

ASSEMBLY BILL 450 (LRB -1074)

An Act to repeal 20.445 (1) (fw), 102.07 (19), 102.29 (12) and 108.04 (16m); and to create 20.445 (1) (fw), 102.07 (19), 102.29 (12) 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. (FE)

2011

- 12-29. A. Introduced by Representatives **Honadel, Kuglitsch, Petersen, Krug, Sinicki, Bernier, Bies, Brooks, Endsley, Jacque, Klenke, Knodl, Litjens, Marklein, Mursau, A. Ott, Petrowski, Petryk, Spanbauer, Staskunas, Steineke, Strachota, Tauchen, Toles, Wynn and Zepnick**; cosponsored by Senators **Wanggaard, Galloway, Holperin, Lassa, Moulton and Schultz**.
- 12-29. A. Read first time and referred to committee on Labor and Workforce Development 730
- 12-29. A. Fiscal estimate received.

2012

- 01-11. A. Public hearing held.
- 01-27. A. Assembly amendment 1 offered by Representative Honadel (**LRB a2159**) 764
- 02-01. A. Executive action taken.
- 02-13. A. Report Assembly Amendment 1 adoption recommended by committee on Labor and Workforce Development, Ayes 8, Noes 0 787
- 02-13. A. Report passage as amended recommended by committee on Labor and Workforce Development, Ayes 8, Noes 0 787
- 02-13. A. Referred to committee on Rules 787
- 02-14. A. Placed on calendar 2-16-2012 by committee on Rules.
- 02-15. A. Assembly amendment 1 to Assembly amendment 1 offered by Representative Honadel (**LRB a2247**) 796
- 02-16. A. Read a second time 808
- 02-16. A. Assembly amendment 1 to Assembly amendment 1 **adopted** 808
- 02-16. A. Assembly amendment 1 **adopted** 808
- 02-16. A. Assembly amendment 2 offered by Representatives Pasch, Barca, Richards, Mason and Sinicki (**LRB a2357**) 808
- 02-16. A. Assembly amendment 2 laid on table, Ayes 58, Noes 37 808
- 02-16. A. Referred to joint committee on Finance 808
- 02-16. A. Withdrawn from joint committee on Finance and taken up 808
- 02-16. A. Ordered to a third reading 808
- 02-16. A. Rules suspended 808
- 02-16. A. Read a third time and **passed**, Ayes 95, Noes 0 808
- 02-16. A. Representatives Loudenbeck, Barca, Tranel, Seidel, Kestell, J. Ott, Pridemore, Van Roy, Thiesfeldt, T. Larson, Williams, Danou, Billings, C. Taylor, E. Coggs, Hulsey, Pope-Roberts, Ringhand, Bewley, Pasch, Bernard Schaber, Clark, Milroy and Fields added as coauthors 809
- 02-16. A. Ordered immediately messaged 809
- 02-17. S. Received from Assembly 717
- 02-17. S. Read first time and referred to committee on Senate Organization 717
- 02-17. S. Available for scheduling.
- 02-20. S. Public hearing requirement waived by committee on Senate Organization, pursuant to Senate Rule 18 (1m), Ayes 3, Noes 2 720
- 02-20. S. Placed on calendar 2-21-2012 pursuant to Senate Rule 18(1) 720
- 02-21. S. Senator Darling added as a cosponsor.
- 02-21. S. Read a second time 3
- 02-21. S. Ordered to a third reading 3
- 02-21. S. Rules suspended 3
- 02-21. S. Read a third time and **concurred in**, Ayes 33, Noes 0 3
- 02-21. S. Ordered immediately messaged 0
- 02-21. A. Received from Senate concurred in.

SB

**2011
ENROLLED BILL**

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ADOPTED DOCUMENTS:

Orig **Engr** **SubAmdt**

11-107412

Amendments to above (if none, write "NONE"): AA1 — a 2159/1
AA1 to AA1 — a 2247/1

Corrections - show date (if none, write "NONE"): None

Topic Rel

2-23-12 JR Miller
Date Enrolling Drafter



2011 ASSEMBLY BILL 450

December 29, 2011 - Introduced by Representatives HONADEL, KUGLITSCH, PETERSEN, KRUG, SINICKI, BERNIER, BIES, BROOKS, ENDSLEY, JACQUE, KLENKE, KNODL, LITJENS, MARKLEIN, MURSAU, A. OTT, PETROWSKI, PETRYK, SPANBAUER, STASKUNAS, STEINEKE, STRACHOTA, TAUCHEN, TOLES, WYNN and ZEPNICK, cosponsored by Senators WANGGAARD, GALLOWAY, HOLPERIN, LASSA, MOULTON and SCHULTZ. Referred to Committee on Labor and Workforce Development.

