

CR 93-19

RULES CERTIFICATE

STATE OF WISCONSIN)
) SS
DEPT. OF INDUSTRY,)
LABOR & HUMAN RELATIONS)

RECEIVED
JUN 9 1993
4:00 pm
Revisor of Statutes
Bureau

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Carol Skornicka, Secretary of the Department of Industry,
Labor and Human Relations, and custodian of the official records of said department, do hereby certify that
the annexed rule(s) relating to Definitions of Additional, New and Transitional Claims and
Waiver of In-Person Reporting Requirements
(Subject)

were duly approved and adopted by this department on June 9, 1993
(Date)

I further certify that said copy has been compared by me with the original on file in the department
and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set
my hand and affixed the official seal of the
department at 11:15 a.m.
in the city of Madison, this 9th
day of June A.D. 19 93.

Carol Skornicka
Secretary

ORDER OF ADOPTION

Pursuant to authority vested in the Department of Industry, Labor and Human Relations by section(s) 101.02(1), 108.08(1), 108.14(2) and 227.11(2), Stats.

Stats., the Department of Industry, Labor and Human Relations creates; amends;
 repeals and recreates; repeals and adopts rules of Wisconsin Administrative Code chapter(s):
Chapters ILHR 126.001, 129.01(1) Definitions of Additional, New and
and 129.02(1)(a) Transitional Claims and Waiver of In-Person
(Number) Reporting Requirements


The attached rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register pursuant to section 227.22, Stats.

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JUN 9 1993

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Adopted at Madison, Wisconsin this
date: June 9, 1993

DEPARTMENT OF INDUSTRY, LABOR AND HUMAN
RELATIONS

Secretary



State of Wisconsin \ Department of Industry, Labor and Human Relations

RULES in FINAL DRAFT FORM

Rule No.: _____ Chapters ILHR 126.001, 129.01(1) and
129.02(1)(a)

Relating to: _____ Definitions of Additional, New and Transitional
Claims and Waiver of In-Person Reporting
Requirements

SECTION 1. ILHR 126.001(1), (1g), (1r), (2), (3), (4), (5), (6), (7), (7g), (7m), (7r), (8), (9), (10), (11), (12), (13), (14) and (15) are renumbered ILHR 126.001(2), (3), (4), (6), (7), (8), (9), (10), (11), (12), (13), (14), (16), (17), (18), (19), (20), (22), (23).

SECTION 2. ILHR 126.001(1), (5), (15) and (22) are created to read:

ILHR 126.001(1) "Additional claim" means a notice of unemployment filed at the beginning of a second or subsequent series of claims within a benefit year or period of eligibility when a break of one or more weeks has occurred in the claim series.

(5) "Claim certification" means the method by which a claimant submits information regarding the claimant's employment status and availability for work and which serves as a basis for the payment of unemployment benefits, including but not limited to claim forms.

(15) "New claim" is the first claim filed to request a determination of entitlement to and eligibility for benefits which results in the establishment of a benefit year.

(22) "Transitional claim" means a new claim filed to request a determination of eligibility and establishment of a new benefit year having an effective date within the seven day period immediately following the preceding benefit year ending date and a week for which benefits are claimed.

SECTION 3. ILHR 129.01 is amended to read:

ILHR 129.01 In person reporting and notice of unemployment. (1) A claimant shall be eligible under s.108.08, Stats., for benefit purposes as of the first week of total or partial unemployment in which the claimant ~~reports in person to a public employment office to initiate~~ initiates the benefit claim ~~in the manner directed by the department,~~ and, thereafter gives due notice of unemployment by filing a claim ~~form~~ certification as provided in this section. Any claimant who stops filing claim ~~cards~~ certifications for one or more weeks shall

again report in-person to a public employment office to ~~reactivate the benefit claim~~ initiate an additional claim. Benefits are only payable beginning with the week in which the claimant ~~reactivates the benefit claim~~ files an additional claim. After the claimant has ~~reactivated the benefit claim~~, initiated the additional claim, he or she shall again give due notice of unemployment as required in this section.

SECTION 4. ILHR 129.02(1)(a) is amended to read:

ILHR 129.02(1)(a) ~~Report~~ Unless in a transitional claim status, report in person to the local office to complete and sign a claim for benefits on forms furnished by the department; and

SECTION 5. Effective Date. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s.227.22(2)(intro), Stats.

The Wisconsin Department of Industry Labor and Human Relations proposes an order to renumber ILHR 126.001(1), (1g), (1r), (2), (3), (4), (5), (6), (7), (7g), (7m), (7r), (8), (9), (10), (11), (12), (13), (14) and (15); to create ILHR 126.001(1), (5), (15) and (22); and to amend ILHR 129.01 and 129.02(1)(a) relating to definitions of additional, new and transitional claims and waiver of in-person reporting requirements.

