

# 05hr\_SC-JCEDCA\_CRule\_02-137\_pt01



(FORM UPDATED: 08/11/2010)

## WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

### 2005-06

(session year)

### Senate

(Assembly, Senate or Joint)

### Committee on ... Job Creation, Economic Development and Consumer Affairs (SC-JCEDCA)

### COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

### INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)  
(**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)  
(**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

\* Contents organized for archiving by: Mike Barman (LRB) (August/2012)

Senate

Record of Committee Proceedings

**Committee on Job Creation, Economic Development and  
Consumer Affairs**

**Clearinghouse Rule 02-137**

Relating to unemployment insurance availability.

Submitted by Department of Workforce Development.

January 06, 2006      Referred to Committee on Job Creation, Economic Development  
and Consumer Affairs.

February 7, 2006      **PUBLIC HEARING HELD**

Present:    (4)      Senators Kanavas, Zien, Reynolds and Lassa.  
Absent:    (1)      Senator Decker.

Appearances For

- Bob Anderson, Madison — Legal Action of Wisconsin
- James Buchen, Madison — Wisconsin Manufacturers &  
Commerce

Appearances Against

- None.

Appearances for Information Only

- Hal Bergan — WI Department of Workforce Development

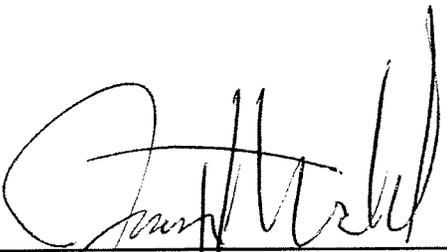
Registrations For

- None.

Registrations Against

- None.

March 2, 2006      No action taken.



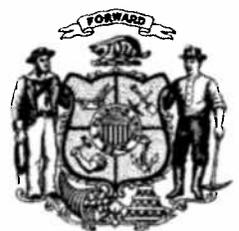
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James Michel  
Committee Clerk





# WISCONSIN STATE LEGISLATURE



## Michel, James

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**From:** Michel, James  
**Sent:** Tuesday, January 17, 2006 1:02 PM  
**To:** Altman, Carly; Groves, Monica; Henneger, Patrick; Hogan, John; Jacque, Barton; Kelly, Jessica; Lundie, Shawn; Michel, James; Richards, Mike; Rose, Laura; Sandvick, Doug; Searing, Eric; Sen.Decker; Sen.Kanavas; Sen.Lassa; Sen.Reynolds; Sen.Zien; Walsh, Patrick; Warren, Linda; Worcester, Barbara  
**Subject:** Clearinghouse Rule Senate 02-137  
**Follow Up Flag:** Follow up  
**Flag Status:** Red  
**Attachments:** Clearinghouse Rule - 02-137-0 - SENT 2006 JAN 17.pdf

**DATE:** January 17, 2006  
**TO:** Committee on Job Creation, Economic Development, and Consumer Affairs  
**FROM:** Office of State Senator Ted Kanavas  
**RE:** Clearinghouse Rule 02-137

Please find Clearinghouse Rule 02-137 attached.

Committee members have until February 16 to notify the Kanavas Office of any objections otherwise the rule will go into effect.

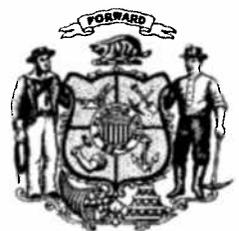


Clearinghouse Rule  
- 02-137-0 ...

James T. Michel  
Committee Clerk  
Office of State Senator Ted Kanavas  
608-266-9174



# WISCONSIN STATE LEGISLATURE



## LEGAL ACTION OF WISCONSIN, INC.

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TO: Senate Committee on Job Creation, Economic Development and Consumer Affairs

FROM: Bob Andersen 

RE: Clearinghouse Rule 02-137 relating to unemployment insurance availability

DATE: February 7, 2006

CR 02-137 reduces the number of hours that a claimant has to be **able and available** for work from 35 hours per week to 32 hours per week. It does this by changing the definition of full time work from 35 hours of work per week to 32 hours of work per week, for UI purposes. This is a family friendly amendment, because it makes benefits available to families who are unable to work 35 hours per week, due to family constraints, such as child care or sickness in the family. However, claimants must still be available for work for 32 hours per week.

