnished him/her as assistance or who disposes of such supplies or articles in any way other than as directed.
- (d) Sends or brings or causes to be sent or brought or advises any dependent person to go to any municipality for the purpose of making him a charge upon such municipality.
- (e) Receives or solicits any commission or derives or seeks to obtain any personal financial gain through the administration of public assistance.
- (f) Fails to notify the Village Clerk-Treasurer of receipt of income or assets.
- (g) Uses money, checks, vouchers or other things of value as relief for purposes other than as directed.
- (h) Makes any statement in a written application for aid not correct or valid.
- (i) Obtains for himself/herself or any other person or dependents or both, assistance when the facts as originally stated have changed.