



MIKE ROHRKASTE

STATE REPRESENTATIVE • 55TH ASSEMBLY DISTRICT

Assembly Bill 191

Testimony of Representative Mike Rohrkaste
Assembly Committee on Public Benefit Reform

April 30, 2015

Thank you, Chairman Born, and members of the Committee on Public Benefit Reform for holding this public hearing.

Assembly Bill 191, a bill implementing drug testing for recipients of certain job training programs administered through the Department of Children and Families, and the FoodShare Employment Training Program, would make the reforms proposed in the governor's budget more effective and meaningful in assisting those who are seeking to find employment. I felt strongly about bringing this forward as standalone legislation both to provide an opportunity to go through the public hearing process, but also to outline a roadmap for improving the proposal as it currently stands.

My goal in introducing this legislation is two-fold: First, I want to make sure that those who are looking for work are given the tools they need to be successful in the workforce. Second, I want to help ensure that Wisconsin's workforce is drug free.

Too often we hear from employers that they are unable to find employees able to pass the drug tests required as a condition of employment. Assembly Bill 191's aim is not punitive, but instead is designed to offer a hand up to those suffering from substance abuse and provide them with the tools they need to combat their drug problem and become a marketable employee.

Currently the State offers several programs to help employees gain the skills they need to successfully enter the workforce - programs like Wisconsin Works (W-2), the Transform Milwaukee Jobs program, and the Transitional Jobs program. I'd like to stress that this bill does not require all enrollees in these programs to be subjected to a substance abuse test. Instead, the bill directs the administering agency to have enrollees complete a questionnaire that screens for potential substance abuse.

Only if the results of the survey provide a reasonable suspicion that an enrollee is abusing an illegal substance would they be subject to a drug test. Should an enrollee in one of the mentioned programs fail to pass this drug test, they would be offered state-sponsored treatment to help them effectively combat their problem. Ultimately we want to develop a process that helps to identify those who are seeking employment but need additional help or treatment in order to fulfill that search.



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The bill appropriates a sum of \$500,000 to help ensure that those who test positive for substance abuse are provided with the treatment they need. The Governor's proposal assumed that the cost of treatment could be absorbed within the existing DCF budget, but I thought it was important to put hard dollars behind this proposal. No program applicants seeking job training should have to worry about covering cost for proper drug treatment.

Additionally, this bill requires the Department of Health Service to request a waiver from the US Department of Agriculture in order to screen participants in the FoodShare Employment Training Program for illegal drug use. Unlike the Governor's original budget proposal, this bill would require several additional measures be included before approving a request for a waiver.

Thank you for your time. I'm happy to answer any questions.



WISCONSIN LEGISLATIVE COUNCIL

Terry C. Anderson, Director

TO: REPRESENTATIVE MIKE ROHRKASTE

FROM: Margit S. Kelley, Senior Staff Attorney

RE: Description of Drug Testing and Treatment Provisions for Certain Work Experience Programs in 2015 Assembly Bill 191, and Comparison With Those Provisions in the 2015-17 Biennial Budget Bill

DATE: April 29, 2015

This memorandum, prepared at your request, describes the drug testing and treatment requirements for certain work experience programs under 2015 Assembly Bill 191, and compares those requirements with the drug testing and treatment provisions for those programs in 2015 Assembly Bill 21 (the 2015-17 Biennial Budget bill) (hereinafter, "the proposed budget").

The work experience programs addressed under the bill include the Transform Milwaukee Jobs program in Milwaukee County, the Transitional Jobs program outside of Milwaukee County, the Wisconsin Works ("W-2") program for noncustodial parents, and programs under contract between the Department of Children and Families (DCF) and a county, tribal governing body, or W-2 agency for noncustodial parents who fail to pay child support.

Assembly Bill 191 also contains drug testing provisions relating to the FoodShare Wisconsin employment and training program, which are addressed in a separate memorandum to you, dated this same day.

BACKGROUND

Federal Law

Work-Related Public Assistance Benefits Programs

The federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 created the Temporary Assistance for Needy Families (TANF) block grant for use by states. [P.L. 104-193.] The grant replaced the Aid to Families with Dependent Children (AFDC) program,

and allowed states to develop and implement public assistance programs that conform to federal regulations on work requirements and time limits for benefit recipients.