1 AN ACT *to repeal* 20.445 (1) (fw), 102.07 (19), 102.29 (12) and 108.04 (16m); and
2 *to create* 20.445 (1) (fw), 102.07 (19), 102.29 (12) and 108.04 (16m) of the
3 statutes; **relating to:** participation in certain training by unemployment
4 insurance claimants, granting rule-making authority, and making an
5 appropriation.

Analysis by the Legislative Reference Bureau

Currently, unemployment insurance (UI) benefits may not be denied to an otherwise eligible individual because the individual is enrolled in a vocational training course or a basic education course that is a prerequisite to such training ("approved training") under certain conditions. Current law also permits a claimant who has exhausted all rights to benefits and is enrolled in an approved training course that meets certain qualifications to potentially qualify to receive up to 26 weeks of additional benefits while enrolled in that training ("extended training"). A claimant who is enrolled in approved or extended training is not subject to certain benefit denials or reductions that would otherwise preclude the claimant from claiming benefits while enrolled in approved or extended training.

This bill creates a pilot program of special occupational training that is not approved training. The bill directs the Department of Workforce Development (DWD) to designate three areas served by local workforce development boards in which the program shall be offered. Under the bill, DWD must offer the program throughout each designated area. Under the bill, the training consists of voluntary

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six-week placements of UI claimants for 20 to 24 hours per week with employers who elect to offer the training directly. A trainee may not be an employee of the employer offering the training. The bill directs DWD to accept applications from employers who wish to offer the training and to place claimants who wish to participate in available openings. On the application, an employer must affirm that it currently has one job opening for each training participant that it seeks in a position that a successful participant would potentially qualify to fill. Under the bill, no claimant may receive more than two placements during a benefit year (period during which benefits are payable). In addition, no claimant may receive a placement for any week beginning after the end of the first 26 weeks of the claimant's benefit year. The bill provides that a claimant who receives special occupational training is not disqualified from receiving UI benefits solely as a result of participating in the training. The bill requires each claimant to maintain eligibility for UI benefits while participating in the training. Under the bill, a claimant who participates in special occupational training receives a stipend of \$75 from DWD for each week in which the claimant participates in the training. The bill appropriates general purpose revenue to make the payments. The bill also provides that a claimant who is participating in special occupational training is considered an employee of the state for purposes of worker's compensation benefits and prohibits such a claimant from making a claim or bringing on action in tort against the employer that provided the special occupational training. The program created by the bill does not apply after June 30, 2015.

The bill directs DWD to report to the legislature no later than December 31, 2014, concerning the effectiveness of the program and DWD's recommendations for extension of the program or changes to the program to enhance its effectiveness.

For further information see the *state* 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.** 20.445 (1) (fw) of the statutes is created to read:

2 20.445 (1) (fw) *Unemployment insurance claimant training stipends.* A sum
3 sufficient to be used to pay stipends to participants in special occupational training
4 under s. 108.04 (16m).

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

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

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INS.
AA1-1

1 102.07 (19) A person participating in special occupational training under s.
2 108.04 (16m) is considered an employee of the state for purposes of this chapter.

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

5 SECTION 5. 102.29 (12) of the statutes is created to read:

6 102.29 (12) No person participating in special occupational training under s.
7 108.04 (16m) who is considered an employee of the state for purposes of this chapter
8 and who makes a claim for compensation under this chapter may make a claim or
9 bring an action in tort against the employer that provided the special occupational
10 training from which the claim arose.

11 SECTION 6. 102.29 (12) of the statutes, as created by 2011 Wisconsin Act (this
12 act), is repealed.

INS. AA1-2

INS. AA1-3

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

14 108.04 (16m) SPECIAL OCCUPATIONAL TRAINING. (a) In this subsection, "special
15 occupational training" means training other than approved training that is offered
16 directly by an employer to a claimant who is not employed by the employer.

17 (b) The department shall administer a pilot program to offer special
18 occupational training for claimants who wish to participate in areas of this state
19 designated by the department served by 3 local workforce development boards under
20 29 USC 2832. The department shall offer the program within the entire area served
21 by each designated local workforce development board.

22 (c) The department shall accept applications from employers to offer special
23 occupational training to claimants and shall offer claimants the opportunity to
24 receive placements to receive the training. On the application, an employer shall
25 affirm that it has one job opening, as of the date of the application, for each training

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SECTION 7

1 participant that it seeks in a position that a successful participant would potentially
2 qualify to fill. *INS, AA1-4*

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

7 (e) Each placement shall be for a 6-week period. A claimant may participate
8 in special occupational training for not less than 20 nor more than 24 hours per week
9 during a placement. No claimant may receive more than 2 placements during his or
10 her benefit year. No claimant may receive a placement for any week beginning after
11 the end of the first 26 weeks of the claimant's benefit year. *INS, AA1-5*
INS, AA1-6

12 (f) A claimant who participates in special occupational training is not
13 disqualified from receiving benefits solely on account of receiving the training. (A)
14 claimant shall maintain his or her eligibility for benefits during the placement and
15 shall terminate a placement if necessary to accept any work that the claimant is
16 required to accept in order to maintain continuous eligibility for benefits. *INS, AA1-7*

17 (g) The department shall pay a stipend of \$75 per week to each claimant who
18 participates in special occupational training. The department shall make the
19 payments from the appropriation under s. 20.445 (1) (fw). *INS, AA1-8*

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

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

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



ASSEMBLY AMENDMENT 1,
TO 2011 ASSEMBLY BILL 450

January 27, 2012 - Offered by Representative HONADEL.

