

State of Wisconsin



2011 Assembly Bill 450

Date of enactment: **March 12, 2012**

Date of publication*: **March 26, 2012**

2011 WISCONSIN ACT 123

(Vetoed in Part)

AN ACT *to repeal* 20.445 (1) (fw), 102.07 (19), 108.02 (12) (dp), 108.02 (26) (c) 17., 108.04 (8) (dm) and 108.04 (16m); *to amend* 102.11 (1) (c), 102.11 (1) (c), 108.04 (2) (a) (intro.) and 108.04 (2) (a) (intro.); and *to create* 20.445 (1) (fw), 102.07 (19), 108.02 (12) (dp), 108.02 (26) (c) 17., 108.04 (8) (dm) and 108.04 (16m) of the statutes; **relating to:** participation in certain training by unemployment insurance claimants, granting rule-making authority, and making an appropriation.

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

SECTION 1. 20.445 (1) (fw) of the statutes is created to read:

20.445 (1) (fw) *Unemployment insurance claimant training stipends.* A sum sufficient to be used to pay stipends to participants in special occupational training under s. 108.04 (16m).

SECTION 2. 20.445 (1) (fw) of the statutes, as created by 2011 Wisconsin Act (this act), is repealed.

SECTION 3. 102.07 (19) of the statutes is created to read:

102.07 (19) A person participating in special occupational training under s. 108.04 (16m) is considered an employee of the employer that is providing that training for purposes of this chapter.

SECTION 4. 102.07 (19) of the statutes, as created by 2011 Wisconsin Act (this act), is repealed.

SECTION 4g. 102.11 (1) (c) of the statutes is amended to read:

102.11 (1) (c) In the case of ~~persons~~ a person performing service without fixed earnings ~~or a person participating in special occupational training under s. 108.04~~

(16m), or ~~where~~ when normal full-time days or weeks are not maintained by the employer in the employment in which the employee worked when injured, or ~~where,~~ when, for other reason, earnings cannot be determined under the methods prescribed by par. (a) or (b), the earnings of the injured person shall, for the purpose of calculating compensation payable under this chapter, be taken to be the usual going earnings paid for similar services on a normal full-time basis in the same or similar employment in which earnings can be determined under the methods set out in par. (a) or (b).

SECTION 4h. 102.11 (1) (c) of the statutes, as affected by 2011 Wisconsin Act (this act), is amended to read:

102.11 (1) (c) In the case of a person performing service without fixed earnings ~~or a person participating in special occupational training under s. 108.04 (16m)~~, or when normal full-time days or weeks are not maintained by the employer in the employment in which the employee worked when injured, or when, for other reason, earnings cannot be determined under the methods prescribed by par. (a) or (b), the earnings of the injured person shall, for the purpose of calculating compensation payable under this chapter, be taken to be the usual going earnings paid for similar services on a normal full-time

* Section 991.11, WISCONSIN STATUTES 2009-10: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

basis in the same or similar employment in which earnings can be determined under the methods set out in par. (a) or (b).

SECTION 6m. 108.02 (12) (dp) of the statutes is created to read:

108.02 (12) (dp) Paragraph (a) does not apply to an individual who receives a stipend for participation in a special occupational training program under s. 108.04 (16m).

SECTION 6n. 108.02 (12) (dp) of the statutes, as created by 2011 Wisconsin Act ... (this act), is repealed.

SECTION 6p. 108.02 (26) (c) 17. of the statutes is created to read:

108.02 (26) (c) 17. A stipend received by an individual who is participating in a special occupational training program under s. 108.04 (16m).

SECTION 6q. 108.02 (26) (c) 17. of the statutes, as created by 2011 Wisconsin Act ... (this act), is repealed.

SECTION 6r. 108.04 (2) (a) (intro.) of the statutes is amended to read:

108.04 (2) (a) (intro.) Except as provided in par. (b) and ~~sub. subs.~~ (16) (am) and (b) and (16m) (f) and as otherwise expressly provided, a claimant is eligible for benefits as to any given week only if:

SECTION 6s. 108.04 (2) (a) (intro.) of the statutes, as affected by 2011 Wisconsin Act ... (this act), is amended to read:

108.04 (2) (a) (intro.) Except as provided in par. (b) and ~~sub. sub.~~ (16) (am) and (b) ~~and (16m) (f)~~ and as otherwise expressly provided, a claimant is eligible for benefits as to any given week only if:

SECTION 6t. 108.04 (8) (dm) of the statutes is created to read:

108.04 (8) (dm) A claimant has good cause under par. (a) if the claimant is participating in special occupational training under sub. (16m) at the time that the claimant receives an offer of suitable work and the department determines that there is a reasonable expectation that the claimant will receive an offer of full-time work at the end of the training period.