Provisions for Controlled Substance Crimes, Abuse, and Treatment

Federal law specifies that a person who has been convicted of a drug-related felony under state or federal law is not eligible for assistance under any state program that receives funding through TANF. However, federal law allows a state to opt out of that requirement, and to either allow eligibility or limit benefits, rather than eliminate eligibility altogether, if a state so chooses. [21 U.S.C. s. 862a (a) (1) and (d) (1).]

Federal law also specifies that a state may require testing of benefit recipients for use of controlled substances, and may sanction recipients who test positive for use of controlled substances. [21 U.S.C. s. 862b.]

Lastly, federal law specifies that an agency administering any state program that receives funding through TANF (“a W-2 agency”) may develop an individual responsibility plan for a benefit recipient. Among other items, such as an employment goal, a plan may include a requirement for the recipient to undergo “appropriate” substance abuse treatment, and to take other steps that will help the individual become and remain employed. If a recipient fails without good cause to comply with the individual responsibility plan, the law allows a state to reduce the amount of assistance by any “appropriate” amount. [42 U.S.C. s. 608 (b) (2) (A) and (b) (3).]

State Law

Work-Related Public Assistance Benefits Programs

State law provides for a number of economic support and work programs that are each either administered by DCF or are administered under a contract with DCF. These include:

- W-2, which provides training and support services for low-income parents who are seeking employment. A W-2 agency assists in conducting an educational needs assessment, searching for unsubsidized employment, providing trial employment matches, providing placement in community service jobs, assigning transitional placement, and administering job access loans. [s. 49.147, Stats.]
 - Although services and benefits are generally limited to low-income custodial parents, a noncustodial parent who is subject to a child support order may be eligible for certain services and benefits. [s. 49.159 (1), Stats.]
- Transform Milwaukee Jobs, which provides financial subsidies for employers in Milwaukee County who hire eligible low-income individuals. A low-income individual between 18 and 24 years old may be eligible, with or without a child, while a low-income person age 25 or older must be a parent to be eligible. [s. 49.163, Stats.]

- Transitional Jobs, which provides financial subsidies for employers in areas outside of Milwaukee County who hire eligible low-income individuals. This program was authorized under 2013 Wisconsin Act 113, and to date has not been established. [s. 49.163, Stats.]
- Work Experience Program for Noncustodial Parents, which provides work experience and job training for noncustodial parents who fail to pay child support as a result of unemployment or underemployment. A county, tribal governing body, or W-2 agency may provide basic job skills training, trial employment matching, placement in community service jobs, and job search and job orientation activities. [s. 49.36, Stats.]

This memorandum does not address other assistance programs, such as Wisconsin Shares (child care subsidy), FoodShare Wisconsin (formerly, food stamps), Kinship Care, Adoption Assistance, BadgerCare Plus (medical assistance), the Low-Income Home Energy Assistance program, and others.

Provisions for Controlled Substance Crimes, Abuse, and Treatment

State law specifies that a person who is participating in a W-2 community service job or in a W-2 transitional placement is required to submit to a test for use of a controlled substance, as a condition of continued eligibility, if the person was convicted during the five years prior to applying for a W-2 employment position of a drug-related felony under state or federal law. The felony must have as an element the possession, use, or distribution of a controlled substance. [s. 49.148 (4) (a) and (c), Stats.]

If a drug test result is positive, the W-2 agency must decrease the benefit amount by up to 15%, for at least 12 months (or the remainder of the person's participation, if less than 12 months). At the end of the 12 months, if the person is still a participant, and the results of a new drug test are negative, the benefit reduction is terminated. [s. 49.148 (4) (a), Stats.]

In addition to the required benefit reduction, if a drug test result is positive, the W-2 agency may require the person to participate in a drug abuse evaluation, assessment, and treatment program. [s. 49.148 (4) (b), Stats.]

The other work experience programs described above do not include drug testing and treatment provisions.

2015 ASSEMBLY BILL 191 PROVISIONS RELATING TO WORK EXPERIENCE PROGRAMS

Assembly Bill 191 requires drug testing and treatment for individuals in certain work experience programs. The covered programs include:

- The W-2 program for noncustodial parents.
- The Transform Milwaukee Jobs program in Milwaukee County.

- The Transitional Jobs program outside of Milwaukee County.
- Work Experience programs under contract between DCF and a county, tribal governing body, or W-2 agency for noncustodial parents who fail to pay child support.

The bill provides that, in order to participate in any of these particular programs, an individual must complete a controlled substance abuse screening questionnaire. If a person is otherwise eligible for a program, but an administering agency determines from the responses to the screening questionnaire that there is a reasonable suspicion that the person is abusing a controlled substance, the agency must require the person to submit to a test for use of a controlled substance.

