



Director on P7
State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1975/15 P7
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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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1 **AN ACT to repeal** 20.445 (1) (fx), 108.02 (4m) (g), 108.02 (13) (kL), 108.04 (7) (d),
2 (g), (j), (k), (m), (n), (o), (p) and (r), 108.05 (1) (n) to (p) and 108.06 (7); **to**
3 **renumber** 50.498 (4); **to renumber and amend** 108.04 (7) (t) and 440.12; **to**
4 **consolidate, renumber and amend** 16.48 (1) (intro.) and (a) (intro.); **to**
5 **amend** 13.63 (1) (b), 13.63 (1) (c), 16.48 (1) (b), 16.48 (3), 19.55 (2) (d), 29.024
6 (2r) (title), 29.024 (2r) (c), 29.024 (2r) (d) 1., 48.66 (2m) (c), 48.715 (7), 50.498
7 (title), 50.498 (2), 50.498 (5), 51.032 (title), 51.032 (2), 51.032 (4), 51.032 (5),
8 71.78 (4) (o), 73.0301 (2) (c) 2., 73.0302 (title), 73.09 (6m), 101.02 (20) (b), 101.02
9 (20) (c), 101.02 (20) (d), 102.17 (1) (c), 103.005 (10), 103.275 (2) (b) (intro.),
10 103.275 (7) (b), 103.275 (7) (c), 103.34 (3) (c), 103.34 (10) (title), 103.92 (3),
11 104.07 (1) and (2), 105.13 (1), 108.02 (4m) (a), 108.02 (13) (a), 108.02 (15m)
12 (intro.), 108.04 (1) (g) (intro.), 108.04 (1) (hm), 108.04 (2) (a) 2., 108.04 (2) (a) 3.
13 (intro.), 108.04 (2) (a) 3. c., 108.04 (7) (a), 108.04 (7) (e), 108.04 (7) (h), 108.04
14 (7) (L) (intro.), 108.04 (8) (a) and (c), 108.05 (1) (q) (intro.), 108.05 (2) (c), 108.05
15 (3) (a), 108.06 (1), 108.06 (2) (c), 108.06 (2) (cm), 108.06 (3), 108.06 (6) (intro.),

1 108.10 (intro.), 108.14 (8n) (e), 108.14 (19), 108.141 (7) (a), 108.16 (2) (g) and (h),
2 108.16 (8) (b) 4., 108.19 (1m), 108.19 (1m), 108.205 (1), 108.21 (1), 108.22 (1) (a),
3 115.31 (6m), 118.19 (1m) (a), 118.19 (1m) (b), 138.09 (1m) (b) 2. a., 138.09 (3)
4 (am) 2., 138.09 (4) (c), 138.12 (3) (d) 2. a., 138.12 (5) (am) 1. b., 138.12 (5) (am)
5 3., 138.14 (4) (a) 2. a., 138.14 (9) (d), 146.40 (4d) (b), 146.40 (4d) (d), 146.40 (4d)
6 (e), 169.35 (title), 169.35 (2), 169.35 (3), 170.12 (3m) (b) 1., 217.05 (1m) (b) 1.,
7 217.09 (4), 217.09 (6), 218.0114 (21e) (a), 218.0114 (21g) (b) 1., 218.0116 (1g) (b),
8 218.02 (2) (a) 2. a., 218.04 (3) (a) 2. a., 218.04 (5) (b), 218.05 (3) (am) 2. a., 218.05
9 (12) (b), 218.05 (12) (e), 218.11 (2) (am) 3., 218.12 (2) (am) 2., 218.21 (2m) (b),
10 218.31 (1m) (b), 218.41 (2) (am) 2., 218.51 (3) (am) 2., 224.72 (2) (c) 2. a., 224.725
11 (2) (b) 1. a., 224.927 (1), 227.53 (1) (a) 3., 252.241 (title), 252.241 (2), 254.115
12 (title), 254.115 (2), 254.176 (5), 254.20 (7), 256.18 (title), 256.18 (2), 256.18 (5),
13 299.07 (title), 299.07 (1) (b) 1., 299.08 (1) (b) 2., 341.51 (4g) (b), 342.06 (1) (eg),
14 343.14 (1), 343.14 (2j), 343.305 (6) (e) 3. b., 343.61 (2) (b), 343.62 (2) (b), 343.69
15 (1), 440.03 (11m) (c), 452.18, 551.412 (4g) (a) 1., 551.605 (2), 562.05 (8m) (a),
16 562.05 (8m) (b), 563.285 (title), 563.285 (2) (a), 563.285 (2) (b), 628.095 (4) (b),
17 628.097 (title), 628.097 (2m), 628.10 (2) (cm), 632.69 (2) (c), 632.69 (2) (d) 2.,
18 632.69 (4) (d), 633.14 (2c) (b), 633.14 (2m) (b), 633.15 (2) (d), 751.155 (title),
19 751.155 (1), 751.155 (2) and 751.155 (3); **to repeal and recreate** 108.04 (2) (a)
20 2., 108.04 (2) (a) 3. (intro.), 108.05 (1) (q) (intro.) and 108.05 (3) (a); and **to create**
21 20.445 (1) (fx), 20.445 (1) (gm), 50.498 (4) (b), 73.0302 (5), 73.0302 (6), 73.09 (8),
22 102.17 (1) (ct), 103.275 (2) (bt), 103.34 (10) (d), 103.91 (4) (d), 103.92 (8), 104.07
23 (7), 105.13 (4), 108.04 (2) (a) 4. and 5., 108.04 (2) (g), 108.04 (2) (h), 108.04 (2)
24 (i), 108.04 (12) (f), 108.04 (15), 108.05 (1) (r), 108.14 (20), 108.14 (21), 108.14
25 (22), 108.14 (23), 108.14 (24), 108.14 (25), 108.14 (26), 108.22 (1) (cm), 108.223,

1 108.227, 138.12 (4) (a) 1m., 138.12 (4) (b) 5m., 138.14 (5) (b) 2m., 138.14 (9) (cm),
 2 170.12 (8) (b) 1. bm., 170.12 (8) (b) 4., 217.06 (5m), 217.09 (1t), 218.0116 (1m)
 3 (a) 2m., 218.0116 (1m) (d), 218.02 (3) (dm), 218.02 (6) (d), 218.02 (9) (a) 1m.,
 4 218.04 (4) (am) 2m., 218.04 (5) (at), 218.05 (4) (c) 2m., 218.05 (11) (bm), 218.05
 5 (12) (at), 218.11 (6m) (c), 218.12 (3m) (c), 218.22 (3m) (c), 218.32 (3m) (c), 218.41
 6 (3m) (b) 3., 218.51 (4m) (b) 3., 224.44, 224.72 (7m) (bm), 224.725 (6) (bm), 224.77
 7 (2m) (e), 224.95 (1) (bm), 252.241 (5), 254.115 (5), 256.18 (4m), 299.07 (3), 341.51
 8 (4m) (c), 343.305 (6) (e) 6., 343.66 (3m), 440.12 (2), 551.406 (6) (a) 1m., 551.412
 9 (4g) (a) 2m., 551.412 (4g) (d), 562.05 (5) (a) 11., 562.05 (8) (f) and 563.285 (1m)
 10 of the statutes; **relating to:** various changes in the unemployment insurance
 11 law; payment of interest on advances made by the federal government to the
 12 unemployment reserve fund; license revocations based on delinquency in
 13 payment of unemployment insurance contributions; granting rule-making
 14 authority; providing a penalty; and making appropriations.

Analysis by the Legislative Reference Bureau

NOTE: The items contained in this draft are the initial LRB draft of the items. DWD has not completed its review of these items. Some of the language may also require review by the U.S. Department of Labor. In the past, DWD has requested considerable changes to initial LRB drafts after internal review by DWD.

This bill makes various changes in the unemployment insurance (UI) law. Significant changes include:

~~BENEFIT RATE CHANGES~~

Currently, weekly UI benefit rates for total unemployment range from \$54 for an employee who earns wages (or certain other amounts treated as wages) of at least \$1,350 during at least one quarter of the employee's base period (period preceding a claim during which benefit rights accrue) to \$363 for an employee who earns wages (or certain other amounts treated as wages) of at least \$9,075 during any such quarter. This bill adjusts weekly benefit rates for weeks of unemployment beginning on or after January 5, 2014, to rates ranging from \$54 for an employee who earns wages (or certain other amounts treated as wages) of at least \$1,350 during at least one quarter of the employee's base period to \$370 for an employee who earns wages (or certain other amounts treated as wages) of at least \$9,250 during any such

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quarter. The bill does not affect the benefit rate of any employee who earns wages (or certain other amounts treated as wages) of at least \$1,350 during at least one quarter of the employee's base period or any employee who earns wages (or certain other amounts treated as wages) of at least \$9,075 during at least one quarter of the employee's base period.

OTHER BENEFIT CHANGES

Registration and search for work

Currently, with limited exceptions, in order to become and remain eligible to receive UI benefits for any week, a claimant is required, among other things, to register for work and to conduct a reasonable search for suitable work within that week, which must include at least two actions that constitute a reasonable search as prescribed by rule by the Department of Workforce Development (DWD).

This bill requires each claimant, subject to the same exceptions, to register for work in the manner directed by DWD and increases the minimum number of actions that a claimant must undertake to become and remain eligible for benefits to at least four actions per week.

The bill also requires a claimant, subject to the same exceptions, to provide information or job application materials and to participate in a public employment office workshop or training program or in similar reemployment services that do not require a participation fee, if either is required by DWD for a given week. The bill allows DWD to use the information or job application materials provided by a claimant to assess the claimant's efforts, skills, and ability to find or obtain work and to develop a list of potential opportunities for a claimant to obtain suitable work. However, the bill provides that a claimant who is subject to the work search requirement need not apply for a specific position on that list in order to satisfy that requirement.

Prohibiting concurrent receipt of UI and SSDI benefits

The bill disqualifies a claimant from receiving UI benefits during any week in which the claimant is actually receiving social security disability insurance (SSDI) benefits and requires a claimant, when the claimant first files for UI benefits and during each subsequent week the claimant files for UI benefits, to inform DWD whether he or she is receiving SSDI benefits.

Failure to accept suitable work or recall to former employer

Currently, with certain exceptions, if an employee fails, without good cause, to accept suitable work when offered or to return to work with a former employer that recalls the employee within 52 weeks after the employee last worked for the employer, the employee is ineligible to receive benefits until four weeks have elapsed since the end of the week in which the failure occurs and the employee earns wages, or certain other amounts treated as wages, equal to at least four times the employee's weekly benefit rate in employment covered by the unemployment insurance law of any state or the federal government.

Subject to all of the same exceptions and qualifications, the bill changes the amount of wages an employee must earn to requalify under these provisions to at least *six* times the employee's weekly benefit rate. The bill eliminates the

requirement that, in order to requalify under these provisions, four weeks must have elapsed since the end of the week in which the failure occurs.

Termination of work; general requirements to requalify for benefits

Currently, unless an exemption applies, if an employee voluntarily terminates his or her work with an employer, the employee is generally ineligible to receive benefits until the following requalification requirements are satisfied: 1) four weeks have elapsed since the end of the week in which the termination occurs and 2) the employee earns wages after the week in which the termination occurs equal to at least four times the employee's weekly benefit rate in employment covered by the unemployment insurance law of any state or the federal government.