Under federal law, a claimant must be **able and available** for work. Federal law does not set any further definition of what that means. Wisconsin interprets that requirement to require that a person be able and available **for 50% of the full time jobs in the area**:

DWD 128.01 (2) A claimant is not considered to be able to work or available for work in any given week if :

(a) The claimant, without good cause, restricts his or her availability for work to less than 50% of the full-time opportunities for suitable work, including all such jobs whether vacant or filled, in the claimant's labor market area.

**This means that claimants, who have otherwise earned sufficient wages to qualify for UI, are not eligible for benefits if they are available for only part time jobs.**

The problem with this disqualification is that it is way behind the times. It has not kept up with the changing face of the workforce. Since the 1950's the number of part time workers has tripled in the United States, according to the National Employment Law Program, a federal non profit organization that works on Employee issues. Statistics show that 17% of all workers in the nation were employed on a part time basis in 1999, according to the Economic Policy Institute, in its report entitled The State of Working America, 2000-2001. A survey conducted by the University of Wisconsin-Milwaukee's Employment and Training program in 1998 showed that employers were seeking 14,972 part time workers in the 4 county Milwaukee metropolitan region.



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Women comprise 68% of all part time workers nationally, according to the AFL-CIO, in its testimony in 2000 before Congress. 45% of women working part time were doing so because of child care responsibilities, according to the federal Bureau of Labor Statistics in 2002.

In Wisconsin, the effect that this has on women can be seen in the gender gap (10%) that exists among recipients of UI, which paradoxically ranks the state near the bottom of all states in terms of gender gap, while the state is one of the highest ranking states in the total percentage of unemployed who receive benefits (nearly 55%). The Council on Unemployment Insurance was apprised of this gender gap a few years ago by the Institute for Women's Policy Research in Washington D.C. Shortly thereafter, the council worked to address this, at least in part, by making a few changes to the law -- notably allowing recent earnings to be considered in determining eligibility, which benefits recent entrants to the work force.

As a result of a national and local recognition of the changing face of the labor force, the UI Advisory Council created a subcommittee on part time work to look into these issues. The subcommittee on part time workers included employee representatives from AFL-CIO, Wisconsin Council on Children and Families, the Institute for Wisconsin's Future, and the Hotel Employees and Restaurant Employees Local 122; and employer representatives from WMC, the Wisconsin Restaurant Association, the National Federation of Business, and the Wisconsin Groceries Assn.

The recommendation included in Clearinghouse Rule 02-137 was the proposal agreed upon by that subcommittee.

According to the National Employment Law Project, 24 states have enacted laws to benefit part time workers. Of these, 9 have part time parity, meaning a claimant limited to any part time work is equally eligible as is a claimant who is able to work full time, as long as there are sufficient wages earned, of course. 13 states make part time workers eligible if they have had a substantial amount of part time work in their base periods. 2 states allow claimants to receive benefits if they can show good cause for not seeking full time. The remaining 25 states, including Wisconsin, require availability for full time work, without exception.

For years, since Wisconsin became the pioneering state by creating the first UI program in the United States in 1932, Unemployment Insurance has provided a vitally important support for full time workers. The program has helped workers remain stable during periods of unemployment, so that they will be able to rejoin the workforce when times are better. Those UI benefits help people so that they do not lose their homes, so that they do not suffer physical and mental health problems, and so they do not suffer family dissolution during these hard times. Without this support, many of these workers would not be able to rejoin the workforce when times improve.

The same logic applies to workers who are limited to part time work. This is an ever increasing population of the workforce that must be maintained, in order for our economy to maintain pace.