The bill provides for three potential outcomes when a person is required to submit to a drug test:

- If a person **refuses** to submit to the test, the person is not eligible to participate in the program until the person complies with the testing requirement.
- If a person submits to a test and the test results are **negative** for use of a controlled substance (or the results are positive, but the person presents satisfactory evidence of a valid prescription for the controlled substance), the individual has satisfactorily completed the testing requirements.
- If a person submits to a test and the test results are **positive** for use of a controlled substance (without presenting satisfactory evidence of a valid prescription for the controlled substance), the administering agency must require the person to participate in a substance abuse treatment program in order to remain eligible for the applicable work experience program.

Under the bill, if a person tests positive for use of a controlled substance and is required to enter into a substance abuse treatment program, a person may either refuse the treatment program, in which case the person is not eligible to participate in the work experience program until the person complies with the treatment requirement, or the person may enter into a treatment program that is paid for by DCF.

In order to remain eligible for a work experience program while participating in a substance abuse treatment program, the person must cooperate with random drug testing, and the test results must be negative for use of a controlled substance (or, if the test results are positive, the person must present satisfactory evidence of a valid prescription for the controlled substance). If test results are positive, the person may begin treatment again one time, as determined by the administering agency.

If a person completes treatment, and results of a new drug test at the end of the treatment are negative (or the results are positive, but the person presents evidence of a valid prescription for the controlled substance), the person has satisfactorily completed the testing requirements.

The bill appropriates \$250,000 each for the 2015-16 and 2016-17 fiscal years for DCF's costs in paying for a person's participation in substance abuse treatment programs under these provisions.

The bill does not revise the requirement under current law for a participant in a W-2 community service job or in a W-2 transitional placement to submit to a test for use of a controlled substance, as a condition of continued eligibility, if the person was convicted during the five years prior to applying for a W-2 employment position of a drug-related felony under state or federal law.

PROPOSED BUDGET PROVISIONS RELATING TO WORK EXPERIENCE PROGRAMS

The proposed budget contains the same provisions for drug testing and treatment of individuals in the identified work experience programs as the bill, but the proposed budget does not require DCF to pay for the cost of participation in a substance abuse treatment program and does not make an appropriation for that cost.

If you have any questions, please feel free to contact me directly at the Legislative Council staff offices.

MSK:ksm



WISCONSIN LEGISLATIVE COUNCIL

Terry C. Anderson, Director

TO: REPRESENTATIVE MIKE ROHRKASTE

FROM: Zach Ramirez, Staff Attorney

RE: Description of Drug Testing and Treatment Provisions for the FoodShare Employment and Training Program in 2015 Assembly Bill 191, and Comparison With Those Provisions in the 2015-17 Biennial Budget Bill

DATE: April 29, 2015

This memorandum, prepared at your request, describes the drug testing and treatment requirements for the FoodShare Employment and Training (FSET) program under 2015 Assembly Bill 191, and compares those requirements with drug testing and treatment provisions for the program in 2015 Assembly Bill 21 (the 2015-17 Biennial Budget Bill; hereinafter, “the proposed budget”). Both the bill and the proposed budget require the Department of Health Services (DHS) to submit a request to the U.S. Department of Agriculture (USDA) for a waiver that would authorize DHS to screen and test participants in the FSET program for use of a controlled substance. The memorandum also describes USDA’s criteria for considering and granting waiver requests.

Assembly Bill 191 also contains drug testing provisions relating to the certain work experience programs, which are addressed in a separate memorandum.

BACKGROUND

Overview of the FoodShare Employment and Training Program

The Supplemental Nutrition Assistance Program (SNAP) assists low-income individuals and families in purchasing food. Federal law requires each state that participates in SNAP to design and administer an employment and training program to assist members of households receiving SNAP benefits in gaining skills, training, work, or experience that will increase their ability to obtain regular employment. [7 U.S.C. s. 2015 (d) (4).] Federal law generally requires that, in order for an adult who is not a caretaker of a child to be eligible for SNAP benefits, he or she must either work at least 80 hours each month, be enrolled at least half time at a school or institution of higher education, participate in a state’s employment and training program, or

another qualified training program. [7 C.F.R. ss. 273.7 and 273.24.] Each state must submit to USDA for approval a plan specifying the requirements of the program. [7 U.S.C. s. 2020 (e) (19).]