The bill modifies the first requalification requirement so that an employee who voluntarily terminates his or her work with an employer is generally ineligible to receive benefits until the employee earns wages after the week in which the termination occurs equal to at least *six* times the employee's weekly benefit rate in employment covered by the unemployment insurance law of any state or the federal government. The bill eliminates the second requalification requirement that four weeks must have elapsed before the terminating employee may again become eligible for benefits.

Termination of work; exemptions from requalification requirements

Under current law, an employee who voluntarily terminates his or her work with an employer is exempt from the requalification requirements under certain circumstances, including all of the following:

1. The employee terminated his or her work to accept a recall to work for a former employer within 52 weeks after having last worked for that employer.

2. The employee maintained a temporary residence near the terminated work; the employee maintained a permanent residence in another locality; and the employee terminated the work and returned to his or her permanent residence because the work available to the employee had been reduced to less than 20 hours per week in at least two consecutive weeks.

3. The employee left or lost his or her work because the employee reached the employer's compulsory retirement age.

4. The employee terminated part-time work because a loss of other, full-time employment made it economically unfeasible for the employee to continue the part-time work.

5. The employee terminated his or her work with a labor organization if the termination caused the employee to lose seniority rights granted under a collective bargaining agreement and resulted in the loss of the employee's employment with the employer that is a party to that collective bargaining agreement.

6. The employee terminated his or her work in a position serving as a part-time elected or appointed member of a governmental body or representative of employees; the employee was engaged in work for an employer other than the employer in which the employee served as the member or representative; and the employee was paid wages in the terminated work constituting not more than 5 percent of the employee's base period wages for purposes of entitlement for benefits.

7. The employee terminated his or her work in one of two or more concurrently held positions, at least one of which was full-time work, if the employee terminated his or her work before receiving notice of termination from a full-time work position.

8. The employee owns or controls an ownership interest in a family corporation and the employee's employment was terminated because of an involuntary cessation of the business of the corporation under certain specified conditions.

The bill eliminates these eight exemptions from the requalification requirements for employees who voluntarily terminate employment.

Under current law, subject to certain limitations, an employee who voluntarily terminates his or her work with an employer is exempt from the requalification requirements if: 1) the employee accepted work that was not suitable work under the UI law or work that the employee could have refused for specified reasons related to protecting labor standards; and 2) the employee terminated the work within ten weeks after starting the work. Under the bill, this exemption only applies if the employee terminated that work within *30 calendar days* after starting the work.

Under current law, an employee who voluntarily terminates his or her work with an employer is exempt from the requalification requirements if the employee's spouse changed his or her place of employment to a place to which it is impractical to commute and the employee terminated his or her work to accompany the spouse to that place. The bill narrows this exemption so that it only applies if the employee's spouse is an active duty member of the U.S. Armed Forces who was required by the U.S. Armed Forces to relocate.

Under current law, an employee who voluntarily terminates his or her work with an employer is exempt from the requalification requirements if the employee terminated the work to accept other covered employment and earned wages in the subsequent employment equal to at least four times the employee's weekly benefit rate if the work in the subsequent employment: 1) offered average weekly wages at least equal to the average weekly wages that the employee earned in the terminated work; 2) offered the same or a greater number of hours of work than those performed in the work terminated; 3) offered the opportunity for significantly longer term work; or 4) offered the opportunity to accept a position for which the duties were primarily discharged at a location significantly closer to the employee than the terminated work. An employee who voluntarily terminates his or her work with an employer is also exempt from the requalification requirements if the employee, while claiming benefits for partial unemployment, terminated work to accept other covered employment that offered an average weekly wage greater than the average weekly wage earned in the work terminated.

The bill consolidates these two exemptions into one exemption, which applies if the employee terminated work to accept covered employment that satisfies one of the four conditions numbered above. The exemption as consolidated applies regardless of whether the employee is claiming benefits for partial unemployment or whether the employee earns a certain amount of wages in the subsequent work.

The bill does not affect any other exemptions from the requalification requirements for employees who voluntarily terminate employment.

Temporary help companies and work search

The bill provides that there is a rebuttable presumption that a claimant who is subject to the UI law's work search requirement has not conducted a reasonable search for suitable work in a given week if: 1) the claimant was last employed by a temporary help company, as defined under current law; 2) the temporary help company required the claimant to contact the temporary help company for an assignment weekly, or less often as prescribed by the temporary help company, and the temporary help company gave the claimant written notice of that requirement at the time the claimant was initially employed by the company; 3) during that week, the claimant was required to contact the temporary help company for an assignment and the claimant did not contact the temporary help company for an assignment; and 4) the temporary help company submits a notice within ten business days after the end of that week to DWD reporting that the claimant failed to so contact the temporary help company. The claimant may overcome the rebuttable presumption only by a showing that the claimant did in fact contact the temporary help company for an assignment or by showing that the claimant was not informed of this requirement or had other good cause for failing to do so. The bill specifically provides that the claimant's contact of the temporary help company for a given week counts as one action toward the UI law's work search requirement for that week.

Extended training benefits

Currently, benefits may not be denied to an otherwise eligible claimant because the claimant is enrolled in a vocational training course or a basic education course that is a prerequisite to such training ("approved training") under certain conditions. Currently, a claimant may also qualify to receive benefits while participating in an extended training program under certain conditions, under such a program, if a claimant 1) has exhausted all other rights to benefits, 2) is currently enrolled in an approved training program and was so enrolled prior to the end of the claimant's benefit year (period during which benefits are payable) that qualified the claimant for benefits, 3) if not in a current benefit year, has a benefit year that ended no earlier than 52 weeks prior to the week for which the claimant first claims extended training benefits, and 4) is not receiving any similar stipends or other training allowances for nontraining costs, is entitled to extended training benefits of up to 26 times the same benefit rate that applied to the claimant during his or her most recent benefit year if the claimant is being trained for entry into a high-demand occupation. In addition, if the benefit year of such a claimant expires in a week in which extended or other additional federal or state benefits are payable generally, the claimant is also eligible for extended training benefits while enrolled in a training program if the claimant first enrolled in the program within 52 weeks after the end of the claimant's benefit year that qualified the claimant for benefits. This bill deletes extended training benefits.

Treatment of cafeteria plan amounts in benefit calculations

Currently, employers must report wages to DWD and these reports are used to determine the UI benefit eligibility and amounts of benefits payable to UI claimants. The wages reported do not include salary reduction amounts withheld from employees for cafeteria plan benefits (fringe benefits the value of which is excluded

from gross income under the federal Internal Revenue Code). However, these amounts are included in the formula that is used to determine the benefit eligibility and amounts payable to claimants. DWD may require employers to report the amounts in their wage reports and employers must maintain records of these amounts.

This bill excludes salary reduction amounts for cafeteria plan benefits in calculating the wages that were paid to a claimant for purposes of determining the claimant's benefit eligibility and amounts. The bill also deletes reporting and record-keeping requirements for these amounts. The effect is to raise the threshold for benefit eligibility and to potentially decrease the amount of benefits that may become payable to certain claimants whose wages include deductions for these amounts.

Failure of claimants to provide requested information

Currently, DWD may require a claimant to answer questions relating to his or her UI benefit eligibility and to provide certain demographic information for auditing purposes. A claimant is not eligible to receive benefits for any week in which the claimant fails to comply with a request by DWD for information and for any subsequent week until the claimant provides the information or satisfies DWD that he or she has good cause for failure to provide the requested information. If a claimant later complies with a request or satisfies DWD that he or she has good cause for failure to comply, the claimant is eligible to receive benefits beginning with the week in which the failure occurred, if otherwise qualified. Under this bill, if a claimant later complies with a request, the claimant is not eligible to receive benefits until the claimant complies with the request *and* satisfies DWD that he or she has good cause for failure to comply with the request. The bill also provides that if a claimant later complies with a request and does not have good cause for his or her initial failure to comply with the request, the claimant is eligible only to receive benefits beginning with the week in which the claimant complies with the request, if otherwise qualified.

Claimant security credentials

This bill requires each claimant for UI benefits to create security credentials in order to engage in any transactions with DWD, including the filing of an initial or continued claim for benefits. The credentials may consist of a personal identification number, username, and password, or any other means prescribed by DWD. The bill provides that if a claimant's security credentials are used in any transaction with DWD, the individual using the credentials is presumed to be the claimant or the claimant's authorized agent. The presumption may be rebutted by a preponderance of evidence showing that the claimant who created the credentials or the claimant's authorized agent was not the person who used the credentials in a given transaction. The bill also provides that if a claimant uses an agent to engage in any transaction with DWD using the claimant's security credentials, the claimant is responsible for the actions of the agent. In addition, the bill provides that if a claimant to whom security credentials or the claimant's authorized agent divulges the credentials to another person, or fails to take adequate measures to protect the credentials from being divulged to an unauthorized person, DWD is not obligated to pursue recovery

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of, and is not liable to the claimant for, benefits payable to the claimant that were erroneously paid to another person. Current law contains no similar provisions.

TAX CHANGES

Interest on delinquent payments

Currently, if an employer does not make a payment required under the UI law to DWD by the due date, the employer must pay interest on the amount owed equal to a variable rate determined by law from the date that the payment became due. Revenues from interest payments are used to administer the UI program. This bill permits DWD to waive or decrease the interest charged to an employer in limited circumstances as prescribed by rule of DWD.

Treatment of limited liability companies consisting of the same members

Currently, for purposes of the UI law, multiple limited liability companies (LLCs) that consist of the same members are treated as a single employer unless, subject to certain provisions, each of those LLCs files a written request with DWD to be treated as a separate employer and DWD approves the request. Under the bill, consistent with the Federal Unemployment Tax Act (FUTA), multiple LLCs that consist of the same members are always treated as separate employers, for purposes of the UI law.

OTHER CHANGES

Payment of interest on federal advances to reserve fund

Currently, if in any year the balance in the unemployment reserve fund is insufficient to make full payment of unemployment insurance benefits that become payable to claimants for that year, DWD secures an advance from the federal unemployment account to enable this state to make full payment of all benefits that become payable. Whenever the balance in the unemployment reserve fund is sufficient to repay the federal government for its advances and to continue to make payment of the benefits that become payable, DWD repays the federal government for its outstanding advances. Annually, the federal government assesses interest to this state on this state's outstanding advances that have not been repaid. Currently, if in any year DWD is unable to make full payment of the interest that becomes due from certain other limited sources, each employer must pay an assessment to the state unemployment interest payment fund in an amount specified by law sufficient to enable DWD to make full payment of the interest due for that year.

This bill appropriates a sum sufficient not exceeding \$30,000,000 from general purpose revenues to pay any interest that becomes due to the federal government prior to July 1, 2015, on outstanding advances made to the unemployment reserve fund. Under the bill, DWD must first use any available moneys from this appropriation to make payment of the interest due for any year. If the amount appropriated, together with other available sources, is insufficient to make full payment of the interest that becomes due for any year, each employer must pay an assessment in the amount determined by DWD sufficient to cover the deficiency. If the moneys appropriated under the bill are not fully expended at the end of the 2013-15 fiscal biennium, the balance is retained in the general fund.

License revocations based on UI contribution delinquencies

Current law requires various state agencies and boards (licensing departments) that issue various licenses and other credentials (licenses) to revoke a license or deny an application for a license if the Department of Revenue (DOR) certifies that the license holder or applicant owes DOR delinquent taxes. Current law also allows the Wisconsin Supreme Court to decide whether to revoke or deny an application for a license to practice law if the license holder or applicant is certified by DOR to owe delinquent taxes. This bill creates similar provisions for license holders and applicants that DWD certifies are liable for delinquent UI contributions. UI contributions are taxes employers must pay to DWD for deposit with the federal government, and which are then used to pay the claims of claimants for UI benefits. The bill also includes within the definition of UI contributions other assessments, interest, fees, and penalties that have been imposed upon employers in connection with their UI contribution obligations. The provisions created in the bill apply only to delinquent UI contributions for which the employer has exhausted all legal rights to challenge the employer's liability.

