

1981 Senate Bill 791

Date published: April 30, 1982

## CHAPTER 315 , Laws of 1981

AN ACT to amend 108.04 (8) (e), 108.13 (1) (b) and 108.141 (3) (a) and (3g) (a) 3. (intro.) and a and (d); and to create 108.13 (1) (c) and 108.19 (1m) and (1n) of the statutes; and to amend laws of 1981, chapter 36, section 46 (5) and (7), relating to various changes in the unemployment compensation law.

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

PREFATORY NOTE: This bill was prepared, and is unanimously recommended, pursuant to s. 108.14 (5) (a), stats., by the statutory council on unemployment compensation, consisting of labor and management representatives. Many of the changes in Wisconsin's unemployment compensation law are required to meet new federal standards (required of all states). This bill makes these required changes as well as enabling the state to assess a tax for payment of interest potentially due to the federal government on any advances made to the unemployment compensation reserve fund.

SECTION 1. 108.04 (8) (e) of the statutes, as created by chapter 36, laws of 1981, is amended to read:

108.04 (8) (e) This subsection does not apply to an individual claiming extended benefits if the individual's individual fails to provide sufficient evidence that his or her prospects for obtaining work in his or her customary occupation within a reasonably short period of time not exceeding 4 weeks, beginning with the first week of eligibility for extended benefits, are not good.

NOTE: Clarifies eligibility for extended benefits in situations where an employe fails to apply for and accept suitable work in accordance with s. 108.141 (3g), stats.

SECTION 2. 108.13 (1) (b) of the statutes, as affected by chapters 20 and 36, laws of 1981, is amended to read:

108.13 (1) (b) A benefit under this chapter is assignable under ss. 52.055 (2m) and 767.265 (1) ~~and as specifically prescribed by federal law.~~

NOTE: SECTION 3 provides a more specific reference to the federal law requiring deduction and withholding of certain benefits.

SECTION 3. 108.13 (1) (c) of the statutes is created to read:

108.13 (1) (c) Each claimant shall disclose to the department whether the claimant owes child support obligations. The department shall deduct and withhold any benefits payable to a claimant under this chapter to satisfy that claimant's child support obligations under plans described in section 454 of the social security act (42 USC s. 654) approved by the U.S. secretary of health and human services under part D of title IV of that act. Any amount deducted and withheld shall be paid by the department to the appropriate child support enforcement agency.

NOTE: This provision directs the department of industry, labor and human relations to withhold any benefits payable to a claimant to satisfy that claimant's child support obligations. The provision is necessary to conform to P.L. 97-35.

SECTION 4. 108.141 (3) (a) and (3g) (a) 3. (intro.) and a and (d) of the statutes, as affected by chapter 36, laws of 1981, are amended to read:

108.141 (3) (a) The individual had base period wages equaling at least 40 times the individual's ~~weekly extended benefit rate~~ most recent weekly benefit rate;

(3g) (a) 3. (intro.) Work is suitable within the meaning of subd. 2 if it:

a. ~~Is~~ It is any work within the individual's capabilities;

(d) An individual who was disqualified from receipt of benefits because of voluntarily leaving employment, or incurring disciplinary suspension, or for being discharged for misconduct connected with the employment, or for failing without good cause to apply for or accept suitable work, is ineligible for extended benefits unless the individual has, since the date of that disqualification, been employed during at least 4 subsequent weeks and has earned wages equal to at least 4 times his or her weekly extended benefit rate.

NOTE: The amendment of s. 108.141 (3) (a), stats., conforms to a federal requirement necessary for an individual to be eligible for extended benefits. Under P.L. 97-35, an individual must earn wages in his or her benefit base period (recent work experience) which equal at least 40 times the individual's most recent benefit rate.

The amendment of s. 108.04 (3g) (a) 3. (intro.) and a, stats., corrects a syntax error.

The amendment of s. 108.141 (3g) (d), stats., specifies that an individual who is disqualified from receipt of benefits because of a disciplinary suspension must requalify by satisfying the weeks of work and earnings requirements provided in P.L. 96-499 in order to be eligible for extended benefits.

SECTION 5. 108.19 (1m) and (1n) of the statutes are created to read:

108.19 (1m) Each employer subject to this chapter as of the date a rate is established under this subsection shall pay an assessment to the administration fund at a rate established by the department sufficient to pay interest due on advances from the federal unemployment account under title XII of the social security act (42 USC ss. 1321 to 1324). The rate established by the department for employers who finance benefits under s. 108.15 (2) or 108.151 (2) shall be 75% of the rate established for other employers. The amount of any employer's assessment shall be the product of the rate established for that employer multiplied by the employer's payroll of the previous calendar year as taken from quarterly contribution reports filed by the employer or, in the absence of the filing of such reports, estimates made by the department. For purposes of this subsection, after rates

have been established no adjustment to an employer's reported or estimated payroll may be made by the department. Each assessment made under this subsection is due at the end of the month following the month in which notice of the assessment is mailed by the department. If amounts are collected under this subsection in excess of the amounts needed to pay interest due, the amounts shall be retained in the administration fund for future interest payments.

(1n) The department shall publish as a class 1 notice under ch. 985 any rate established under sub. (1m) within 10 days of the date that the rate is established.

**NOTE:** This provision allows the department of industry, labor and human relations, in the event that interest comes due on federal advances made to the state's unemployment reserve fund, to levy an assessment on all employers subject to the unemployment compensation act, including those paying unemployment compensation contributions, nonprofit organizations, and government units, for payment of that interest.

**SECTION 6.** Laws of 1981, chapter 36, section 46 (5) and (7) are amended to read:

(Laws of 1981, chapter 36) Section 46 (5) The changes effected in section 108.141 (1) (b) and (c) of the statutes, as renumbered by this act, apply to weeks of unemployment beginning after September 25, 1982.

(7) The changes effected in section 108.141 (3) (c) and (3g) of the statutes and the creation of section 108.04 (8) (e) of the statutes by this act apply to extended benefits and shared regular benefits payable for weeks of unemployment after March 31, 1981, except that any extended benefits and shared regular benefits improperly paid and owed by a claimant due to this act shall be waived.

**NOTE:** Clarifies the effective date of revised state "triggers" for the extended benefits program and revised extended benefit qualifications made by chapter 36, laws of 1981.

**SECTION 7. Initial applicability.** The changes effected in section 108.141 (3) (a) of the statutes by this act apply to extended benefits payable for weeks of unemployment after September 25, 1982.

**SECTION 8. Effective dates.** (1) This act takes effect on the day after publication, except as provided in SECTION 7 and subsection (2).

(2) Notwithstanding any provision of this act, any change in state law effected by this act for the purpose of conforming with federal law is effective at the time required by federal law.

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