In Wisconsin, the SNAP program is referred to as FoodShare. DHS administers Wisconsin's FoodShare Employment and Training program, commonly referred to as the FSET program. [s. 49.79(9), Stats.] DHS partners with local service providers and community organizations to offer job search training, work experience, and job retention services. From 2002 through 2014, USDA granted DHS a waiver that allowed DHS to waive the federal work, education, and training requirement for adults. However, in April 2015, Wisconsin began requiring adults under the age of 50 years who do not have any children living in their household to meet the requirement. Adults who do not meet the requirement may only receive three months of FoodShare benefits during a 36-month period. Participation in FSET is one method by which an adult may satisfy the work, education, and training requirement.

Drug Testing in the Supplemental Nutrition Assistance Program

Federal law authorizes states to require individuals applying for or receiving SNAP benefits to submit to drug testing only under certain limited circumstances. Federal law permanently disqualifies individuals who have been convicted of a drug felony from receiving SNAP benefits, but it authorizes states to waive or modify this disqualification. [21 U.S.C. s. 862a.]

Wisconsin has modified the disqualification provision by requiring that if an applicant for FoodShare benefits has been convicted within the previous five years of a felony that involves possession, use, or distribution of a controlled substance, then the individual must submit to a drug test. An individual who tests positive for a controlled substance is not counted in determining the needs of a household for purposes of determining the amount of FoodShare benefits, but the income of that individual is still considered in determining the total income of the household. This has the effect of reducing the amount of benefits a multi-person household is eligible to receive and disqualifying households that only include the individual. [s. 49.79 (5), Stats.]

Waiver Requirements

States may apply to the USDA for a waiver to deviate from specific federal regulations governing SNAP. Federal law requires that a request for a waiver must include, at a minimum:

- Reasons why the waiver is needed.
- Estimates of the portion of caseload or potential caseload which would be affected and the characteristics of the affected caseload, such as geographic, urban, or rural concentration.
- A description of the anticipated impact on service to participants or potential participants who would be affected.
- The anticipated time period for which the waiver is needed.

- An explanation of the proposed alternative provision to be used in lieu of the waived regulatory provision.

[7 C.F.R. s. 272.3 (c) (4).]

USDA may approve a waiver request if it determines that the waiver would result in more effective and efficient administration of the program, or if the regulatory provisions for which a waiver is sought cannot be implemented by the state due to extraordinary temporary situations or unique geographic or climatic conditions. [7 C.F.R. s. 272.3 (c) (1).] However, USDA may not approve a request for a waiver if it determines that the waiver would be inconsistent with the provisions of the Food and Nutrition Act of 2008 or would impair any statutory or regulatory rights of SNAP participants or potential participants. [7 C.F.R. s. 272.3 (c) (2).] For example, because the Food and Nutrition Act of 2008 prohibits states from imposing standards of eligibility for SNAP participation in addition to those that are established by the Act, USDA may not approve a waiver if USDA concludes that the requested waiver provisions constitute additional standards of eligibility.

COMPARISON OF 2015 ASSEMBLY BILL 191 AND THE PROPOSED BUDGET

Assembly Bill 191 and the proposed budget both require DHS to submit to USDA a request for a waiver that would authorize DHS to screen and test participants in the FSET program for use of a controlled substance without a valid prescription. The bill differs from the proposed budget by limiting applicability of the waiver to childless adults, limiting drug testing to instances in which there is a reasonable suspicion that the individual used a controlled substance without a valid prescription, providing for substance abuse treatment, specifying the consequences of a positive test, and additionally requiring the Joint Committee on Finance to approve DHS's plan for administering the provisions of the waiver.

Proposed Budget Provisions Relating to the FSET Program

The proposed budget requires DHS to submit to USDA a request for a waiver that would authorize DHS to screen participants in the FSET program for use of a controlled substance without a valid prescription, and to subsequently test for use of a controlled substance those individuals whom the screening indicates should be tested. The proposed budget requires DHS to screen and test in a manner authorized by the waiver, if USDA grants the waiver request.

The proposed budget does not require DHS to include in its waiver request a provision specifying the consequences for a participant refusing to be tested or testing positive for use of a controlled substance without a valid prescription.

The proposed budget provides that if the waiver is approved by USDA in the 2015-17 fiscal biennium, DHS must address any future fiscal impact resulting from the implementation of the provisions in the waiver in its biennial budget request for the 2017-19 fiscal biennium.