Under the bill, each licensing department must enter into a memorandum of understanding with DWD. Under the memorandum, the licensing department must ask DWD to certify whether a license holder or applicant is liable for delinquent UI contributions. If DWD certifies to a licensing department that a license holder or applicant is liable for delinquent UI contributions, the licensing department must revoke the license or deny the application for a license. A licensing department must mail a notice of revocation or denial to the license holder or applicant, and the notice must inform the applicant or license holder of the right to a review of DWD's certification at a hearing conducted by DWD. The hearing is limited to questions of mistaken identity and prior payment of the delinquent UI contributions. Following the hearing, if DWD does not uphold its certification, DWD must issue the holder or applicant a nondelinquency certificate and the licensing department must reinstate the license or approve the application for a license without requiring any additional application, fee, or test, unless there are other grounds for denial or revocation. If DWD does uphold its certification, DWD must so inform the license holder or applicant and the licensing department. The license holder or applicant may seek judicial review of an adverse determination by DWD at the hearing by filing a petition for review in the Dane County circuit court and may appeal the court's decision. A license holder or applicant whose license has been revoked or denied because of delinquent UI contributions may also, after satisfying that debt, request DWD to issue a nondelinquency certificate, which the license holder or applicant may then present to have the license reinstated, unless there are other grounds for not reinstating the license or for denying the application.

The bill includes the following within the definition of licensing department: the Department of Administration; the Board of Commissioners of Public Lands; the Department of Children and Families; the Government Accountability Board; the Department of Financial Institutions; the Department of Health Services; the Department of Natural Resources; the Department of Public Instruction; the Department of Revenue; the Department of Safety and Professional Services; the

Office of the Commissioner of Insurance; and the Department of Transportation. The bill applies to various licenses administered by the aforementioned licensing departments.

The bill allows DWD to deny an application for or revoke various licenses administered by DWD if the license holder or applicant is liable for delinquent UI contributions. Such a license holder or applicant has the same rights to review by DWD and to judicial review as do holders of or applicants for licenses administered by other licensing departments.

The bill also requests the Wisconsin Supreme Court to enter into a similar memorandum of understanding with DWD. If DWD determines that a licensed attorney or an applicant for a license to practice law is liable for delinquent UI contributions, DWD may send the attorney or applicant a notice of that determination. The attorney or applicant has the same rights to a hearing and judicial review as do other license holders or applicants. However, DWD may not send the supreme court a certification of UI contribution delinquency until the attorney or applicant has exercised or exhausted his or her full rights to judicial review. If the determination is upheld following the holder or applicant's exercise or exhaustion of rights to judicial review, DWD may then certify to the supreme court that the attorney or applicant is liable for delinquent UI contributions. The supreme court may then decide whether to suspend, revoke, or deny the attorney's or applicant's license to practice law.

Financial record matching program

Currently, the Departments of Children and Families, Revenue, and Health Services (departments) operate financial records matching programs whereby the departments, for various asset verification or determination purposes, match data possessed by the departments with the records of financial institutions. This bill establishes a similar financial records matching program with DWD to allow DWD to identify the assets of persons who are delinquent in paying debts related to the UI program (UI debtors).

Under the program, financial institutions doing business in this state must enter into agreements with DWD to participate in a financial institution matching option or a state matching option. DWD may pay such a financial institution up to \$125 per calendar quarter for participating.

Under the financial institution matching option, at least once every calendar quarter DWD sends information to the financial institution, including names, addresses, and social security numbers, about UI debtors. The financial institution determines whether any UI debtor has an ownership interest in an account at the financial institution and, if so, sends DWD information about the account, such as the type, number, and balance.

Under the state matching option, at least once every calendar quarter the financial institution sends DWD information about accounts maintained at the financial institution, including the name and social security number of each person having an ownership interest in each account. On the basis of that information, DWD determines whether any UI debtor has an ownership interest in an account at the financial institution and, if so, may request further information from the

financial institution, including the person's address of record and the account balance.

The bill prohibits DWD from disclosing or retaining information concerning account holders who are not UI debtors; prohibits employees, agents, officers, and directors of financial institutions from disclosing or retaining information concerning UI debtors; and prohibits both DWD and financial institutions from using any information received under the program for any purpose not related to the program. The bill provides penalties for any employee, agent, officer, or director of a financial institution who violates any of the prohibitions. The bill also provides that a financial institution is not liable for disclosing financial information, or for taking any other action, in compliance with the program.

Tardy filing fees

Currently, each employer must file a quarterly report with DWD identifying the name of and wages paid to each employee who is employed by the employer in employment covered by the UI law during the most recent calendar quarter. With limited exceptions, if an employer is delinquent in filing the report, the employer must pay a tardy filing fee of \$50. Revenue from tardy filing fees is used for various purposes to support the UI program. This bill increases the tardy filing fee to \$100 or \$20 per employee, whichever is greater, but provides that if the employer files the report within 30 days of its due date, the fee remains at \$50.

Work search audits of claimants

The bill requires DWD to conduct random audits on claimants for regular UI benefits to assess compliance with the UI law's work search requirement. The bill requires DWD to include in its annual fraud report that is presented to the Council on Unemployment Insurance information about these audits, including the number of audits conducted in the previous year and the results of those audits.

Online portal for filing complaints

The bill requires DWD to maintain a portal on the Internet that allows employers and claimants to log in and file complaints with DWD related to the administration of the UI law.

Submittal dates for departmental reports

Currently, on or about January 15 of each odd-numbered year, the secretary of workforce development submits to the governor and legislative leaders a statement of UI financial outlook, which contains information relating to the current and projected fiscal condition of the UI program, recommendations for any changes in the UI law, and a report of the deliberations of the Council on Unemployment Insurance and any position of the council concerning the proposed changes. In addition, on or about February 15 of each year, DWD must furnish to the Council on Unemployment Insurance a report summarizing DWD's activities related to detection and prosecution of UI fraud during the preceding year. This bill separates the report of the fiscal condition of the UI program and recommended changes in the UI law from the report of the deliberations and position of the council and requires submittal of the former no later than April 15 of each odd-numbered year and of the later no later

than May 15 of each odd-numbered year. The bill also requires submittal of the report concerning fraud no later than March 15 of each year.

Fraud investigation positions

The bill requires DWD to request funding from the U.S. Department of Labor to hire additional employees to perform UI fraud investigation.

Social security numbers maintained by DOT

Under current law, an individual who applies to the Department of Transportation (DOT) for vehicle title, for a motor vehicle operator's license or an identification card, or for registration as a motor vehicle dealer must, with limited exceptions, state his or her social security number on the application. DOT is generally required to maintain the confidentiality of these social security numbers but may disclose these social security numbers in limited circumstances, including to the Department of Children and Families and DOR for specified purposes.

This bill allows these social security numbers to also be disclosed to DWD for the sole purpose of enforcing or administering DWD's collection responsibilities related to UI.

Information relating to financing of UI system

This bill directs DWD to provide information to employers concerning the financing of the UI system, including the computation of reserve percentages and their effect upon the contribution and solvency rates of employers, and to post this information on the Internet. The bill, also directs DWD to include this information on any statements of account that DWD provides to employers and to provide this information in writing to each employer who becomes newly subject to a requirement to pay contributions or to reimburse for benefits paid under the UI law.

UI handbook for employers

The bill requires DWD to create and keep up-to-date a handbook for employers for the purpose of informing employers who are subject to the UI law about the provisions and requirements of the UI law. The handbook must include all of the following: 1) information about the function and purpose of UI; 2) a description of the rights and responsibilities of employers under the UI law, including the rights and responsibilities associated with hearings to establish eligibility for benefits under the law; 3) a description of the circumstances under which claimants are eligible and ineligible for UI benefits under the UI law; 4) disclaimers explaining that the contents of the handbook may not be relied upon as legally enforceable and that adherence to the contents does not guarantee a particular result for a decision on a UI matter; and 5) a line to allow an employee to sign to acknowledge that the employee is aware of the contents of the handbook. DWD must make the handbook available on the Internet and must, for a fee, distribute printed copies of the handbook to employers who so request.

Electronic database of decisions

The bill requires DWD to maintain a searchable, electronic database of significant decisions made by the labor and industry review commission on UI matters for the use of the attorneys and certain other employees employed by DWD.

Initial training and continuing education for appeal tribunals (ALJs)

The bill requires DWD to conduct training for all individuals who serve as appeal tribunals, commonly known as administrative law judges (ALJs), that are employed or appointed by DWD to hear UI appeals to prepare them to perform their duties. The bill requires an initial training, for newly employed or appointed ALJs, and requires DWD to conduct similar training for individuals currently serving as ALJs within one year of the bill's general effective date. The bill also provides that DWD must require all individuals who serve as ALJs to satisfy continuing education requirements, as prescribed by DWD.

Due date for successorship applications

Currently, with certain exceptions, if a business is transferred from one employer to another employer, the transferee may, under certain conditions, request that DWD treat it as a successor for purposes of UI experience, including contribution (tax) and benefit liability. A successorship application must be received by DWD on or before the contribution payment due date for the first full quarter following the date of the transfer. This bill permits DWD to accept an application not more than 90 days after its due date if the transferee satisfies DWD that its application was late as a result of excusable neglect.

Standard affidavit form

This bill directs DWD to prescribe by rule a standard affidavit form that may be used by parties to UI administrative appeals and to make the form available to employers and claimants. Use of the form by a party does not eliminate the right of an opposing party to cross examine the affiant concerning the facts asserted in the affidavit.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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.** 13.63 (1) (b) of the statutes is amended to read:
- 2 13.63 (1) (b) Except as provided under par. (am), the board shall not issue a
- 3 license to an applicant who does not provide his or her social security number. The
- 4 board shall not issue a license to an applicant or shall revoke any license issued to
- 5 a lobbyist if the department of revenue certifies to the board that the applicant or

1 lobbyist is liable for delinquent taxes under s. 73.0301 or if the department of
2 workforce development certifies to the board that the applicant or lobbyist is liable
3 for delinquent unemployment insurance contributions under s. 108.227. The board
4 shall refuse to issue a license or shall suspend any existing license for failure of an
5 applicant or licensee to pay court-ordered payments of child or family support,
6 maintenance, birth expenses, medical expenses or other expenses related to the
7 support of a child or former spouse or failure of an applicant or licensee to comply,
8 after appropriate notice, with a subpoena or warrant issued by the department of
9 children and families or a county child support agency under s. 59.53 (5) and related
10 to paternity or child support proceedings, as provided in a memorandum of
11 understanding entered into under s. 49.857. No application may be disapproved by
12 the board except an application for a license by a person who is ineligible for licensure
13 under this subsection or s. 13.69 (4) or an application by a lobbyist whose license has
14 been revoked under this subsection or s. 13.69 (7) and only for the period of such
15 ineligibility or revocation.

16 **SECTION 2.** 13.63 (1) (c) of the statutes is amended to read:

17 13.63 (1) (c) Denial of a license on the basis of a certification by the department
18 of revenue or the department of workforce development may be reviewed under s.
19 73.0301 or 108.227, whichever is applicable. Except with respect to a license that is
20 denied or suspended pursuant to a memorandum of understanding entered into
21 under s. 49.857, denial or suspension of any other license may be reviewed under ch.
22 227.