1 At the locations indicated, amend the bill as follows:

2 1. Page 3, line 2: delete "of the state" and substitute "of the employer that is
3 providing that training".

AA1-1

4 2. Page 3, line 5: delete lines 5 to 12 and substitute:

AA1-2

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

6 102.11 (1) (c) In the case of ~~persons~~ a person performing service without fixed
7 earnings or a person participating in special occupational training under s. 108.04
8 (16m), or ~~where~~ when normal full-time days or weeks are not maintained by the
9 employer in the employment in which the employee worked when injured, or ~~where,~~
10 when, for other reason, earnings cannot be determined under the methods
11 prescribed by par. (a) or (b), the earnings of the injured person shall, for the purpose
12 of calculating compensation payable under this chapter, be taken to be the usual
13 going earnings paid for similar services on a normal full-time basis in the same or

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

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

5 102.11 (1) (c) In the case of a person performing service without fixed earnings
6 ~~or a person participating in special occupational training under s. 108.04 (16m), or~~
7 when normal full-time days or weeks are not maintained by the employer in the
8 employment in which the employee worked when injured, or when, for other reason,
9 earnings cannot be determined under the methods prescribed by par. (a) or (b), the
10 earnings of the injured person shall, for the purpose of calculating compensation
11 payable under this chapter, be taken to be the usual going earnings paid for similar
12 services on a normal full-time basis in the same or similar employment in which
13 earnings can be determined under the methods set out in par. (a) or (b)).

14 **3.** Page 3, line 12: after that line insert:

AA1-3

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

16 108.02 (12) (dp) Paragraph (a) does not apply to an individual who receives a
17 stipend for participation in a special occupational training program under s. 108.04
18 (16m).

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

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

22 108.02 (26) (c) 17. A stipend received by an individual who is participating in
23 a special occupational training program under s. 108.04 (16m).

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

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

4 108.04 (2) (a) (intro.) Except as provided in par. (b) and ~~sub.~~ subs. (16) (am) and
5 (b) and (16m) (f) and as otherwise expressly provided, a claimant is eligible for
6 benefits as to any given week only if:

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

9 108.04 (2) (a) (intro.) Except as provided in par. (b) and ~~subs.~~ sub. (16) (am) and
10 (b) ~~and (16m) (f)~~ and as otherwise expressly provided, a claimant is eligible for
11 benefits as to any given week only if:

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

13 108.04 (8) (dm) A claimant has good cause under par. (a) if the claimant is
14 participating in special occupational training under sub. (16m) at the time that the
15 claimant receives an offer of suitable work and the department determines that there
16 is a reasonable expectation that the claimant will receive an offer of full-time work
17 at the end of the training period.

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

20 **4.** Page 4, line 2: after “fill.” insert “If the department finds that an employer
21 providing placements under this subsection has not hired a reasonable percentage
22 of qualified trainees, the department may decline to accept further applications for
23 placements from that employer.”

AA 1-4

AA1-5

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5. Page 4, line 7: delete "6-week period" and substitute "period not exceeding 6 weeks".

AA1-6

6. Page 4, line 10: after "any" insert "period that includes a".

AA1-7

7. Page 4, line 13: delete "A" and substitute "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".

AA1-8

8. Page 4, line 18: after "training" insert "unless the claimant declines the stipend for the entire period of a placement by notifying the department in writing of the declination".

INS AA1 to AA1-1

9. Page 5, line 14: delete lines 14 and 15 and substitute:

AA1-9

(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, 2015.

INS AA1 to AA1-2

(END)



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBa2247/1
JTK:med:jm

ASSEMBLY AMENDMENT 1,
TO ASSEMBLY AMENDMENT 1,
TO 2011 ASSEMBLY BILL 450

February 15, 2012 - Offered by Representative HONADEL.

1 At the locations indicated, amend the amendment as follows:

2 1. Page 4, line 11: after that line insert:

3 8m. Page 5, line 4: delete "December 31, 2014" and substitute "May 30, 2013".

4 2. Page 4, line 16: delete "July 1, 2015" and substitute "July 1, 2013".

5 (END)

AA1 to AA1-1

AA1-8m

AA1 to AA1-2