2015 Assembly Bill 191 Provisions Relating to the FSET Program

Similar to the proposed budget, Assembly Bill 191 requires DHS to submit to USDA a request for a waiver that would authorize DHS to screen and test participants in the FSET program for use of a controlled substance without a valid prescription. However, the bill contains the following additional requirements pertaining to the waiver request:

- The screening and testing requirements apply only to participants in the FSET program who are childless adults, rather than to all FSET participants.
- Testing is limited to those participants for whom there is a reasonable suspicion of use of a controlled substance without a valid prescription, as determined by a mechanism developed by DHS.
- If a participant tests positive for use of a controlled substance without a valid prescription, the individual must participate in state-sponsored substance abuse treatment and submit to random testing while participating in the treatment program, in order to remain eligible for the FSET program.
- If an individual participating in state-sponsored treatment tests positive for the use of a controlled substance without a valid prescription, the individual may begin treatment again one time and remain eligible for the FSET program.

The bill also requires that, if USDA grants the waiver request, DHS must submit to the Joint Committee on Finance a plan for conducting the screening, testing, and treatment, and the plan must include a cost estimate for providing state-sponsored substance abuse treatment. If the committee approves the plan, DHS must then screen and, if indicated, test and treat FSET participants who are childless adults for use of a controlled substance without a valid prescription. If the committee does not approve the plan, then DHS may not implement the waiver. Similar to the proposed budget, the bill also requires that if the waiver is approved in the 2015-17 fiscal biennium, DHS must address any future fiscal impact resulting from implementation of the provisions of the waiver in its biennial budget request for the 2017-19 fiscal biennium.

If you have any questions, please feel free to contact me directly at the Legislative Council staff offices.

ZR:ksm



201 East Washington Avenue, Room G200
P.O. Box 8916
Madison, WI 53708-8916
Telephone: 608-266-8684
Fax: 608-261-6972

Governor Scott Walker
Secretary Eloise Anderson

Secretary's Office

Date: April 30, 2015
To: Members of the Assembly Public Benefits Reform Committee
From: Secretary Eloise Anderson, Department of Children and Families
Re: Department Position on AB 191 – In Support

Chairman Born and Assembly Public Benefits Reform Committee members, I am sorry I am unable to be with you today but I wanted to convey the Department's support for Assembly Bill 191, regarding drug testing for certain work programs administered by the Department of Children and Families.

Since the start of the War on Poverty, the government programs implemented to alleviate hardship have been measured by the amount of money spent, not on the program's results. We have measured how much government cares in financial terms, while ignoring the fact that dollars alone will not serve the societal needs of the whole person.

Assembly Bill 191 mirrors the recommendation in Governor Walker's budget that all able-bodied non-custodial parents who are screened-in as possible drug users be required to take a drug test, and be enrolled in a treatment program should they test positive. It is a common sense way to not only serve the person's needs, but the needs of the entire family.

According to a 2013 survey by The Society of Human Resource Management, 90 percent of employers drug test job candidates. If the goal of our programs is to help people gain family-sustaining employment, how are we helping our neighbors if after all of their hard-work and training, they are still unemployable because they are unable to pass an employer's drug test? Participants who complete our programs, yet remain unemployable are unable to realize their full potential, and begin the transition from government dependence to independence.

Drug testing allows us to help the individual enroll in the treatment that they need at the front end of the work training process. Thus, upon completion of the jobs program, a person is truly ready to enter the workforce.

Additionally, we know the devastating toll drug use places on families. Research into the traumatic effects of parents who abuse drugs shows the potential for life-long damage to a child. "Parental substance abuse interrupts a child's normal development, which places these youngsters at higher risk for emotional, physical and mental health problems," according to the American Academy of Experts in Traumatic Stress.

In order to serve the best interest of the entire family, we must ensure that non-custodial parents enrolled in our programs are able to play both financial and emotionally productive roles in their child's development.

Thank you for the opportunity to express the Department's support for Assembly Bill 191.



WISCONSIN COUNCIL ON

children
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555 West Washington Ave, Suite 200
Madison, WI 53703

www.wccf.org

☎ 608-284-0580

✉ 608-284-0583

DATE: April 30, 2015

TO: Assembly Committee on Public Benefits Reform

FR: Ken Taylor, Executive Director

RE: Opposition to AB 191 – regarding drug screening and testing

Chairperson Born and committee members, thank you for this opportunity to share the serious concerns of the Wisconsin Council on Children regarding Assembly Bill 191.