23 **SECTION 3.** 16.48 (1) (intro.) and (a) (intro.) of the statutes are consolidated,
24 renumbered 16.48 (1) (a) (intro.) and amended to read:

SECTION 3

1 16.48 (1) (a) (intro.) ~~On or about January~~ No later than April 15 of each
2 odd-numbered year, the secretary of workforce development shall prepare and
3 furnish to the governor, the speaker of the assembly, the minority leader of the
4 assembly, and the majority and minority leaders of the senate: (a) ~~A~~ a statement of
5 unemployment insurance financial outlook, which shall contain the following,
6 together with the secretary's recommendations and an explanation for such
7 recommendations:

8 **SECTION 4.** 16.48 (1) (b) of the statutes is amended to read:

9 16.48 (1) (b) ~~A~~ No later than May 15 of each odd-numbered year, the secretary
10 of workforce development shall prepare and furnish to the governor, the speaker of
11 the assembly, the minority leader of the assembly, and the majority and minority
12 leaders of the senate a report summarizing the deliberations of the council on
13 unemployment insurance and the position of the council, if any, concerning each
14 proposed change in the unemployment insurance laws submitted under par. (a).

15 **SECTION 5.** 16.48 (3) of the statutes is amended to read:

16 16.48 (3) ~~On or about February~~ No later than June 15 of each odd-numbered
17 year, the secretary of workforce development, under the direction of the governor,
18 shall submit to each member of the legislature an updated statement of
19 unemployment insurance financial outlook which shall contain the information
20 specified in sub. (1) (a), together with the governor's recommendations and an
21 explanation for such recommendations, and a copy of the report required under sub.
22 (1) (b).

23 **SECTION 6.** 19.55 (2) (d) of the statutes is amended to read:

24 19.55 (2) (d) Records of the social security number of any individual who files
25 an application for licensure as a lobbyist under s. 13.63 or who registers as a principal

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1 under s. 13.64, except to the department of children and families for purposes of
2 administration of s. 49.22 ~~or~~, to the department of revenue for purposes of
3 administration of s. 73.0301, and to the department of workforce development for
4 purposes of administration of s. 108.227.

5 **SECTION 7.** 20.445 (1) (fx) of the statutes is created to read:

6 20.445 (1) (fx) *Interest on federal advances.* A sum sufficient, not exceeding
7 \$30,000,000, to pay interest on advances made by the federal government to the
8 unemployment reserve fund under s. 108.19 (1m).

9 **SECTION 8.** 20.445 (1) (fx) of the statutes, as created by 2013 Wisconsin Act
10 (this act), is repealed.

11 **SECTION 9.** 20.445 (1) (gm) of the statutes is created to read:

12 20.445 (1) (gm) *Unemployment insurance handbook.* All moneys received
13 under s. 108.14 (23) (d) for the costs of printing and distribution of the unemployment
14 insurance handbook, to pay for those costs.

15 **SECTION 10.** 29.024 (2r) (title) of the statutes is amended to read:

16 29.024 (2r) (title) DENIAL AND REVOCATION OF APPROVALS BASED ON TAX
17 ~~DELINQUENCY~~ DELINQUENT TAXES OR UNEMPLOYMENT INSURANCE CONTRIBUTIONS.

18 **SECTION 11.** 29.024 (2r) (c) of the statutes is amended to read:

19 29.024 (2r) (c) *Disclosure of numbers.* The department of natural resources
20 may not disclose any information received under par. (a) to any person except to the
21 department of revenue for the sole purpose of making certifications required under
22 s. 73.0301 and to the department of workforce development for the sole purpose of
23 making certifications required under s. 108.227.

24 **SECTION 12.** 29.024 (2r) (d) 1. of the statutes is amended to read:

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SECTION 12

1 29.024 (2r) (d) 1. Except as provided in subd. 2., the department shall deny an
2 application to issue or renew, or revoke if already issued, an approval specified in par.
3 (a) if the applicant for or the holder of the approval fails to provide the information
4 required under par. (a) ~~or~~, if the department of revenue certifies that the applicant
5 or approval holder is liable for delinquent taxes under s. 73.0301, or if the
6 department of workforce development certifies that the applicant or approval holder
7 is liable for delinquent unemployment insurance contributions under s. 108.227.

8 **SECTION 13.** 48.66 (2m) (c) of the statutes is amended to read:

9 48.66 (2m) (c) The subunit of the department that obtains a social security
10 number or a federal employer identification number under par. (a) 1. may not
11 disclose that information to any person except to the department of revenue for the
12 sole purpose of requesting certifications under s. 73.0301 and to the department of
13 workforce development for the sole purpose of requesting certifications under s.
14 108.227 or on the request of the subunit of the department that administers the child
15 and spousal support program under s. 49.22 (2m).

16 **SECTION 14.** 48.715 (7) of the statutes is amended to read:

17 48.715 (7) The department shall deny an application for the issuance or
18 continuation of a license under s. 48.66 (1) (a) or a probationary license under s. 48.69
19 to operate a child welfare agency, group home, shelter care facility, or child care
20 center, or revoke such a license already issued, if the department of revenue certifies
21 under s. 73.0301 that the applicant or licensee is liable for delinquent taxes or if the
22 department of workforce development certifies under s. 108.227 that the applicant
23 or licensee is liable for delinquent unemployment insurance contributions. An action
24 taken under this subsection is subject to review only as provided under s. 73.0301 (5)
25 or 108.227 (5) and not as provided in s. 48.72.

1 **SECTION 15.** 50.498 (title) of the statutes is amended to read:

2 **50.498** (title) **Denial, nonrenewal and revocation of license,**
3 **certification or registration based on tax-delinquency delinquent taxes or**
4 **unemployment insurance contributions.**

5 **SECTION 16.** 50.498 (2) of the statutes is amended to read:

6 50.498 (2) The department may not disclose any information received under
7 sub. (1) to any person except to the department of revenue for the sole purpose of
8 requesting certifications under s. 73.0301 and to the department of workforce
9 development for the sole purpose of requesting certifications under s. 108.227.

10 **SECTION 17.** 50.498 (4) of the statutes is renumbered 50.498 (4) (a).

11 **SECTION 18.** 50.498 (4) (b) of the statutes is created to read:

12 50.498 (4) (b) The department shall deny an application for the issuance of a
13 certificate of approval, license or provisional license specified in sub. (1) or shall
14 revoke a certificate of approval, license or provisional license specified in sub. (1), if
15 the department of workforce development certifies under s. 108.227 that the
16 applicant for or holder of the certificate of approval, license or provisional license is
17 liable for delinquent unemployment insurance contributions.

18 **SECTION 19.** 50.498 (5) of the statutes is amended to read:

19 50.498 (5) An action taken under sub. (3) or (4) is subject to review only as
20 provided under s. 73.0301 (2) (b) and (5) or s. 108.227 (5) and (6), whichever is
21 applicable.

22 **SECTION 20.** 51.032 (title) of the statutes is amended to read:

23 **51.032** (title) **Denial and revocations of certification or approval based**
24 **on tax-delinquency delinquent taxes or unemployment insurance**
25 **contributions.**

1 **SECTION 21.** 51.032 (2) of the statutes is amended to read:

2 51.032 (2) The department may not disclose any information received under
3 sub. (1) to any person except to the department of revenue for the sole purpose of
4 requesting certifications under s. 73.0301 and to the department of workforce
5 development for the sole purpose of requesting certifications under s. 108.227.

6 **SECTION 22.** 51.032 (4) of the statutes is amended to read:

7 51.032 (4) The department shall deny an application for the issuance of a
8 certification or approval specified in sub. (1) or shall revoke a certification or
9 approval specified in sub. (1) if the department of revenue certifies under s. 73.0301
10 that the applicant for or holder of a certification or approval is liable for delinquent
11 taxes or if the department of workforce development certifies under s. 108.227 that
12 the applicant for or holder of a certification or approval is liable for delinquent
13 unemployment insurance contributions.

14 **SECTION 23.** 51.032 (5) of the statutes is amended to read:

15 51.032 (5) An action taken under sub. (3) or (4) is subject to review only as
16 provided under s. 73.0301 (2) (b) and (5) or s. 108.227 (5) and (6), whichever is
17 applicable.

18 **SECTION 24.** 71.78 (4) (o) of the statutes is amended to read:

19 71.78 (4) (o) A licensing department or the supreme court, if the supreme court
20 agrees, for the purpose of denial, nonrenewal, discontinuation and revocation of a
21 license based on tax delinquency under s. 73.0301 or unemployment insurance
22 contribution delinquency under s. 108.227.

23 **SECTION 25.** 73.0301 (2) (c) 2. of the statutes is amended to read:

24 73.0301 (2) (c) 2. A licensing department may not disclose any information
25 received under subd. 1. a. or b. to any person except to the department of revenue for

1 the purpose of requesting certifications under par. ~~(b)~~ (a) 1. or 2. in accordance with
2 the memorandum of understanding under sub. (4) and administering state taxes ~~or,~~
3 to the department of workforce development for the purpose of requesting
4 certifications under s. 108.227 (2) (a) 1. or 2. in accordance with the memorandum
5 of understanding under s. 108.227 (4) and administering the unemployment
6 insurance program, and to the department of children and families for the purpose
7 of administering s. 49.22.

8 **SECTION 26.** 73.0302 (title) of the statutes is amended to read:

9 **73.0302** (title) **Liability for delinquent taxes or unemployment**
10 **insurance contributions.**

11 **SECTION 27.** 73.0302 (5) of the statutes is created to read:

12 73.0302 (5) If the department of workforce development certifies under s.
13 108.227 that an applicant for certification or recertification under s. 73.03 (50) or a
14 person who holds a certificate issued under s. 73.03 (50) is liable for delinquent
15 unemployment insurance contributions, the department of revenue shall deny the
16 application or revoke the certificate. A person subject to a denial or revocation under
17 this subsection for delinquent unemployment insurance contributions is entitled to
18 a notice under s. 108.227 (2) (b) 1. b. and hearing under s. 108.227 (5) (a) but is not
19 entitled to any other notice or hearing under this chapter.

20 **SECTION 28.** 73.0302 (6) of the statutes is created to read:

21 73.0302 (6) The department of revenue may disclose a social security number
22 obtained under s. 73.03 (50) (c) to the department of workforce development for the
23 purpose of requesting certifications under s. 108.227.

24 **SECTION 29.** 73.09 (6m) of the statutes is amended to read:

1 73.09 (6m) SOCIAL SECURITY NUMBERS. Each applicant for certification or
2 recertification under this section shall provide the applicant's social security number
3 on the application. The department of revenue may not disclose a social security
4 number that it obtains under this subsection, except to the department of workforce
5 development for the purpose of requesting certifications under s. 108.227. The
6 department of revenue may not certify or recertify any person who fails to provide
7 his or her social security number on his or her application.

8 **SECTION 30.** 73.09 (8) of the statutes is created to read:

9 73.09 (8) LIABILITY FOR DELINQUENT UNEMPLOYMENT INSURANCE CONTRIBUTIONS.
10 If the department of workforce development certifies under s. 108.227 that an
11 applicant for certification or recertification under this section is liable for delinquent
12 unemployment insurance contributions, the department of revenue shall deny the
13 application for certification or recertification or revoke the certificate. A person
14 subject to a denial or revocation under this subsection for delinquent unemployment
15 insurance contributions is entitled to a notice under s. 108.227 (2) (b) 1. b. and
16 hearing under s. 108.227 (5) (a) but is not entitled to any other notice or hearing
17 under this chapter.

