

Chapter Ind-UC 132 #343

**BENEFITS**

Ind-UC 132.01 Average weekly wage      Ind-UC 132.02 Payment of benefits

**Ind-UC 132.01 Average weekly wage.** (1) An employe's "average weekly wage" from an employer, under section 108.02 (7), Wis. Stats., shall be computed by the employment security division when needed to determine the employe's eligibility for benefits under section 108.04 (4) (b), Wis. Stats., and his "weekly benefit rate" from the employer under section 108.05 (1), Wis. Stats.

(2) There shall be included as wages, in calculating an employe's average weekly wage from an employer, the total gross wages as defined by section 108.02 (6), Wis. Stats., paid the employe with respect to his personal services for the employer in employment covered by chapter 108, Wis. Stats., for the employe's weeks of employment within the applicable base period determined in accordance with section 108.02 (7) (a), Wis. Stats. Vacation pay or dismissal or termination pay for a week during which the employe does no work at all for the employer shall not be included unless section 108.02 (13), Wis. Stats., applies.

(3) When paid. For the purposes of determining an employe's average weekly wage, his wages shall be treated as paid if they are actually or constructively paid by the date the employer returns the required work record report to the employment security office specified thereon. All wages which are capable of precise calculation shall be considered as constructively paid even though actual payment has not been made (e.g., where the wages have been earned and are clearly due the employe).

**History:** 1-2-56; am. (3) (c), Register, August, 1957, No. 20, eff. 9-1-57; r. and recr. Register, September, 1968, No. 153, eff. 10-1-68; am. (2), Register, January, 1975, No. 229, eff. 2-1-75.

**Ind-UC 132.02 Payment of benefits.** (1) Pursuant to section 108.03 (1), Wis. Stats., the department hereby prescribes that benefits under the unemployment compensation law shall be paid through public employment offices and by weekly checks issued by the employment security division and mailed by it to the employe.

(2) Each benefit check shall be charged against an account in the unemployment reserve fund; and each employer shall periodically receive a record of each check charged against his account in the fund.

**History:** 1-2-56; renum. from Ind-UC 132.06 to be Ind-UC 132.02 and as renum. is am., Register, September, 1968, No. 153, eff. 10-1-68.

**Ind-UC 132.03 History:** 1-2-56; r. Register, September, 1968, No. 153, eff. 10-1-68.