



2021 SENATE BILL 354

May 21, 2021 - Introduced by Senators MARKLEIN, FEYEN, BALLWEG, BERNIER, BRADLEY, DARLING, FELZKOWSKI, JAGLER, KAPENGA, LEMAHIEU, NASS, STAFSHOLT, STROEBEL, TESTIN, WANGGAARD and WIMBERGER, cosponsored by Representatives VOS, CALLAHAN, ALLEN, ARMSTRONG, AUGUST, BORN, BRANDTJEN, CABRAL-GUEVARA, DALLMAN, DITTRICH, DUCHOW, EDMING, GUNDRUM, HORLACHER, JAMES, KATSMA, KNODL, KUGLITSCH, KURTZ, LOUDENBECK, MACCO, MAGNAFICI, MOSES, MURPHY, NEYLON, PETERSEN, PETRYK, PLUMER, ROZAR, SCHRAA, SPIROS, STEINEKE, SUMMERFIELD, SWEARINGEN, TAUCHEN, THIESFELDT, TITTL, TRANEL, VANDERMEER, WICHGERS, WITTKKE and ZIMMERMAN. Referred to Committee on Labor and Regulatory Reform.

1 **AN ACT to amend** 108.04 (2) (bb) (intro.) and 108.04 (2) (bd) (intro.); and **to create**
2 108.04 (2) (be) of the statutes; **relating to:** participation in federal
3 unemployment benefit programs and work search requirements for
4 unemployment insurance.

Analysis by the Legislative Reference Bureau

This bill does all of the following:

1. Requires the governor and the secretary of workforce development to terminate this state's participation in federal programs that provide or supplement unemployment benefits to workers in this state. These programs include a) the Pandemic Unemployment Assistance (PUA) program, which provides a benefit to certain workers not otherwise eligible for regular unemployment insurance (UI) benefits, b) the Pandemic Emergency Unemployment Compensation (PEUC) program, which provides additional weeks of UI benefit payments beyond the normal 26 weeks available under state law, and c) the Federal Pandemic Unemployment Compensation (FPUC) and Mixed Earner Unemployment Compensation (MEUC) programs, which provide an additional dollar benefit on top of regular UI benefits, PEUC benefits, PUA benefits, and work-share benefits. The bill requires that the termination be effective beginning with the earliest week that the agreements can be terminated.

2. Prohibits DWD from waiving the work search requirement for any reason that is related to COVID-19 or the the COVID-19 pandemic or a public health emergency that is in response to or otherwise related to COVID-19.

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Under current law, a claimant for UI benefits is generally required to search for work each week in order to remain eligible, but the Department of Workforce Development is required to waive these requirements under certain circumstances. Under current law, DWD has limited rule-making authority to modify the availability of waivers or establish additional waivers if necessary to comply with a requirement under federal law or if specifically allowed under federal law.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 108.04 (2) (bb) (intro.) of the statutes is amended to read:

2 108.04 (2) (bb) (intro.) The department shall, except as provided under par.
3 pars. (bd) and (be), waive the work search requirement under par. (a) 3. if any of the
4 following applies:

5 **SECTION 2.** 108.04 (2) (bd) (intro.) of the statutes is amended to read:

6 108.04 (2) (bd) (intro.) The Except as provided in par. (be), the department may,
7 by rule, do any of the following if doing so is necessary to comply with a requirement
8 under federal law or is specifically allowed under federal law:

9 **SECTION 3.** 108.04 (2) (be) of the statutes is created to read:

10 108.04 (2) (be) 1. In this paragraph:

11 a. "COVID-19" means the SARS-CoV-2 virus and any related disease.

12 b. "Public health emergency" includes any public health emergency declared
13 under s. 323.10, including any extension, any action by the department of health
14 services under ch. 252, any federally declared emergency, or any period in which this
15 state has been the subject of a major disaster declaration.

16 2. The department may not waive the work search requirement under par. (a)

17 3. for any reason that is related to COVID-19 or the COVID-19 pandemic or a public

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1 health emergency that is in response to or otherwise related to COVID-19 or the
2 COVID-19 pandemic.

3 **SECTION 4. Nonstatutory provisions.**

4 (1) TERMINATION OF PARTICIPATION IN FEDERAL UNEMPLOYMENT ASSISTANCE
5 PROGRAMS.

6 (a) The governor and the secretary of workforce development shall act to
7 terminate all of the following:

8 1. The agreement under 15 USC 9021 (f) governing this state's participation
9 in the pandemic unemployment assistance program under 15 USC 9021.

10 2. The agreement under 15 USC 9023 (a) governing this state's participation
11 in the federal pandemic unemployment compensation and mixed earner
12 unemployment compensation programs under 15 USC 9023.

13 3. The agreement under 15 USC 9025 (a) governing this state's participation
14 in the pandemic emergency unemployment compensation program under 15 USC
15 9025.

16 (b) The termination of the agreements under par. (a) shall be effective for weeks
17 of unemployment beginning with the earliest week after the effective date of this
18 paragraph that the agreements can be terminated.

19 **SECTION 5. Initial applicability.**

20 (1) The treatment of s. 108.04 (2) (bb) (intro.), (bd) (intro.), and (be) first applies
21 to weeks of unemployment beginning on the Sunday after publication.

22 (END)