18 **SECTION 31.** 101.02 (20) (b) of the statutes is amended to read:

19 101.02 (20) (b) Except as provided in par. (e), the department of safety and
20 professional services may not issue or renew a license unless each applicant who is
21 an individual provides the department of safety and professional services with his
22 or her social security number and each applicant that is not an individual provides
23 the department of safety and professional services with its federal employer
24 identification number. The department of safety and professional services may not
25 disclose the social security number or the federal employer identification number of

1 an applicant for a license or license renewal except to the department of revenue for
2 the sole purpose of requesting certifications under s. 73.0301 and to the department
3 of workforce development for the sole purpose of requesting certifications under s.
4 108.227.

5 **SECTION 32.** 101.02 (20) (c) of the statutes is amended to read:

6 101.02 (20) (c) The department of safety and professional services may not
7 issue or renew a license if the department of revenue certifies under s. 73.0301 that
8 the applicant or licensee is liable for delinquent taxes or if the department of
9 workforce development certifies under s. 108.227 that the applicant or licensee is
10 liable for delinquent unemployment insurance contributions.

11 **SECTION 33.** 101.02 (20) (d) of the statutes is amended to read:

12 101.02 (20) (d) The department of safety and professional services shall revoke
13 a license if the department of revenue certifies under s. 73.0301 that the licensee is
14 liable for delinquent taxes or if the department of workforce development certifies
15 under s. 108.227 that the licensee is liable for delinquent unemployment insurance
16 contributions.

17 **SECTION 34.** 102.17 (1) (c) of the statutes is amended to read:

18 102.17 (1) (c) Any party shall have the right to be present at any hearing, in
19 person or by attorney or any other agent, and to present such testimony as may be
20 pertinent to the controversy before the department. No person, firm, or corporation,
21 other than an attorney at law who is licensed to practice law in the state, may appear
22 on behalf of any party in interest before the department or any member or employee
23 of the department assigned to conduct any hearing, investigation, or inquiry relative
24 to a claim for compensation or benefits under this chapter, unless the person is 18
25 years of age or older, does not have an arrest or conviction record, subject to ss.

1 111.321, 111.322 and 111.335, is otherwise qualified, and has obtained from the
2 department a license with authorization to appear in matters or proceedings before
3 the department. Except as provided under pars. (cm) ~~and~~, (cr), and (ct), the license
4 shall be issued by the department under rules promulgated by the department. The
5 department shall maintain in its office a current list of persons to whom licenses have
6 been issued. Any license may be suspended or revoked by the department for fraud
7 or serious misconduct on the part of an agent, any license may be denied, suspended,
8 nonrenewed, or otherwise withheld by the department for failure to pay
9 court-ordered payments as provided in par. (cm) on the part of an agent, and any
10 license may be denied or revoked if the department of revenue certifies under s.
11 73.0301 that the applicant or licensee is liable for delinquent taxes or if the
12 department determines under par. (ct) that the applicant or licensee is liable for
13 delinquent contributions. Before suspending or revoking the license of the agent on
14 the grounds of fraud or misconduct, the department shall give notice in writing to the
15 agent of the charges of fraud or misconduct and shall give the agent full opportunity
16 to be heard in relation to those charges. In denying, suspending, restricting, refusing
17 to renew, or otherwise withholding a license for failure to pay court-ordered
18 payments as provided in par. (cm), the department shall follow the procedure
19 provided in a memorandum of understanding entered into under s. 49.857. The
20 license and certificate of authority shall, unless otherwise suspended or revoked, be
21 in force from the date of issuance until the June 30 following the date of issuance and
22 may be renewed by the department from time to time, but each renewed license shall
23 expire on the June 30 following the issuance of the renewed license.

24 **SECTION 35.** 102.17 (1) (ct) of the statutes is created to read:

1 102.17 (1) (ct) 1. The department may deny an application for the issuance or
2 renewal of a license under par. (c), or revoke such a license already issued, if the
3 department determines that the applicant or licensee is liable for delinquent
4 contributions, as defined in s. 108.227 (1) (d). Notwithstanding par. (c), an action
5 taken under this subdivision is subject to review only as provided under s. 108.227
6 (5) and not as provided in ch. 227.

7 2. If the department denies an application or revokes a license under subd. 1.,
8 the department shall mail a notice of denial or revocation to the applicant or license
9 holder. The notice shall include a statement of the facts that warrant the denial or
10 revocation and a statement that the applicant or license holder may, within 30 days
11 after the date on which the notice of denial or revocation is mailed, file a written
12 request with the department to have the determination that the applicant or license
13 holder is liable for delinquent contributions reviewed at a hearing under s. 108.227
14 (5) (a).

15 3. If, after a hearing under s. 108.227 (5) (a), the department affirms a
16 determination under subd. 1. that an applicant or license holder is liable for
17 delinquent contributions, the department shall affirm its denial or revocation. An
18 applicant or license holder may seek judicial review under s. 108.227 (6) of an
19 affirmation by the department of a denial or revocation under this subdivision.

20 4. If, after a hearing under s. 108.227 (5) (a), the department determines that
21 a person whose license is revoked or whose application is denied under subd. 1. is not
22 liable for delinquent contributions, as defined in s. 108.227 (1) (d), the department
23 shall reinstate the license or approve the application, unless there are other grounds
24 for revocation or denial. The department may not charge a fee for reinstatement of
25 a license under this subdivision.

1 **SECTION 36.** 103.005 (10) of the statutes is amended to read:

2 103.005 (10) Except as provided in ss. 103.06 (5) (d), 103.275 (2) (bm) ~~and~~, (br),
3 ~~and (bt)~~, 103.34 (10) (b) ~~and~~, (c), ~~and~~ (d), 103.91 (4) (b) ~~and~~, (c), ~~and~~ (d), 103.92 (6) ~~and~~,
4 (7), ~~and~~ (8), 104.07 (5) ~~and~~, (6), ~~and~~ (7), and 105.13 (2) ~~and~~, (3), ~~and~~ (4), orders of the
5 department under chs. 103 to 106 shall be subject to review in the manner provided
6 in ch. 227.

7 **SECTION 37.** 103.275 (2) (b) (intro.) of the statutes is amended to read:

8 103.275 (2) (b) (intro.) Except as provided under pars. (bm) ~~and~~, (br), ~~and~~ (bt),
9 upon receipt of a properly completed application, the department shall issue a
10 house-to-house employer certificate if all of the following apply:

11 **SECTION 38.** 103.275 (2) (bt) of the statutes is created to read:

12 103.275 (2) (bt) 1. The department may deny an application for the issuance
13 or renewal of a house-to-house employer certificate, or revoke such a certificate
14 already issued, if the department determines that the applicant or house-to-house
15 employer is liable for delinquent contributions, as defined in s. 108.227 (1) (d).
16 Notwithstanding sub. (7) and s. 103.005 (10), an action taken under this subdivision
17 is subject to review only as provided under s. 108.227 (5) and not as provided in sub.
18 (7) and ch. 227.

19 2. If the department denies an application or revokes a certificate under subd.
20 1., the department shall mail a notice of denial or revocation to the applicant or
21 house-to-house employer. The notice shall include a statement of the facts that
22 warrant the denial or revocation and a statement that the applicant or
23 house-to-house employer may, within 30 days after the date on which the notice of
24 denial or revocation is mailed, file a written request with the department to have the

1 determination that the applicant or house-to-house employer is liable for
2 delinquent contributions reviewed at a hearing under s. 108.227 (5) (a).

3 3. If, after a hearing under s. 108.227 (5) (a), the department affirms a
4 determination under subd. 1. that an applicant or house-to-house employer is liable
5 for delinquent contributions, the department shall affirm its denial or revocation.
6 An applicant or house-to-house employer may seek judicial review under s. 108.227
7 (6) of an affirmation by the department of a denial or revocation under this
8 subdivision.

9 4. If, after a hearing under s. 108.227 (5) (a), the department determines that
10 a person whose certificate is revoked or whose application is denied under subd. 1.
11 is not liable for delinquent contributions, as defined in s. 108.227 (1) (d), the
12 department shall reinstate the certificate or approve the application, unless there
13 are other grounds for revocation or denial. The department may not charge a fee for
14 reinstatement of a certificate under this subdivision.

15 **SECTION 39.** 103.275 (7) (b) of the statutes is amended to read:

16 103.275 (7) (b) Except as provided in sub. (2) (bm) ~~and~~, (br), and (bt), after
17 providing at least 10 days' notice to a house-to-house employer, the department may,
18 on its own or upon a written and signed complaint, suspend the house-to-house
19 employer's certificate. The department shall serve a copy of the complaint with
20 notice of a suspension of the certificate on the person complained against, and the
21 person shall file an answer to the complaint with the department and the
22 complainant within 10 days after service. After receiving the answer, the
23 department shall set the matter for hearing as promptly as possible and within 30
24 days after the date of filing the complaint. Either party may appear at the hearing
25 in person or by attorney or agent. The department shall make its findings and

1 determination concerning the suspension within 90 days after the date that the
2 hearing is concluded and send a copy to each interested party.

3 **SECTION 40.** 103.275 (7) (c) of the statutes is amended to read:

4 103.275 (7) (c) Except as provided in sub. (2) (bm) ~~and~~, (br), and (bt), the
5 department may revoke a certificate issued under sub. (2) after holding a public
6 hearing at a place designated by the department. At least 10 days prior to the
7 revocation hearing, the department shall send written notice of the time and place
8 of the revocation hearing to the person holding the certificate and to the person's
9 attorney or agent of record by mailing the notice to their last-known address. The
10 testimony presented and proceedings at the revocation hearing shall be recorded and
11 preserved as the records of the department. The department shall, as soon after the
12 hearing as possible, make its findings and determination concerning revocation and
13 send a copy to each interested party.

14 **SECTION 41.** 103.34 (3) (c) of the statutes is amended to read:

15 103.34 (3) (c) Subject to par. (d) and sub. (10) (b) ~~and~~, (c), and (d), after
16 completing the investigation under par. (b), the department shall issue a certificate
17 of registration to the applicant if the department determines that the applicant
18 meets the minimum requirements under this section and rules promulgated under
19 sub. (13) for issuance of a certificate of registration and is satisfied that the applicant
20 will comply with this section and those rules.

21 **SECTION 42.** 103.34 (10) (title) of the statutes is amended to read:

22 103.34 (10) (title) CHILD SUPPORT; DELINQUENT TAXES OR UNEMPLOYMENT
23 INSURANCE CONTRIBUTIONS.

24 **SECTION 43.** 103.34 (10) (d) of the statutes is created to read:

1 103.34 (10) (d) 1. The department may deny an application for the issuance or
2 renewal of a certificate of registration, or revoke a certificate of registration already
3 issued, if the department determines that the applicant or registrant is liable for
4 delinquent contributions, as defined in s. 108.227 (1) (d). Notwithstanding s. 103.005
5 (10), an action taken under this subdivision is subject to review only as provided
6 under s. 108.227 (5) and not as provided in ch. 227.

7 2. If the department denies an application or revokes a certificate of
8 registration under subd. 1., the department shall mail a notice of denial or revocation
9 to the applicant or registrant. The notice shall include a statement of the facts that
10 warrant the denial or revocation and a statement that the applicant or registrant
11 may, within 30 days after the date on which the notice of denial or revocation is
12 mailed, file a written request with the department to have the determination that
13 the applicant or registrant is liable for delinquent contributions reviewed at a
14 hearing under s. 108.227 (5) (a).