SECTION 6u. 108.04 (8) (dm) of the statutes, as created by 2011 Wisconsin Act ... (this act), is repealed.

SECTION 7. 108.04 (16m) of the statutes is created to read:

108.04 (16m) SPECIAL OCCUPATIONAL TRAINING. (a) In this subsection, "special occupational training" means training other than approved training that is offered directly by an employer to a claimant who is not employed by the employer.

(b) The department shall administer a pilot program to offer special occupational training for claimants who wish to participate in areas of this state designated by the department served by 3 local workforce development boards under 29 USC 2832. The department shall offer the program within the entire area served by each designated local workforce development board.

(c) The department shall accept applications from employers to offer special occupational training to claimants and shall offer claimants the opportunity to receive placements to receive the training. On the application, an employer shall affirm that it has one job opening, as of the date of the application, for each training participant that it seeks in a position that a successful participant would potentially qualify to fill. If the department finds that an employer providing placements under this subsection has not hired a reasonable percentage of qualified trainees, the department may decline to accept further applications for placements from that employer.

(d) The department shall place claimants who apply to receive special occupational training with employers who offer placements. The department may only place a claimant to receive special occupational training during a claimant's benefit year.

(e) Each placement shall be for a period not exceeding 6 weeks. A claimant may participate in special occupational training for not less than 20 nor more than 24 hours per week during a placement. No claimant may receive more than 2 placements during his or her benefit year. No claimant may receive a placement for any period that includes a week beginning after the end of the first 26 weeks of the claimant's benefit year.

(f) A claimant who participates in special occupational training is not disqualified from receiving benefits solely on account of receiving the training. The department may suspend a claimant's obligation to be available for work during those hours in which the claimant participates in special occupational training but the claimant shall maintain his or her availability for work during other hours of the work week. Except as authorized in s. 108.04 (8) (dm) and this subsection, a claimant shall maintain his or her eligibility for benefits during the placement and shall terminate a placement if necessary to accept any work that the claimant is required to accept in order to maintain continuous eligibility for benefits.

(g) The department shall pay a stipend of \$75 per week to each claimant who participates in special occupational training unless the claimant declines the stipend for the entire period of a placement by notifying the department in writing of the declination. The department shall make the payments from the appropriation under s. 20.445 (1) (fw).

(h) A claimant who is participating in special occupational training is considered an employee of the state for purposes of worker's compensation benefits.

(i) The department shall issue a training certificate to each claimant upon successful completion of each special occupational training placement. The certificate shall describe the skills in which the claimant received training.

(j) The department may promulgate rules required to implement this section.

**Vetoed
In Part**

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2011 Wisconsin Act 123

SECTION 8. 108.04 (16m) of the statutes, as created by 2011 Wisconsin Act ... (this act), is repealed.

SECTION 9. Nonstatutory provisions.

(1) No later than May 30, 2013, the department of workforce development shall submit a report to the legislature, in the manner provided under section 13.172 (2) of the statutes, evaluating the effectiveness of the program created by this act and providing the department's recommendations concerning extension of the program or changes to the program that may enhance its effectiveness.

SECTION 10. Initial applicability.

(1) This act first applies with respect to weeks of unemployment beginning on the effective date of this subsection.

SECTION 11. Effective dates. This act takes effect on the first Sunday following the 180th day after publication, except as follows:

(1) SPECIAL OCCUPATIONAL TRAINING; SUNSET. The treatment of sections 102.11 (1) (c) (by SECTION 4h) and 108.04 (2) (a) (intro.) (by SECTION 6s) of the statutes and the repeal of sections 20.445 (1) (fw), 102.07 (19), 108.02 (12) (dp) and (26) (c) 17. and 108.04 (8) (dm) and (16m) of the statutes take effect on July 1, 2013.

**Vetoed
In Part**

