

1985 Senate Bill 321

Date of enactment: **October 30, 1985**
Date of publication: **November 7, 1985**

1985 Wisconsin Act 40

AN ACT to amend 108.04 (13) (b), 108.05 (3), 108.18 (2) (d) and 108.20 (2m) of the statutes, relating to payment of unemployment compensation upon failure of an employer to question eligibility, eligibility for small amounts of partial unemployment benefits, initial unemployment compensation contribution rates for certain new employers and use of unemployment compensation interest and penalty assessment moneys.

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

SECTION 1. 108.04 (13) (b) of the statutes, as affected by 1985 Wisconsin Act 17, is amended to read:

108.04 (13) (b) In the absence of fraud, the department may not apply sub. (5), (6), (7), ~~or (10), (17) or (19)~~ or s. 108.02 (15) to disqualify a claimant from receiving benefits that are chargeable to the account of the claimant's employer if the employer has failed to duly file a report required by or under this chapter in the manner and within the time prescribed by the department's rules or has elected not to question the claimant's eligibility on the required report.

SECTION 2. 108.05 (3) of the statutes, as affected by 1985 Wisconsin Act 17, is amended to read:

108.05 (3) BENEFITS FOR PARTIAL UNEMPLOYMENT. If an eligible employe earns wages in a given week, the first \$20 of ~~such~~ the wages shall be disregarded and the employe's applicable weekly benefit payment shall be reduced by 67% of the remaining amount, except that no such employe is eligible for benefits if the employe's benefit payment of would be less than \$5 may be made for any week. In applying this paragraph, the department shall disregard discrepancies of less than \$2 between wages reported by employes and employers unless a violation of s. 108.04 (11) occurs.

SECTION 3. 108.18 (2) (d) of the statutes, as created by 1985 Wisconsin Act 17, is amended to read:

108.18 (2) (d) No later than 90 days after becoming the department issues an initial determination that a person is an employer, any employer other than an employer specified in par. (c), having a payroll exceeding \$10,000,000 in a calendar year may elect that its contribution rate shall be one percent on its payroll

for the first ~~3~~ 2 calendar years with respect to which contributions are credited to its account. In such case, the department shall ~~refund credit~~ the amount collected in excess of this amount against liability of the employer for future contributions after the close of each calendar year in which an election applies. ~~No later than October 1 preceding the end of the 3rd calendar year in which the election applies, an employer making the election may reelect coverage under this paragraph for the succeeding 2 calendar years.~~ If an employer qualifies for and makes an election under this paragraph, the employer shall, upon notification by the department, make a special contribution after the close of each calendar quarter equivalent to the amount by which its account is overdrawn, if any, for the preceding calendar quarter. The department shall credit any timely payment of contributions to the employer's account before making a determination of liability for a special contribution under this paragraph. An employer does not qualify for an alternate contribution rate under this paragraph at any time during which the employer's special contribution payment is delinquent.

SECTION 4. 108.20 (2m) of the statutes, as affected by 1985 Wisconsin Acts 17 and 29, is amended to read:

108.20 (2m) From the moneys not appropriated under s. 20.445 (1) (ge) which are received by the administrative account as interest and penalties under this chapter, the department may pay interest due on advances from the federal unemployment account under title XII of the social security act, 42 USC 1321 to 1324, to the unemployment reserve fund. ~~After such payment, any remaining moneys received by the administrative account as interest and penalties shall~~

- 613 -

85 WisAct 40

~~be credited to the balancing account under s. 108.16 (6) , may make payments to satisfy a federal audit exception concerning a payment from the fund or any federal aid disallowance involving the unemployment compensation program, or may make payments to the fund if such action is necessary to obtain a lower interest rate or deferral of interest payments on advances from the federal unemployment account under title XII of the social security act, except that any interest~~

earned pending disbursement of federal employment security grants under s. 20.445 (1) (n) shall be credited to the general fund. Any moneys reverting to the administrative account from the appropriation under s. 20.445 (1) (ge) shall be utilized for interest payments or credited as provided in this subsection.

SECTION 5. **Effective date.** This act takes effect on October 27, 1985.