15 3. If, after a hearing under s. 108.227 (5) (a), the department affirms a
16 determination under subd. 1. that an applicant or registrant is liable for delinquent
17 contributions, the department shall affirm its denial or revocation. An applicant or
18 registrant may seek judicial review under s. 108.227 (6) of an affirmation by the
19 department of a denial or revocation under this subdivision.

20 4. If, after a hearing under s. 108.227 (5) (a), the department determines that
21 a person whose certificate of registration is revoked or whose application is denied
22 under subd. 1. is not liable for delinquent contributions, as defined in s. 108.227 (1)
23 (d), the department shall reinstate the certificate of registration or approve the
24 application, unless there are other grounds for revocation or denial. The department
25 may not charge a fee for reinstatement of a certificate under this subdivision.

1 **SECTION 44.** 103.91 (4) (d) of the statutes is created to read:

2 103.91 (4) (d) 1. The department may deny an application for the issuance or
3 renewal of a certificate of registration under sub. (1), or revoke such a certificate
4 already issued, if the department determines that the applicant or registrant is
5 liable for delinquent contributions, as defined in s. 108.227 (1) (d). Notwithstanding
6 s. 103.005 (10), an action taken under this subdivision is subject to review only as
7 provided under s. 108.227 (5) and not as provided in ch. 227.

8 2. If the department denies an application or revokes a certificate of
9 registration under subd. 1., the department shall mail a notice of denial or revocation
10 to the applicant or registrant. The notice shall include a statement of the facts that
11 warrant the denial or revocation and a statement that the applicant or registrant
12 may, within 30 days after the date on which the notice of denial or revocation is
13 mailed, file a written request with the department to have the determination that
14 the applicant or registrant is liable for delinquent contributions reviewed at a
15 hearing under s. 108.227 (5) (a).

16 3. If, after a hearing under s. 108.227 (5) (a), the department affirms a
17 determination under subd. 1. that an applicant or registrant is liable for delinquent
18 contributions, the department shall affirm its denial or revocation. An applicant or
19 registrant may seek judicial review under s. 108.227 (6) of an affirmation by the
20 department of a denial or revocation under this subdivision.

21 4. If, after a hearing under s. 108.227 (5) (a), the department determines that
22 a person whose certificate is revoked or whose application is denied under subd. 1.
23 is not liable for delinquent contributions, as defined in s. 108.227 (1) (d), the
24 department shall reinstate the certificate or approve the application, unless there

1 are other grounds for revocation or denial. The department may not charge a fee for
2 reinstatement of a certificate under this subdivision.

3 **SECTION 45.** 103.92 (3) of the statutes is amended to read:

4 103.92 (3) CERTIFICATE. The department shall inspect each camp for which
5 application to operate is made, to determine if it is in compliance with the rules of
6 the department establishing minimum standards for migrant labor camps. Except
7 as provided under subs. (6) ~~and~~, (7), and (8), if the department finds that the camp
8 is in compliance with the rules, it shall issue a certificate authorizing the camp to
9 operate until March 31 of the next year. The department shall refuse to issue a
10 certificate if it finds that the camp is in violation of such rules, if the person
11 maintaining the camp has failed to pay court-ordered payments as provided in sub.
12 (6) or if the person maintaining the camp is liable for delinquent taxes as provided
13 in sub. (7) or delinquent unemployment insurance contributions as provided in sub.
14 (8).

15 **SECTION 46.** 103.92 (8) of the statutes is created to read:

16 103.92 (8) LIABILITY FOR DELINQUENT UNEMPLOYMENT INSURANCE CONTRIBUTIONS.

17 (a) The department may deny an application for the issuance or renewal of a
18 certificate to operate a migrant labor camp, or revoke such a certificate already
19 issued, if the department determines that the applicant or person operating the
20 camp is liable for delinquent contributions, as defined in s. 108.227 (1) (d).
21 Notwithstanding s. 103.005 (10), an action taken under this paragraph is subject to
22 review only as provided under s. 108.227 (5) and not as provided in ch. 227.

23 (b) If the department denies an application or revokes a certificate under par.
24 (a), the department shall mail a notice of denial or revocation to the applicant or
25 person operating the camp. The notice shall include a statement of the facts that

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1 warrant the denial or revocation and a statement that the applicant or person
2 operating the camp may, within 30 days after the date on which the notice of denial
3 or revocation is mailed, file a written request with the department to have the
4 determination that the applicant or person operating the camp is liable for
5 delinquent contributions reviewed at a hearing under s. 108.227 (5) (a).

6 (c) If, after a hearing under s. 108.227 (5) (a), the department affirms a
7 determination under par. (a) that an applicant or person operating a camp is liable
8 for delinquent contributions, the department shall affirm its denial or revocation.
9 An applicant or person operating a camp may seek judicial review under s. 108.227
10 (6) of an affirmation by the department of a denial or revocation under this
11 paragraph.

12 (d) If, after a hearing under s. 108.227 (5) (a), the department determines that
13 a person whose certificate is revoked or whose application is denied under par. (a) is
14 not liable for delinquent contributions, as defined in s. 108.227 (1) (d), the
15 department shall reinstate the certificate or approve the application, unless there
16 are other grounds for revocation or denial. The department may not charge a fee for
17 reinstatement of a certificate under this paragraph.

18 **SECTION 47.** 104.07 (1) and (2) of the statutes are amended to read:

19 104.07 (1) The department shall make rules, and, except as provided under
20 subs. (5) ~~and, (6), and (7)~~, grant licenses to any employer who employs any employee
21 who is unable to earn the living wage determined by the department, permitting the
22 employee to work for a wage that is commensurate with the employee's ability. Each
23 license so granted shall establish a wage for the licensee.

24 (2) The department shall make rules, and, except as provided under subs. (5)
25 ~~and, (6), and (7)~~, grant licenses to sheltered workshops, to permit the employment

1 of workers with disabilities who are unable to earn the living wage at a wage that
2 is commensurate with their ability and productivity. A license granted to a sheltered
3 workshop under this subsection may be issued for the entire workshop or a
4 department of the workshop.

5 **SECTION 48.** 104.07 (7) of the statutes is created to read:

6 104.07 (7) (a) The department may deny an application for the issuance or
7 renewal of a license under sub. (1) or (2), or revoke such a license already issued, if
8 the department determines that the applicant or licensee is liable for delinquent
9 contributions, as defined in s. 108.227 (1) (d). Notwithstanding s. 103.005 (10), an
10 action taken under this paragraph is subject to review only as provided under s.
11 108.227 (5) and not as provided in ch. 227.

12 (b) If the department denies an application or revokes a license under par. (a),
13 the department shall mail a notice of denial or revocation to the applicant or licensee.
14 The notice shall include a statement of the facts that warrant the denial or revocation
15 and a statement that the applicant or licensee may, within 30 days after the date on
16 which the notice of denial or revocation is mailed, file a written request with the
17 department to have the determination that the applicant or licensee is liable for
18 delinquent contributions reviewed at a hearing under s. 108.227 (5) (a).

19 (c) If, after a hearing under s. 108.227 (5) (a), the department affirms a
20 determination under par. (a) that an applicant or licensee is liable for delinquent
21 contributions, the department shall affirm its denial or revocation. An applicant or
22 licensee may seek judicial review under s. 108.227 (6) of an affirmation by the
23 department of a denial or revocation under this paragraph.

24 (d) If, after a hearing under s. 108.227 (5) (a), the department determines that
25 a person whose license is revoked or whose application is denied under par. (a) is not

1 liable for delinquent contributions, as defined in s. 108.227 (1) (d), the department
2 shall reinstate the license or approve the application, unless there are other grounds
3 for revocation or denial. The department may not charge a fee for reinstatement of
4 a license under this paragraph.

5 **SECTION 49.** 105.13 (1) of the statutes is amended to read:

6 105.13 (1) The department may issue licenses to employment agents, and
7 refuse to issue a license whenever, after investigation, the department finds that the
8 character of the applicant makes the applicant unfit to be an employment agent, that
9 the applicant has failed to pay court-ordered payments as provided in sub. (2) ~~or~~, that
10 the applicant is liable for delinquent taxes as provided in sub. (3), or that the
11 applicant is liable for delinquent unemployment insurance contributions as
12 provided in sub. (4), or when the premises for conducting the business of an
13 employment agent is found upon investigation to be unfit for such use. Any license
14 granted by the department may be suspended or revoked by it upon notice to the
15 licensee and good cause. Failure to comply with this chapter and rules promulgated
16 thereunder, or with any lawful orders of the department, is cause to suspend or
17 revoke a license. Failure to pay court-ordered payments as provided in sub. (2) is
18 cause to deny, suspend, restrict, refuse to renew or otherwise withhold a license.
19 Liability for delinquent taxes as provided in sub. (3) or delinquent unemployment
20 insurance contributions as provided in sub. (4) is cause to deny or revoke a license.

21 **SECTION 50.** 105.13 (4) of the statutes is created to read:

22 105.13 (4) (a) The department may deny an application for the issuance or
23 renewal of an employment agent's license, or revoke such a license already issued,
24 if the department determines that the applicant or licensee is liable for delinquent
25 contributions, as defined in s. 108.227 (1) (d). Notwithstanding s. 103.005 (10), an

1 action taken under this paragraph is subject to review only as provided under s.
2 108.227 (5) and not as provided in ch. 227.

3 (b) If the department denies an application or revokes a license under par. (a),
4 the department shall mail a notice of denial or revocation to the applicant or licensee.
5 The notice shall include a statement of the facts that warrant the denial or revocation
6 and a statement that the applicant or licensee may, within 30 days after the date on
7 which the notice of denial or revocation is mailed, file a written request with the
8 department to have the determination that the applicant or licensee is liable for
9 delinquent contributions reviewed at a hearing under s. 108.227 (5) (a).

10 (c) If, after a hearing under s. 108.227 (5) (a), the department affirms a
11 determination under par. (a) that an applicant or licensee is liable for delinquent
12 contributions, the department shall affirm its denial or revocation. An applicant or
13 licensee may seek judicial review under s. 108.227 (6) of an affirmation by the
14 department of a denial or revocation under this paragraph.

15 (d) If, after a hearing under s. 108.227 (5) (a), the department determines that
16 a person whose license is revoked or whose application is denied under par. (a) is not
17 liable for delinquent contributions, as defined in s. 108.227 (1) (d), the department
18 shall reinstate the license or approve the application, unless there are other grounds
19 for revocation or denial. The department may not charge a fee for reinstatement of
20 a license under this paragraph.

21 **SECTION 51.** 108.02 (4m) (a) of the statutes is amended to read:

22 108.02 (4m) (a) All earnings for wage-earning service which are paid to an
23 employee during his or her base period as a result of employment for an employer
24 except any payment made to or on behalf of an employee or his or her beneficiary
25 under a cafeteria plan within the meaning of 26 USC 125, if the payment would not

1 be treated as wages without regard to that plan and if 26 USC 125 would not treat
2 the payment as constructively received;

3 SECTION 52. 108.02 (4m) (g) of the statutes is repealed.

4 SECTION 53. 108.02 (13) (a) of the statutes is amended to read:

5 108.02 (13) (a) "Employer" means every government unit and Indian tribe, and
6 any person, association, corporation, whether domestic or foreign, or legal
7 representative, debtor in possession or trustee in bankruptcy or receiver or trustee
8 of a person, partnership, association, or corporation, or guardian of the estate of a
9 person, or legal representative of a deceased person, any partnership or partnerships
10 consisting of the same partners, except as provided in par. (L), any limited liability
11 company ~~or limited liability companies consisting of the same members, except as~~
12 ~~provided in par. (kL)~~, and any fraternal benefit society as defined in s. 614.01 (1) (a),
13 which is subject to this chapter under the statutes of 1975, or which has had
14 employment in this state and becomes subject to this chapter under this subsection
15 and, notwithstanding any other provisions of this section, any service insurance
16 corporation organized or operating under ch. 613, except as provided in s. 108.152
17 (6) (a) 3.