STATUTORY AUTHORITY: §§101.02(1), 108.08(1), 108.14(2), 227.11(2)

STATUTES INTERPRETED: §108.08

ANALYSIS OF PROPOSED RULES PREPARED BY THE DEPARTMENT OF INDUSTRY, LABOR AND HUMAN RELATIONS.

Section 108.08(1), Stats., provides the department shall prescribe by rule the time and manner in which an individual will give notice of unemployment to the department for the purposes of establishing eligibility for unemployment compensation benefits. Section ILHR 129.01(1) requires an individual to report in-person as of the first week of total or partial unemployment to initiate a claim for benefit purposes. There are three types of initial claims that an individual may file for unemployment compensation:

- A new claim is the first claim filed to request a determination of entitlement to eligibility for unemployment compensation. It results in the establishment of a benefit year and an agency generated document of an appealable monetary determination provided to the potential claimant but excludes transitional claims.
- An additional claim is a notice of unemployment filed at the beginning of a second or subsequent series of claims within a benefit year or period of eligibility when a break of one week or more has occurred in a claim series.
- A transitional claim is a new claim filed to request a determination of eligibility and establishment of a new benefit year having an effective date within the seven day period immediately following the benefit year ending date and week for which benefits are claimed.

Section ILHR 129.02(1)(a) requires an individual to report in person to a local office to complete and sign a claim for benefits on forms furnished by the department in order to establish a benefit year. These existing rules do not provide for a waiver of the in-person reporting requirement for the establishment of a transitional claim, that is, a claim filed to request a new benefit year in the week immediately following the old benefit year when there is no break in the continued claim series between the old and new benefit years.

The lack of an exception for transitional claims presents a continuing workload problem for unemployment compensation local office personnel but one which has escalated tremendously with the implementation of the Emergency Unemployment Compensation (EUC) program. The scan of benefits databases show that 55,000 transitional claims were established in 1991. This number is expected to greatly increase in 1992 and 1993 due to the increase in duration provided by the EUC program. The in-person reporting requirement for transitional claims essentially serves no useful purpose. All necessary information to establish the claim is already stored in the benefit claim the department does not collect further information from the transitional claimant. Prior to the automation of quarterly wage data, the in-person reporting requirement was the only mechanism we had for establishing a new claim. The accuracy and technology available to us in using the automation of transitional claims has proven itself over the years and will benefit the agency as well as the clients we serve. This exception to the in-person reporting requirement makes better use of the existing automation capabilities and will result in significant workload and cost savings to the UC division and department.

ILHR 126.001 will create the definitions which distinguish between new, additional and transitional claims. The amendment of sections ILHR 129.01(1) and ILHR 129.02(1)(a) will provide exceptions to the in-person reporting requirement for transitional claims which will enable the department to take advantage of the existing automation capabilities as well as providing better service to our clients. The department will retain the ability to require an individual to report in-person if the individual circumstances warrant.

Tommy G. Thompson
Governor
Carol Skornicka
Secretary



Mailing Address:
201 E. Washington Avenue
Post Office Box 7946
Madison, WI 53707-7946
Telephone (608) 266-7552

State of Wisconsin
Department of Industry, Labor and Human Relations

June 9, 1993

Gary Poulson
Assistant Revisor of Statutes
2nd Floor
119 Martin Luther King Blvd.
Madison, Wisconsin 53703

Douglas LaFollette
Secretary of State
10th Floor
30 West Mifflin Street
Madison, Wisconsin 53703

Dear Messrs. Poulson and LaFollette:

TRANSMITTAL OF RULE ADOPTION

CLEARINGHOUSE RULE NO. 93 - 19

RULE NO. Chapters ILHR 126.001, 129.01(1) and 129.02(1)(a)

RELATING TO: Definitions of Additional, New and Transitional Claims and Waiver of
In-Person Reporting Requirements

Pursuant to section 227.20, Stats., agencies are required to file a certified copy of every rule adopted by the agency with the offices of the Secretary of State and the Revisor of Statutes.

At this time, the following material is being submitted to you:

1. Order of Adoption.
2. Rules Certificate Form.
3. Rules in Final Draft Form.

Pursuant to section 227.114, Stats., a summary of the final regulatory flexibility analysis is included for permanent rules. A fiscal estimate and fiscal estimate worksheet is included with an emergency rule.

Respectfully submitted,

Carol Skornicka
Secretary