The drug screening and testing measures that were proposed by Governor Walker are part of the “Workforce Readiness Plan” that the Governor unveiled in late January. We support the goal articulated by the Governor and other policymakers of improving the Wisconsin workforce, but we oppose the drug screening and testing measures in the budget bill and in AB 191 because there are much better ways to move toward that goal.

The first problem with the bill is that it has been shown in other states that drug screening and testing requirements aren’t cost effective. In Missouri, for example, a law passed in 2011 requires drug screening and testing for all TANF applicants. Last year the state screened 38,970 applicants and tested 446. Of those, only 48 tested positive, which was roughly 1 out of each 1,000 applicants.

The cost of Missouri’s screening and testing last year was \$336,297, and it’s not clear how many – if any – of the 46 people who were tested positive have been successfully treated. To make a dent in the drug problem in Wisconsin and to improve the job readiness of the workforce in our state will require a broader and more cost-effective approach.

A second problem is a concern that has been raised by a number of religious groups in Wisconsin. As they have noted, recovery from addiction is rarely a simple matter; it proceeds in fits and starts. With that in mind, they wrote in an April 16 memo to the Joint Finance Committee that “*To provide only one second chance is neither realistic nor fair.*”

A related problem with this approach is that it doesn’t treat substance abuse as a medical condition, like mental illness. We can’t expect success if we fail to heed the advice of medical experts – who view substance misuse as a condition that requires supportive treatment, not stigmatization.

As I said at the outset, there are better ways to accomplish the goal of improving the job readiness of the Wisconsin workforce. Given that substance use and abuse is a widespread problem among the residents of our state, we need to invest in treatment programs that apply evidence-based solutions and make effective treatment far more accessible for the large number of Wisconsinites who understand that they have a problem and are looking for assistance.

A good place to start tackling the problem is with young people. Our state needs to help schools identify youth who are at high risk of substance abuse. We should invest in proven programs like SBIRT – which stands for screening, brief intervention and referral to treatment. A small number of school districts are beginning to implement SBIRT programs, but state policymakers could make a significant dent in drug abuse problems by speeding up the expansion of successful programs.

A different way of achieving big gains in the workforce is to address the problem of driver's license suspensions for people who are unable to pay fines and forfeitures unrelated to their driving. This is a huge problem in our state, particularly in Milwaukee County. If we want to increase the number of employable workers and reduce dependency on public benefits, we need to substantially reduce the number of people whose licenses have been suspended and who no longer have a lawful way of getting to jobs. That could be done by enabling and strongly encouraging judges to make much greater use of alternative sentences like community service, in lieu of fines and subsequent license suspensions for people who don't have the capacity to pay the fines.

In closing, I would note that in the last legislative session Wisconsin lawmakers put aside partisan differences and developed common-sense non-ideological legislation to improve access to mental health services, and they approached that challenge in a way that decreases the stigmatization of mental illness. In addition, the Heroin, Opiate Prevention and Education (HOPE) agenda developed by Rep. Nygren begins to change the way we view and respond to addiction. I commend all of you who were here then and had a hand in those very positive measures enacted last session.

I urge you to approach substance abuse problems this session with that same spirit of finding common-sense nonpartisan solutions that treat substance use and abuse as a medical condition, like mental illness, and without stigmatizing the Wisconsinites struggling with that condition. Although I don't think that AB 191 meets those tests, I would like to thank the bill's authors for their interest in the problem and for initiating a public and legislative discussion of how we can improve Wisconsin's workforce.



Jewish Community
Relations Council
MILWAUKEE
JEWISH FEDERATION



WISCONSIN
FAITH
VOICES
FOR JUSTICE

Wisconsin
Jewish
Conference



TO: Members, Assembly Committee on Public Benefits Reform
FROM: Tom Heinen, Interfaith Conference of Greater Milwaukee
 Elana Kahn-Oren, Jewish Community Relations Council, Milwaukee
 Rev. Cindy Crane, Lutheran Office for Public Policy in Wisconsin
 Linda Ketcham, Madison-area Urban Ministry
 John Huebscher, Wisconsin Catholic Conference
 Rev. Scott D. Anderson, Wisconsin Council of Churches
 Rabbi Bonnie Margulis, Wisconsin Faith Voices for Justice
 Michael Blumenfeld, Wisconsin Jewish Conference
 Sandra A. Milligan, WISDOM
DATE: April 30, 2015
RE: AB 191, Drug Testing for Transitional Jobs, Transform Milwaukee, Children First
 and FoodShare Employment Training
 AB 192, Drug Testing for UI Claimants

As representatives of a broad diversity of Wisconsin faith communities, we ask you to reject AB 191 and AB 192, which would institute or expand drug testing for FoodShare Employment and Training, some other employment programs and Unemployment Insurance.

