

Organizational Requirements for Aging Units

Aging Policy Manual

I. Aging Unit Overview

Area agencies on aging are a creation of the federal Older Americans Act. AAAs, as they are commonly called, play important advocacy and oversight roles in the aging network.

Aging units are a creating of Wisconsin law. They reflect the Wisconsin tradition of vesting authority for the planning and provision of services with local government. In large measure, aging units are a uniquely Wisconsin manifestation of the aging difference.

- The aging unit belongs to and is governed by older people. Older people fill major roles in governing aging units and in determining how the aging unit serves older people in the county or tribe.
- The aging unit empowers older people. A key understanding within the aging network is that older people are best qualified to advocate for the needs of their peers. The aging unit is obligated to assist older people in helping themselves.
- The aging unit focuses on change. The Older Americans Act requires the aging unit to advocate for local and societal changes on behalf of older people.

The aging network is a network of and for older people. It is not primarily a service network. It is a network whose major roles are to empower and enable older people to influence the existing service delivery system. These traits are imbued within the requirements placed on aging units.

II. Creation of Aging Unit

The county board of supervisors or the tribal governing body shall establish an aging unit to administer funds and programs under the federal Older Americans Act.

“A county board of supervisors of a county, the county boards of supervisors of two or more contiguous counties or an elected tribal governing body of a federally recognized American Indian tribe or band in this state may choose to administer, at the county or tribal level, programs for older individuals that are funded under 42 USC 3001 to 3057n, 42 USC 5001 and 42 USC 5011. If this is done, the county board or boards of supervisors or tribal governing body shall establish by resolution a county or tribal aging unit to provide the services required under this section.”

“If a county board of supervisors or a tribal governing body chooses, or the county boards of supervisors of two or more contiguous counties choose, not to administer the programs for older individuals, the department shall direct the area agency on aging that serves the relevant area to contract with a private, nonprofit corporation to provide for the county, tribe or counties the services required under this section.”

The county board of supervisors or the tribal governing body thus has both of the following two related decisions:

1. To administer the funds and programs under the Older Americans Act.
2. To establish the required aging unit as a necessary condition in order to receive the funds.

III. Wisconsin Elders Act

The Wisconsin Elders Act, the title given to Chapter 46.82 of the Wisconsin Statutes, was a landmark piece of legislation for the Wisconsin aging network. The Elders Act is a state-level counterpart of the federal Older Americans Act. It signaled the intent of the State of Wisconsin to empower and serve older people through a locally grounded system of county and tribal aging units.

IV. Organizational Options

The Wisconsin Elders Act permits three organizational options for aging units:

“Aging unit means an aging unit director and necessary personnel, directed by a county or tribal commission on aging and organized as one of the following:

1. An agency of county or tribal government with the primary purpose of administering programs or services for older individuals of the county or tribe.

2. A unit, within a county department, with the primary purpose of administering programs or services for older individuals of the county.
3. A private corporation that is organized under Chapter 181 and that is a nonprofit corporation, as defined in § 181.0103(17).”

Put simply, the county or tribe has three organizational options. The aging unit may be a freestanding county or tribal government department. Alternatively, the aging unit may be a part of another county department. As a third option, the county or tribe may designate a private nonprofit corporation to act as the aging unit.

Increasingly, counties have established Aging and Disability Resource Centers (ADRCs). Some of these are single-county ADRCs while others serve multiple counties. The relationship of the aging unit to the ADRC is an important consideration and must be carefully considered by all parties so as to provide the best service and advocacy of older adults in the affected area.

How a county or tribe chooses to organize its aging unit is an important decision. Many factors enter into this decision. The major consideration must be the organizational structure which best allows the aging unit to fulfill its required duties.