18 SECTION 54. 108.02 (13) (kL) of the statutes is repealed.

19 SECTION 55. 108.02 (15m) (intro.) of the statutes is amended to read:

20 108.02 (15m) FAMILY CORPORATION. (intro.) ~~Except as provided in s. 108.04 (7)~~
21 (r), "family Family corporation" means:

22 SECTION 56. 108.04 (1) (g) (intro.) of the statutes is amended to read:

23 108.04 (1) (g) (intro.) ~~Except as provided in par. (gm) and s. 108.06 (7) (d), the~~
24 base period wages utilized to compute total benefits payable to an individual under

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1 s. 108.06 (1) as a result of the following employment shall not exceed 10 times the
2 individual's weekly benefit rate based solely on that employment under s. 108.05 (1):

3 **SECTION 57.** 108.04 (1) (hm) of the statutes is amended to read:

4 108.04 (1) (hm) The department may require any claimant to appear before it
5 and to answer truthfully, orally or in writing, any questions relating to the claimant's
6 eligibility for benefits ~~and~~ or to provide such demographic information as may be
7 necessary to permit the department to conduct a statistically valid sample audit of
8 compliance with this chapter. A claimant is not eligible to receive benefits for any
9 week in which the claimant fails to comply with a request by the department to
10 provide the information required under this paragraph, or any subsequent week,

11 until the claimant complies or satisfies the department that he or she had ~~the~~ good
12 cause for failure to comply with a request of the department under this paragraph.

13 If a claimant later complies with a request by the department ~~or~~ and satisfies the
14 department that he or she had good cause for failure to comply with a the request,
15 the claimant is eligible to receive benefits ~~as of~~ beginning with the week in which the
16 failure occurred, if otherwise qualified. If a claimant later complies with a request
17 by the department but does not have good cause for the initial failure to comply with
18 the request, the claimant is eligible only to receive benefits beginning with the week
19 in which the claimant complies with the request, if otherwise qualified.

20 **SECTION 58.** 108.04 (2) (a) 2. of the statutes is amended to read:

21 108.04 (2) (a) 2. As of that week, the individual has registered for work; ~~and~~
22 as directed by the department;

23 **SECTION 59.** 108.04 (2) (a) 2. of the statutes, as affected by 2013 Wisconsin Acts

24 (Assembly Bill 15) and (this act), is repealed and recreated to read:

1 108.04 (2) (a) 2. Except as provided in s. 108.062 (10m), as of that week, the
2 individual has registered for work as directed by the department;

3 **SECTION 60.** 108.04 (2) (a) 3. (intro.) of the statutes is amended to read:

4 108.04 (2) (a) 3. (intro.) The individual conducts a reasonable search for
5 suitable work during that week, unless the search requirement is waived under par.
6 (b). The search for suitable work must include ~~2~~ at least 4 actions per week that
7 constitute a reasonable search as prescribed by rule of the department. This
8 subdivision does not apply to an individual if the department determines that the
9 individual is currently laid off from employment with an employer but there is a
10 reasonable expectation of reemployment of the individual by that employer. In
11 determining whether the individual has a reasonable expectation of reemployment
12 by an employer, the department shall request the employer to verify the individual's
13 employment status and shall also consider other factors, including:

14 **SECTION 61.** 108.04 (2) (a) 3. (intro.) of the statutes, as affected by 2013
15 Wisconsin Acts (Assembly Bill 15) and (this act), is repealed and recreated to
16 read:

17 108.04 (2) (a) 3. (intro.) The individual conducts a reasonable search for
18 suitable work during that week, unless the search requirement is waived under par.
19 (b) or s. 108.062 (10m). The search for suitable work must include at least 4 actions
20 per week that constitute a reasonable search as prescribed by rule of the department.
21 This subdivision does not apply to an individual if the department determines that
22 the individual is currently laid off from employment with an employer but there is
23 a reasonable expectation of reemployment of the individual by that employer. In
24 determining whether the individual has a reasonable expectation of reemployment

1 by an employer, the department shall request the employer to verify the individual's
2 employment status and shall also consider other factors, including:

3 **SECTION 62.** 108.04 (2) (a) 3. c. of the statutes is amended to read:

4 108.04 (2) (a) 3. c. Whether the individual has recall rights with the employer
5 under the terms of any applicable collective bargaining agreement;

6 **SECTION 63.** 108.04 (2) (a) 4. and 5. of the statutes are created to read:

7 108.04 (2) (a) 4. The claimant provides information or job application materials
8 that are requested by the department; and

9 5. The claimant participates in a public employment office workshop or
10 training program or in similar reemployment services that are required by the
11 department under sub. (15) (a) 2.

12 **SECTION 64.** 108.04 (2) (g) of the statutes is created to read:

13 108.04 (2) (g) 1. Each claimant shall create security credentials in order to
14 engage in transactions with the department, including the filing of an initial or
15 continued claim for benefits. The security credentials may consist of a personal
16 identification number, username, and password, or any other means prescribed by
17 the department.

18 2. If a claimant's security credentials are used in the filing of an initial or
19 continued claim for benefits or any other transaction, the individual using the
20 security credentials is presumed to have been the claimant or the claimant's
21 authorized agent. This presumption may be rebutted by a preponderance of evidence
22 showing that the claimant who created the security credentials or the claimant's
23 authorized agent was not the person who used the credentials in a given transaction.
24 If a claimant uses an agent to engage in any transaction with the department using
25 the claimant's security credentials, the claimant is responsible for the actions of the

1 agent. If a claimant who created security credentials or the claimant's authorized
2 agent divulges the credentials to another person, or fails to take adequate measures
3 to protect the credentials from being divulged to an unauthorized person, the
4 department is not obligated to pursue recovery of, or to reimburse the claimant for,
5 benefits payable to the claimant that were erroneously paid to another person.

6 **SECTION 65.** 108.04 (2) (h) of the statutes is created to read:

7 108.04 (2) (h) A claimant shall, when the claimant first files a claim for benefits
8 under this chapter and during each subsequent week the claimant files for benefits
9 under this chapter, inform the department whether he or she is receiving social
10 security disability insurance benefits under 42 USC ch. 7 subch. II.

11 **SECTION 66.** 108.04 (2) (i) of the statutes is created to read:

12 108.04 (2) (i) 1. There is a rebuttable presumption that a claimant who is
13 subject to the requirement under par. (a) 3. to conduct a reasonable search for
14 suitable work has not conducted a reasonable search for suitable work in a given
15 week if all of the following apply:

16 a. The claimant was last employed by a temporary help company.

17 b. The temporary help company required the claimant to contact the temporary
18 help company for an assignment weekly, or less often as prescribed by the temporary
19 help company, and the company gave the claimant written notice of that requirement
20 at the time the claimant was initially employed by the company.

21 c. During that week, the claimant was required to contact the temporary help
22 company for an assignment and the claimant did not contact the temporary help
23 company for an assignment.

1 d. The temporary help company submits a notice to the department within 10
2 business days after the end of that week reporting that the claimant did not contact
3 the company for an assignment.

4 2. A claimant may only rebut the presumption under subd. 1. if the claimant
5 demonstrates one of the following to the department for a given week:

6 a. That the claimant did contact the temporary help company for an
7 assignment during that week.

8 b. That the claimant was not informed of the requirement to contact the
9 temporary help company or had other good cause for his or her failure to contact the
10 temporary help company for an assignment during that week.

11 3. If a claimant who was last employed by a temporary help company contacts
12 the temporary help company during a given week for an assignment, that contact
13 constitutes one action that constitutes a reasonable search for suitable work, for
14 purposes of par. (a) 3.

15 **SECTION 67.** 108.04 (7) (a) of the statutes is amended to read:

16 108.04 (7) (a) If an employee terminates work with an employing unit, the
17 employee is ineligible to receive benefits until ~~4 weeks have elapsed since the end~~
18 ~~of the week in which the termination occurs~~ and the employee earns wages after the
19 week in which the termination occurs equal to at least ~~4~~ 6 times the employee's
20 weekly benefit rate under s. 108.05 (1) in employment or other work covered by the
21 unemployment insurance law of any state or the federal government. For purposes
22 of requalification, the employee's weekly benefit rate shall be that rate which would
23 have been paid had the termination not occurred. This paragraph does not preclude
24 an employee from establishing a benefit year by using the base period wages paid by

1 the employer from which the employee voluntarily terminated, if the employee is
2 qualified to establish a benefit year under s. 108.06 (2) (a).

3 **SECTION 68.** 108.04 (7) (d), (g), (j), (k), (m), (n), (o), (p) and (r) of the statutes are
4 repealed.

5 **SECTION 69.** 108.04 (7) (e) of the statutes is amended to read:

6 108.04 (7) (e) Paragraph (a) does not apply if the department determines that
7 the employee accepted work which the employee could have failed to accept with good
8 cause under sub. (8) and terminated such work with the same good cause and within
9 the first ~~10 weeks~~ 30 calendar days after starting the work, or that the employee
10 accepted work which the employee could have refused under sub. (9) and terminated
11 such work within the first ~~10 weeks~~ 30 calendar days after starting the work. For
12 purposes of this paragraph, an employee has the same good cause for voluntarily
13 terminating work if the employee could have failed to accept the work under sub. (8)
14 (d) when it was offered, regardless of the reason articulated by the employee for the
15 termination.

16 **SECTION 70.** 108.04 (7) (h) of the statutes is amended to read:

17 108.04 (7) (h) The department shall charge to the fund's balancing account
18 benefits paid to an employee that are otherwise chargeable to the account of an
19 employer that is subject to the contribution requirements of ss. 108.17 and 108.18
20 if the employee voluntarily terminates employment with that employer and par. (a),
21 (c), ~~(d)~~, (e), ~~(k)~~, (L), ~~(o)~~, ~~(p)~~, (q), (s), or (t) applies.

22 **SECTION 71.** 108.04 (7) (L) (intro.) of the statutes is amended to read:

23 108.04 (7) (L) (intro.) Paragraph (a) does not apply if the department
24 determines that the employee terminated work to accept employment or other work
25 covered by the unemployment insurance law of any state or the federal government,

1 ~~and earned wages in the subsequent work equal to at least 4 times the employee's~~
2 ~~weekly benefit rate under s. 108.05 (1) if the work:~~

3 **SECTION 72.** 108.04 (7) (t) of the statutes is renumbered 108.04 (7) (t) (intro.)
4 and amended to read:

5 108.04 (7) (t) (intro.) Paragraph (a) does not apply if the department
6 determines that the all of the following apply to an employee:

7 1. The employee's spouse changed his or her place of employment is a member
8 of the U.S. armed forces on active duty.

9 2. The employee's spouse was required by the U.S. armed forces to relocate to
10 a place to which it is impractical for the employee to commute and the.

11 3. The employee terminated his or her work to accompany the spouse to that
12 place.