We do so because of our shared commitment to respect, compassion, and fairness for all persons. In our respective religious traditions poverty and joblessness are not indicators of bad character. Thus, we do not believe it is just to craft policies that punish those who face these trials while also suffering from the illness of addiction.

Nor is it fair to treat those who seek employment, health and nutritional assistance differently than those who need financial help with educational costs, starting a business or obtaining child care. Drug abuse occurs at all income levels. Tying drug testing only to certain forms of public assistance unjustly holds those applicants to a higher standard of accountability than the rest of us.

The stated intent of these provisions is to see that people get treatment if they need it, and to ensure that they are employable. We share this goal and our charitable organizations do what they can to attain it. Still we must ask: Will requiring drug screening and testing for public assistance applicants really advance those goals? We see many reasons to doubt it.

Subjecting applicants for federal assistance to drug screening and testing only because they are dealing with poverty or loss of income is degrading and humiliating. It adds to the stigma of applying for public assistance. Moreover, it may discourage some from seeking the very help they and their families need.

These bills do not specify whether the drug screening, testing, and sanctions would apply to parents who apply for Unemployment Insurance or job training programs (except for FoodShare Employment and Training, which specifies that only childless adults would be tested). This raises the possibility that children would be deprived of food and other necessities because of a parent's drug problem.

Drug addiction is not simply a matter of moral weakness. It is rather a chronic illness that requires ongoing support and treatment. Nor is it a relatively simple problem that can be solved with one or two courses of treatment. It is often closely intertwined with mental illness, making it especially difficult to treat.

Our faith communities have extensive experience in supporting and operating programs that serve persons in need, including those with drug abuse problems. We know how long the road to recovery can be, and how many ups and downs, reversals and new beginnings typically occur along the way.

AB 191 specifies that a person who tests positive for drug use must participate in substance abuse treatment and submit to random testing in order to remain eligible. If that person tests positive again, he or she can restart treatment only once and remains eligible only so long as no further tests are positive. To provide only one second chance is neither realistic nor fair.

We are also acutely aware of the limited availability of treatment programs for persons of modest means. We know that many of those programs lack adequate funding, and we know how long the waiting lists are. It is likely, therefore, that many persons who are jobless or in poverty would be simply punished, rather than helped, by this policy.

We also do not believe that this policy will benefit the state as a whole. Depriving people of food, medical care, job training, or unemployment insurance will not improve the health, safety, or economic vitality of our communities. Instead, it will weaken our communities by increasing poverty, food insecurity, and health care costs.

Nor is this policy wise stewardship of scarce public resources. Other states have tried such drug testing policies and have found that it costs a great deal while delivering only meager results. When Florida implemented testing, only 2.6% of enrollees tested positive. (For comparison, the overall rate of drug abuse among Wisconsin adults is 8.5%.) When Virginia proposed such a program, the state discovered that it would have cost an estimated \$1.5 million and saved only \$229,000. This experience reinforces our view that there are better ways to use our limited public funds to help people overcome drug addictions and prepare for jobs that will support themselves and their families

Those who find themselves in need of public assistance, and those – whatever their economic and social situation – who suffer from addiction are our neighbors, friends, family members, and fellow worshippers. They all deserve our respect and our help to overcome the obstacles that deprive them of opportunities to lead more productive and fulfilling lives.

We agree that policies should help the needy without enabling dependency of those able to support themselves. But we should also avoid policies that require us to abandon those among us who cannot help themselves, or who need a little more time, patience and assistance to be able to support themselves and their families.

For all these reasons, we respectfully urge you not to adopt these unfair and unwise bills.

Thank you for considering our views on this matter.