When a county or tribe is considering changing the organizational structure of its aging unit, substantial efforts should be made to involve older people in the decision making process. It is important that both commission and advisory council members be involved in these discussions. There are a variety of low-cost or no-cost ways to accomplish this involvement. Commission advisory members should be involved in these activities:

- The use of focus groups organized at various dining centers and senior centers.
- Public forums hosted by senior groups and organizations.
- The use of cable TV community access channels.
- Forming a broad-based ad hoc advisory group consisting of representatives from senior organizations and current program clientele.

Older people form the fastest-growing segment of the population in many communities. The importance of how aging services are structured and delivered will have implications for years to come. Older people must be consulted and involved in the decisions affecting the future of the aging unit.

V. Powers and Duties of the Aging Unit

The Wisconsin Elders Act lists the duties of an aging unit. All aging units are required to fulfill the duties 1-12 and 18. Items 13-17 and 19-20 are permissive. Aging units may also perform other general functions necessary to administer services for older individuals.

The required and optional duties of the aging unit strongly suggest that the aging unit is more than an aging services provider. Indeed, the language suggests a community focal point or locus for activities for and on behalf of older people. The statutory language indicates the legislative intent that the aging unit be a catalyst for community change and community organizing to create responsive and effective systems.

VI. Aging Unit Staff

The Wisconsin Elders Act requires that “A full time aging unit director shall be appointed on the basis of recognized and demonstrated interest in and knowledge of problems of older individuals, with due regard to training, experience, executive and administrative ability and general qualification and fitness for the performance of their duties.”

The expression full-time shall be interpreted to mean whatever the county, tribe, or private nonprofit corporation defines as full-time for other employees with similar levels of responsibility. The term aging unit director is used in the singular sense. This directly implies that an individual holds the position of aging unit director. Splitting the required duties of the aging unit director across multiple personnel is thus no permitted.

Where the aging unit operates within the context of a larger, multi-purpose entity such as an ADRC, the aging unit must have a full time director as required by the Wisconsin Elders Act.

The Wisconsin Elders Act describes the primary purpose of the aging unit as administering programs of services for older individuals of the county or tribe. There is no suggestion that the aging unit might or should engage in any activities unrelated to older individuals. However, because the listing of duties and responsibilities for the aging units includes programs whose primary, but not exclusive clientele are older people the operation of such programs is permissible.

The assignment of programs or duties whose clientele are primarily not older people is clearly outside the intent of the Wisconsin Elders Act that the aging unit has a full-time director and is not permitted. Furthermore, where an aging unit operates programs whose clientele includes non-elderly people, the aging unit shall demonstrate that sufficient staff and supervision are available to meet the agency's required functions under the law.

VII. Non-Compliance with Wisconsin Elders Act

If a county or tribe is not in compliance with the requirements of the Wisconsin Elders Act, the AAA will notify the aging unit of the deficiencies and violations, the steps necessary to comply, and the timetable for compliance. If the county or tribe continues to remain out of compliance with the requirements of the Wisconsin Elders Act, the Bureau of Aging and Disability Resources shall direct the AAA that serves the relevant area to contract with a private, nonprofit corporation to provide for the county or tribe the services required under the Wisconsin Elders Act. The AAA will provide the county or tribe with written notification of the proposed action and the grounds for action.

If a county or tribe wishes to appeal the decision on non-compliance, the county or tribe shall follow the standard Bureau hearing process.

VIII. The Aging Difference

Note the continuing theme in this manual surrounding the term the aging difference. The term implies that the aging network has unique characteristics from other social and human service systems. This chapter has examined the requirements for county and tribal aging units. Aging units are a creation of the Wisconsin Elders Act, which in turn codifies another aspect of the aging difference: a commitment to provide older people with access through local government to the decisions and programs which affect their lives.

Considerations about where aging units fit in local government occasionally focus on imagined efficiencies. Certainly conducting an efficient operation is very important. However, the major point to consider is the effectiveness of the aging unit at representing older people in their government. When counties or tribes are considering altering the place of the aging unit in local government, they are strongly advised to conduct the deliberation in a very public fashion, and must involve older people and their organizations at every level.