



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1781/P2
MED:cdc

DOA:.....Hynek, BB0285 - UI Work Search Waivers

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

1. Unemployment insurance; work search and registration

Under current law, a claimant for unemployment insurance benefits is generally required to register for work and to conduct searches for work each week in order to remain eligible, but DWD is required to waive these requirements under certain circumstances. This bill deletes the waiver provisions in current law and instead allows DWD to establish such waivers by rule.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 108.04 (2) (a) (intro.) of the statutes is amended to read:

108.04 (2) (a) (intro.) Except as provided in ~~pars. par.~~ (b) ~~to (bd)~~, sub. (16) (am) and (b), and s. 108.062 (10) and (10m) and as otherwise expressly provided, a claimant is eligible for benefits as to any given week only if all of the following apply:

SECTION 2. 108.04 (2) (a) 3. of the statutes is repealed and recreated to read:

108.04 (2) (a) 3. The claimant conducts a reasonable search for suitable work during that week and provides verification of that search to the department. The search for suitable work must include at least 4 actions per week that constitute a reasonable search as prescribed by rule of the department. In addition, the department may, by rule, require a claimant to take more than 4 reasonable work search actions in any week. The department shall require a uniform number of reasonable work search actions for similar types of claimants. This subdivision does not apply to a claimant if the department determines that the claimant is currently laid off from employment with an employer but there is a reasonable expectation of reemployment of the individual by that employer. In determining whether the claimant has a reasonable expectation of reemployment by an employer, the department shall request the employer to verify the claimant's employment status and shall consider all of the following:

- a. The history of layoffs and reemployments by the employer.
- b. Any information that the employer furnished to the claimant or the department concerning the claimant's anticipated reemployment date.
- c. Whether the claimant has recall rights with the employer under the terms of any applicable collective bargaining agreement.

SECTION 3. 108.04 (2) (b) of the statutes is repealed and recreated to read:

108.04 (2) (b) The department may, by rule, establish waivers from the registration for work requirement under par. (a) 2. and the work search requirement under par. (a) 3.

SECTION 4. 108.04 (2) (bb) of the statutes is repealed.

SECTION 5. 108.04 (2) (bd) of the statutes is repealed.

SECTION 6. 108.04 (2) (bm) of the statutes is amended to read:

108.04 (2) (bm) A claimant is ineligible to receive benefits for any week for which there is a determination that the claimant failed to comply with the registration for work and work search requirements under par. (a) 2. or 3. or failed to provide verification to the department that the claimant complied with those requirements, unless the department has waived those requirements under par. (b), ~~(bb), or (bd)~~ or s. 108.062 (10m). If the department has paid benefits to a claimant for any such week, the department may recover the overpayment under s. 108.22.

SECTION 9150. Nonstatutory provisions; Workforce Development.

(1) UNEMPLOYMENT INSURANCE; WORK SEARCH AND REGISTRATION WAIVERS. The department of workforce development shall submit a notice to the legislative reference bureau for publication in the Wisconsin Administrative Register when the department determines that the department has any rules in place under s. 108.04 (2) (b) that are necessary to provide waivers from the registration for work requirement under s. 108.04 (2) (a) 2. and the work search requirement under s. 108.04 (2) (a) 3.

SECTION 9350. Initial applicability; Workforce Development.

(1) UNEMPLOYMENT INSURANCE; WORK SEARCH AND REGISTRATION WAIVERS. The treatment of s. 108.04 (2) (a) (intro.) and 3., (b), (bb), (bd), and (bm) first applies to initial claims for benefits filed on the effective date of this subsection.

SECTION 9450. Effective dates; Workforce Development.

(1) UNEMPLOYMENT INSURANCE; WORK SEARCH AND REGISTRATION WAIVERS. The treatment of s. 108.04 (2) (a) (intro.) and 3., (b), (bb), (bd), and (bm) and SECTION 9350 (1) of this act take effect on the date the notice under SECTION 9150 (1) is published

in the Wisconsin Administrative Register or on January 3, 2021, whichever occurs first.

****NOTE: I drafted the effective date as discussed, but included a “drop-dead” date of January 3, 2021 (a Sunday), as it is our practice not to have an effective date that is completely indefinite and that may never occur.

(END)