Sincerely,

Tom Heinen, Executive Director
Interfaith Conference of Greater Milwaukee
(414) 276-9050
Tomh@interfaithconference.org

Linda Ketcham, Executive Director
Madison-area Urban Ministry
608-256-0906
linda@emum.org

Elana Kahn-Oren, Director
Jewish Community Relations Council Milwaukee
Jewish Federation
414-390-5736
elanao@milwaukeejewish.org

John Huebscher, Executive Director
Wisconsin Catholic Conference
608-257-0004
john@wisconsincatholic.org

Rev. Cindy Crane, Director
Lutheran Office for Public Policy in Wisconsin
608-270-0201
cindyc@loppw.org

Rev. Scott D. Anderson, Executive Director
Wisconsin Council of Churches
608-837-3108
sanderson@wichurches.org

Rabbi Bonnie Margulis, President
Wisconsin Faith Voices for Justice
608-827-9482
rabbibonnie@charter.net

Michael Blumenfeld, Executive Director
Wisconsin Jewish Conference
608-257-1888
mblumenfeld@mblumenfeld.com

Sandra A. Milligan, President
WISDOM
414-831-2070
wisdomforjustice@gmail.com



CITIZEN ACTION OF WISCONSIN

221 S. 2nd Street Milwaukee, WI 53204 PH 414-476-4501 Fax 414-476-4580

Testimony of Erik Kirkstein, Health Organizer, Citizen Action of Wisconsin AB 191 and AB 192 Assembly Committee on Public Benefit Reform, April 30, 2015

Chairman Born and members of the committee, thank you for the opportunity to testify today on Assembly Bill 191 and Assembly Bill 192.

My name is Erik Kirkstein and I'm a health organizer with Citizen Action of Wisconsin. On behalf of our statewide membership, I am here today to speak in opposition to oppose mandatory drug-testing provisions of Assembly Bill 191 and 192.

Assembly Bills 191 and 192 unjustly target our most vulnerable friends and neighbors with humiliating forced drug-testing when they seek much-needed public assistance like unemployment benefits and FoodShare. If enacted, these bills would place much higher burdens on these particular recipients of public benefits than the many others Wisconsinites who also receive public resources.

If it is justifiable to drug test people just because they receive public dollars, why not have forced drug tests for legislators, or for corporate CEOs who receive generous public economic development subsidies? What about farmers receiving agricultural subsidies? Or homeowners who receive the mortgage interest tax deduction?

Implicit in this legislation is the notion that those working to pull themselves out of poverty are substantially more likely to use illicit drugs than the population at large. But the results from numerous states that have implemented similar programs shows this assumption to be misguided.

The state of Florida is case and point. Before being ruled unconstitutional, Florida drug tested 4,086 applicants for food assistance, with just a mere 108 - or just 2.6% - testing positive.

While such a small segment of the population applying for public assistance actually tested positive, data from a 2008 study by the Office of National Drug Control Policy showed that 8.13 percent of Floridians 12 and up used illicit drugs. For comparison, Wisconsin's overall rate of illicit drug use among adults is 8 percent. The results of Florida's drug-testing program offers

clear evidence that people who rely on public assistance programs do not suffer from substance use disorders at levels substantially higher than the general population.

During the first 19 months of Missouri's drug-testing program, the state screened nearly 70,000 applicants, only identifying 1,646 for testing. Of those who were tested, only 69 tested positive, representing less than 1/10th of 1 percent of the 70,000 screened.

A final example is Tennessee. Out of more than 16,000 applicants from July through the end of 2014, just 37 tested positive for illegal drug use. This is less than 1/2 of 1 percent of all the applicants.

It's clear that these mandatory drug-testing programs are a solution in search of a problem.

Citizen Action of Wisconsin agrees that substance use disorders are a major public health issue, and applauds your understanding that we must do more to address the needs of those suffering from the illness of addiction. To really help those in need, we should be offering free and voluntary treatment.

Additionally, we should be focusing our efforts on preventing addiction in the first place by addressing it where it begins - with youth.

A major study found that nine in ten Americans with addiction issues started using risky substances before age 18, leading researchers to conclude that adolescent substance abuse is America's number one public health issue. In Wisconsin, recent data shows that we rank higher than the national average in both youth binge drinking and illicit drug use.

The people of Wisconsin would be better served if we focused our attention on preventing youth addiction instead of spending precious tax dollars on short-sighted drug-testing programs.

In sum, this legislation is an ineffective approach to combating substance use disorders and therefore is likely to fail at achieving this goal. Instead, forced drug-testing requirements such as those being proposed will only reinforce stereotypes about poverty and illicit drug use, and put at risk much needed public assistance for our most vulnerable families based on dubious evidence. For these reasons, I urge the committee to reject Assembly Bills 191 and AB 192.

Thank you.