13 **SECTION 73.** 108.04 (8) (a) and (c) of the statutes are amended to read:

14 108.04 (8) (a) If an employee fails, without good cause, to accept suitable work
15 when offered, the employee is ineligible to receive benefits until ~~4 weeks have~~
16 ~~elapsed since the end of the week in which the failure occurs~~ and the employee earns
17 wages after the week in which the failure occurs equal to at least ~~4~~ 6 times the
18 employee's weekly benefit rate under s. 108.05 (1) in employment or other work
19 covered by the unemployment insurance law of any state or the federal government.
20 For purposes of requalification, the employee's weekly benefit rate shall be that rate
21 which would have been paid had the failure not occurred. This paragraph does not
22 preclude an employee from establishing a benefit year during a period in which the
23 employee is ineligible to receive benefits under this paragraph if the employee
24 qualifies to establish a benefit year under s. 108.06 (2) (a). The department shall
25 charge to the fund's balancing account any benefits otherwise chargeable to the

1 account of an employer that is subject to the contribution requirements under ss.
2 108.17 and 108.18 whenever an employee of that employer fails, without good cause,
3 to accept suitable work offered by that employer.

4 (c) If an employee fails, without good cause, to return to work with a former
5 employer that recalls the employee within 52 weeks after the employee last worked
6 for that employer, the employee is ineligible to receive benefits until ~~4 weeks have~~
7 ~~elapsed since the end of the week in which the failure occurs~~ and the employee earns
8 wages after the week in which the failure occurs equal to at least ~~4~~ 6 times the
9 employee's weekly benefit rate under s. 108.05 (1) in employment or other work
10 covered by the unemployment insurance law of any state or the federal government.
11 For purposes of requalification, the employee's weekly benefit rate shall be that rate
12 which would have been paid had the failure not occurred. This paragraph does not
13 preclude an employee from establishing a benefit year during a period in which the
14 employee is ineligible to receive benefits under this paragraph if the employee
15 qualifies to establish a benefit year under s. 108.06 (2) (a). The department shall
16 charge to the fund's balancing account any benefits otherwise chargeable to the
17 account of any employer that is subject to the contribution requirements under ss.
18 108.17 and 108.18 whenever an employee of that employer fails, without good cause,
19 to return to work with that employer. If an employee receives actual notice of a recall
20 to work, par. (a) applies in lieu of this paragraph.

21 **SECTION 74.** 108.04 (12) (f) of the statutes is created to read:

22 108.04 (12) (f) 1. Any individual who actually receives social security disability
23 insurance benefits under 42 USC ch. 7 subch. II in a given week is ineligible for
24 benefits paid or payable in that same week under this chapter.

1 2. Information that the department receives or acquires from the federal social
2 security administration that an individual is receiving social security disability
3 insurance benefits under 42 USC ch. 7 subch. II in a given week is considered
4 conclusive, absent clear and convincing evidence that the information was
5 erroneous.

6 **SECTION 75.** 108.04 (15) of the statutes is created to read:

7 108.04 (15) DEPARTMENT POWERS TO ASSIST CLAIMANTS. (a) Except as provided
8 in par. (b), the department may do any of the following for the purpose of assisting
9 claimants to find or obtain work:

10 1. Use the information or materials provided under sub. (2) (a) 4. to assess a
11 claimant's efforts, skills, and ability to find or obtain work and to develop a list of
12 potential opportunities for a claimant to obtain suitable work. A claimant who
13 otherwise satisfies the requirement under sub. (2) (a) 3. is not required to apply for
14 any specific positions on the list in order to satisfy that requirement.

15 2. Require a claimant to participate in a public employment office workshop or
16 training program or in similar reemployment services that do not charge the
17 claimant a participation fee and that offer instruction to improve the claimant's
18 ability to obtain suitable work.

19 (b) This subsection does not apply with respect to a claimant who is exempt
20 from any of the requirements in sub. (2) (a) 2. or 3. in a given week.

21 **SECTION 76.** 108.05 (1) (n) to (p) of the statutes are repealed.

22 **SECTION 77.** 108.05 (1) (q) (intro.) of the statutes is amended to read:

23 108.05 (1) (q) (intro.) Each eligible employee shall be paid benefits for each
24 week of total unemployment that commences on or after January 4, 2009, and before
25 January 5, 2014, at the weekly benefit rate specified in this paragraph. Unless sub.

1 (1m) applies, the weekly benefit rate shall equal 4 percent of the employee's base
2 period wages that were paid during that quarter of the employee's base period in
3 which the employee was paid the highest total wages, rounded down to the nearest
4 whole dollar, except that, if that amount is less than the minimum amount shown
5 in the following schedule, no benefits are payable to the employee and, if that amount
6 is more than the maximum amount shown in the following schedule, the employee's
7 weekly benefit rate shall be the maximum amount shown in the following schedule
8 and except that, if the employee's benefits are exhausted during any week under s.
9 108.06 (1), the employee shall be paid the remaining amount of benefits payable to
10 the employee in lieu of the amount shown in the following schedule: [See Figure
11 108.05 (1) (q) following]

12 **SECTION 78.** 108.05 (1) (q) (intro.) of the statutes, as affected by 2013 Wisconsin
13 Acts (Assembly Bill 15) and (this act), is repealed and recreated to read:

14 108.05 (1) (q) (intro.) Except as provided in s. 108.062 (6) (a), each eligible
15 employee shall be paid benefits for each week of total unemployment that
16 commences on or after January 4, 2009, and before January 5, 2014, at the weekly
17 benefit rate specified in this paragraph. Unless sub. (1m) applies, the weekly benefit
18 rate shall equal 4 percent of the employee's base period wages that were paid during
19 that quarter of the employee's base period in which the employee was paid the
20 highest total wages, rounded down to the nearest whole dollar, except that, if that
21 amount is less than the minimum amount shown in the following schedule, no
22 benefits are payable to the employee and, if that amount is more than the maximum
23 amount shown in the following schedule, the employee's weekly benefit rate shall be
24 the maximum amount shown in the following schedule and except that, if the
25 employee's benefits are exhausted during any week under s. 108.06 (1), the employee

1 shall be paid the remaining amount of benefits payable to the employee in lieu of the
 2 amount shown in the following schedule: [See Figure 108.05 (1) (q) following]

3 **SECTION 79.** 108.05 (1) (r) of the statutes is created to read:

4 108.05 (1) (r) Each eligible employee shall be paid benefits for each week of total
 5 unemployment that commences on or after January 5, 2014, at the weekly benefit
 6 rate specified in this paragraph. Unless sub. (1m) applies, the weekly benefit rate
 7 shall equal 4 percent of the employee's base period wages that were paid during that
 8 quarter of the employee's base period in which the employee was paid the highest
 9 total wages, rounded down to the nearest whole dollar, except that, if that amount
 10 is less than the minimum amount shown in the following schedule, no benefits are
 11 payable to the employee and, if that amount is more than the maximum amount
 12 shown in the following schedule, the employee's weekly benefit rate shall be the
 13 maximum amount shown in the following schedule and except that, if the employee's
 14 benefits are exhausted during any week under s. 108.06 (1), the employee shall be
 15 paid the remaining amount of benefits payable to the employee in lieu of the amount
 16 shown in the following schedule: [See Figure 108.05 (1) (r) following]

Figure 108.05 (1) (r):

Line	Highest Quarterly Wages Paid	Weekly Benefit Rate
1.	Under \$1,350.00	\$ 0
2.	1,350.00 to 1,374.99	54
3.	1,375.00 to 1,399.99	55
4.	1,400.00 to 1,424.99	56

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5.	1,425.00	to	1,449.99	57
6.	1,450.00	to	1,474.99	58
7.	1,475.00	to	1,499.99	59
8.	1,500.00	to	1,524.99	60
9.	1,525.00	to	1,549.99	61
10.	1,550.00	to	1,574.99	62
11.	1,575.00	to	1,599.99	63
12.	1,600.00	to	1,624.99	64
13.	1,625.00	to	1,649.99	65
14.	1,650.00	to	1,674.99	66
15.	1,675.00	to	1,699.99	67
16.	1,700.00	to	1,724.99	68
17.	1,725.00	to	1,749.99	69
18.	1,750.00	to	1,774.99	70
19.	1,775.00	to	1,799.99	71
20.	1,800.00	to	1,824.99	72
21.	1,825.00	to	1,849.99	73
22.	1,850.00	to	1,874.99	74
23.	1,875.00	to	1,899.99	75
24.	1,900.00	to	1,924.99	76
25.	1,925.00	to	1,949.99	77
26.	1,950.00	to	1,974.99	78
27.	1,975.00	to	1,999.99	79
28.	2,000.00	to	2,024.99	80

29.	.....	2,025.00	to	2,049.99	.....	81
30.	.....	2,050.00	to	2,074.99	.....	82
31.	.....	2,075.00	to	2,099.99	.....	83
32.	.....	2,100.00	to	2,124.99	.....	84
33.	.....	2,125.00	to	2,149.99	.....	85
34.	.....	2,150.00	to	2,174.99	.....	86
35.	.....	2,175.00	to	2,199.99	.....	87
36.	.....	2,200.00	to	2,224.99	.....	88
37.	.....	2,225.00	to	2,249.99	.....	89
38.	.....	2,250.00	to	2,274.99	.....	90
39.	.....	2,275.00	to	2,299.99	.....	91
40.	.....	2,300.00	to	2,324.99	.....	92
41.	.....	2,325.00	to	2,349.99	.....	93
42.	.....	2,350.00	to	2,374.99	.....	94
43.	.....	2,375.00	to	2,399.99	.....	95
44.	.....	2,400.00	to	2,424.99	.....	96
45.	.....	2,425.00	to	2,449.99	.....	97
46.	.....	2,450.00	to	2,474.99	.....	98
47.	.....	2,475.00	to	2,499.99	.....	99
48.	.....	2,500.00	to	2,524.99	.....	100
49.	.....	2,525.00	to	2,549.99	.....	101
50.	.....	2,550.00	to	2,574.99	.....	102
51.	.....	2,575.00	to	2,599.99	.....	103
52.	.....	2,600.00	to	2,624.99	.....	104

53.	.....	2,625.00	to	2,649.99	.....	105
54.	.....	2,650.00	to	2,674.99	.....	106
55.	.....	2,675.00	to	2,699.99	.....	107
56.	.....	2,700.00	to	2,724.99	.....	108
57.	.....	2,725.00	to	2,749.99	.....	109
58.	.....	2,750.00	to	2,774.99	.....	110
59.	.....	2,775.00	to	2,799.99	.....	111
60.	.....	2,800.00	to	2,824.99	.....	112
61.	.....	2,825.00	to	2,849.99	.....	113
62.	.....	2,850.00	to	2,874.99	.....	114
63.	.....	2,875.00	to	2,899.99	.....	115
64.	.....	2,900.00	to	2,924.99	.....	116
65.	.....	2,925.00	to	2,949.99	.....	117
66.	.....	2,950.00	to	2,974.99	.....	118
67.	.....	2,975.00	to	2,999.99	.....	119
68.	.....	3,000.00	to	3,024.99	.....	120
69.	.....	3,025.00	to	3,049.99	.....	121
70.	.....	3,050.00	to	3,074.99	.....	122
71.	.....	3,075.00	to	3,099.99	.....	123
72.	.....	3,100.00	to	3,124.99	.....	124
73.	.....	3,125.00	to	3,149.99	.....	125
74.	.....	3,150.00	to	3,174.99	.....	126
75.	.....	3,175.00	to	3,199.99	.....	127
76.	.....	3,200.00	to	3,224.99	.....	128