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Chapter Ind-UC 126

REGISTRATION FOR WORK, AND NOTICE OF UNEMPLOYMENT

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126.02 *126.05*

Ind-UC 126.01 Manner of registering for work, and the effect of such registration. (1) Pursuant to section 108.04 (2) (a), Wis. Stats., an employe shall be eligible, for waiting period or benefit purposes, as to any week or other designated period of his total unemployment, only if he has within such week or other designated period registered for work through a public employment office.

(2) An employe thus registering for work shall be presumed willing and able to accept any suitable employment that might be offered him, except that a representative of the commission may test this presumption through questioning of the employe at the time he files his claim for benefits and through other procedures. A claimant will not be deemed as having registered for work if it is determined by any of these procedures that his physical condition or his personal circumstances remove or practically remove him from the labor market or that without good cause he is substantially restricting his opportunities to secure suitable employment.

(3) An employe's registration for work shall be made in person, except as a commission representative may permit or direct otherwise, in view of the available registration facilities.

Ind-UC 126.02 Failure to register. Pursuant to section 108.04 (2) (a), Wis. Stats., the commission finds that there are certain conditions under which an employe cannot reasonably be required to comply with the foregoing registration requirement as a condition of his benefit eligibility for the given week; and the commission therefore waives that requirement in those cases where the employe's failure to register within the given week was due to:—

(1) The absence of registration facilities in the employe's community during the given week (for example, where the travelling representative serving that community failed to appear during the scheduled time and at the scheduled place to effect registrations).

(2) The employe's inability to use the registration facilities available to him in his community, because of his employment in that week. Such inability will be recognized as existing:

(a) Where the employe's community is served by a full-time office of the Wisconsin state employment service,—provided the employe's work:

1. Prevented his registering during the registration day assigned to him, and also during each succeeding registration day of the given week; or

2. Prevented his registering during every registration day of the week, in case no specific registration day was assigned to him.

(b) Where the employe's community is served by a travelling representative of the Wisconsin state employment service,—provided the employe's work prevented his registering during those hours when the travelling representative was in the community for the purpose of taking registrations.

(3) The employe's inability to use the registration facilities available to him in his community, because of the lack or failure of transportation facilities on which he might have reasonably relied. Such inability will be recognized as existing only:

(a) If the employe was living or otherwise established outside the limits of the village or city in which the registration point was located; and

(b) If such inability was at such time and for such duration in the week as to prevent his registering within the week.

(4) A definite error, related to the employe's registration, made by the personnel of the employment office serving the employe's community.

(5) Action by the employer in question, in any manner (directly or indirectly) instructing, warning, or persuading the employe not to register.

(6) The failure of the employer in question to duly post any registration "notice to employes" which has been supplied to him by the commission, in accordance with section Ind-UC 120.01.

(7) An applicable waiver of the registration requirement for such week by the employer with commission approval, pursuant to section 108.04 (13) (b), Wis. Stats.

(8) An applicable waiver of the registration requirement for such week, as to a given employer's employes (or a group or class thereof), made by an authorized deputy of the commission pursuant to paragraph (a).

(a) A waiver shall be made hereunder only where employment by the employer has not been terminated and substantially all of such employes are expected to resume work for the employer at an early date, because their current unemployment is due to a temporary mass lay-off, or to a labor dispute in the employer's establishment in which they have been employed; so that requiring weekly registrations by such employes would be unreasonable under chapter 108, Wis. Stats.

Ind-UC 126.04 Notice of unemployment. Pursuant to section 108.08, Wis. Stats., an employe shall be eligible,—for waiting period or benefit purposes with respect to a given employer's account,—as to any given week of his unemployment, only if he gives due notice of (and files claim on account of) such unemployment:

(1) After the close of such week; and

(2) Through a public employment office; and

(3) Within four weeks after the close of the week in question; provided, however, that there shall not be counted (toward this 4-week time limit) any week for which the employe's registration was waived, or might have been waived under section Ind-UC 126.02. The commission deputy may also waive the above 4-week time limit, provided there are special circumstances justifying such action in the given case.

Ind-UC 126.06 Partial unemployment. As to any week for which an employe receives some wages (but less than his benefit rate):—

(1) The employe need not register for work to establish his eligibility for partial unemployment benefits for such week.

(2) The employe shall give prompt notice of his partial unemployment under section Ind-UC 126.04.

Ind-UC 126.08 Requiring added efforts to secure work. Pursuant to section 108.04 (2) (b), Wis. Stats., any benefit claimant, registered for work pursuant to section Ind-UC 126.01, may also be required to make other efforts to secure work and to supply proper evidence thereof in accordance with this section, in order to remain eligible under chapter 108, Wis. Stats.

(1) Any local or district unemployment compensation representative of the commission may thus require any such claimant to make an active personal search for work, and to supply proper evidence thereof, by notifying the claimant accordingly.

(2) Such advance notice may be given a claimant whenever such a search may reasonably be directed under the given circumstances, as evidenced by:

(a) The claimant's failure to secure work during a substantial preceding period of unemployment, as shown either by 6 consecutive weeks of benefit claims and work registrations or by even more aggregate weeks of unemployment within several recent months; and

(b) The likelihood, in the judgment of the district public employment service, based on labor market conditions, that there is work available in the claimant's community which he is qualified to perform; and either

(c) The prospective inability of the employment service to place the claimant, as shown by its repeated past referrals of the claimant without his being hired or by a certification from an employment service representative that it lacks suitable job orders to help it place the claimant; or

(d) Some definite indication that the claimant may not be genuinely interested in accepting new work, as shown by his own statements or by statements from prospective employers who have interviewed him for a job or by other relevant evidence.

(3) A claimant thus notified to make an active personal search for work shall, to remain eligible, apply to employers who may have work available which he could perform, and shall seek to secure such work as he might reasonably be required to accept (if it were offered him) to remain eligible.

(4) To submit proper evidence of such efforts to secure work the claimant shall report, to the commission's local or district unemployment compensation representative, the firm name and address of each employer thus interviewed, the time and place of the interview, and any other relevant facts, in such manner that his report can readily be checked and verified.

(a) The claimant shall be required to secure written evidence from any such employer only when the claimant has been expressly so notified in advance and has been supplied a commission form for that purpose.

(5) If a claimant, thus notified, fails without good cause to make the special efforts to secure work or to submit the evidence thereof required by this rule, he shall be ineligible for each week such failure continues.