

Chapter ILHR 126

WORK REGISTRATION

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Note: Chapter ILHR 126 was created by emergency rule effective 1-8-84; Chapter ILHR 126 as it existed on July 31, 1984 was repealed and a new Chapter ILHR 126 was created effective 8-1-84.

ILHR 126.001 Definitions. In chs. ILHR 126 to 129, the following words and phrases have the designated meanings unless a different meaning is expressly provided or the context clearly indicates a different meaning:

(1) "Agent state" means any state in which a person files a claim for unemployment benefits from the state of Wisconsin.

(2) "Claim form" means the weekly form provided by the department or the employment security office of an agent state to a claimant on which the 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.

(3) "Customary occupation" means the occupation for which a claimant is most qualified based on the claimant's skills, abilities, training, education and work experience.

(4) "Department" means the department of industry, labor and human relations.

(5) "Department deputy" and "deputy" have the meaning designated for "deputy" in s. 101.01 (1) (d), Stats.

(6) "Full time" means work which is performed for more than 30 hours per week.

(7) "Labor market area" means a geographical area in which there are jobs deemed to be suitable work for the claimant and which encompasses the geographical area in which workers with similar occupational skills travel to obtain or perform suitable work.

(8) "Partial unemployment" and "partially unemployed" have the meaning designated in s. 108.02 (20), Stats.

(9) "Public employment office" means an office operated by the employment security agency of an agent state or by the job service division of the department of industry, labor and human relations and includes any itinerant office used by the division.

(10) "Representative of the department" means any person employed by the job service division of the department of industry, labor and

human relations who has job duties involving claimant work registrations or the taking, processing or adjudication of benefit claims.

(11) "Seasonal employment" means employment in an occupation or industry in which employers customarily suspend or significantly curtail business operations for regularly recurring periods because of climatic conditions or because of the seasonal nature of the employment.

(12) "Suitable work" means work that is reasonable considering the claimant's training and experience.

(13) "Total unemployment" and "totally unemployed" have the meaning designated in s. 108.02 (25), Stats.

(14) "Wages" has the meaning designated in s. 108.02 (26), Stats.

(15) "Week" has the meaning designated in s. 108.02 (27), Stats.

History: Cr. Register, July, 1984, No. 343, eff. 8-1-84.

ILHR 126.01 Manner of registering for work; prerequisite for benefit eligibility. Under s. 108.04 (2), Stats., a claimant who is totally unemployed shall be eligible for unemployment benefits only if the claimant has registered for work at a public employment office and completed a work application unless the registration has been waived by the department. A claimant's registration for work shall be made at a public employment office serving the labor market area within which the claimant is willing to accept suitable work or at such other location as designated by the department.

History: Cr. Register, July, 1984, No. 343, eff. 8-1-84.

ILHR 126.02 Waiver of work registration; claimant's employment history and employer hiring practices. Under s. 108.04 (2) (b), Stats., the department may waive a claimant's registration for work requirement under any of the following circumstances:

(1) The claimant has been laid off from seasonal employment by an employer during or for the customary off season for the type of business and his or her customary occupation is in seasonal employment.

(2) The claimant has been laid off from work but has a reasonable expectation of reemployment by an employer within 12 weeks after the week in which he or she appears at the public employment office to initiate the benefit claim or within 6 weeks after the week in which an eligibility review is conducted under s. ILHR 128.03. In determining whether a claimant has a reasonable expectation of reemployment, the department shall consider factors including, but not limited to, the following:

(a) The past history of layoffs and reemployments by the employer;

(b) Any information which the employer furnished to the claimant or the department about the expected reemployment date; and

(c) Whether the claimant has recall rights with the employer under the provisions of any applicable collective bargaining agreement.

(3) The claimant has a reasonable expectation of starting work with a new employer within 4 weeks after the week in which he or she appears at the public employment office to initiate the benefit claim or within 4 weeks after the week in which an eligibility review is conducted under

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s. ILHR 128.03. In determining whether a claimant has a reasonable expectation of starting work with a new employer, the department shall consider factors including, but not limited to, the following:

(a) The hiring practices of employers in the claimant's labor market area for workers who perform work which is similar to the work which the claimant is expected to perform for the new employer;

(b) Any information which the new employer furnished to the claimant or the department about the time within which the work is expected to commence; and

(c) Whether the work is suitable work for the claimant.

(4) The claimant has been laid off from work and routinely obtains work through a union referral or hiring hall process. Waiver under this subsection may be permitted only if:

(a) The union referral or hiring hall process is the primary method by which workers obtain work in the claimant's customary occupation;

(b) The union maintains a record of unemployed members and the referral activities of these members and allows the department to inspect such records;

(c) The union provides, upon the request of a department deputy, any information regarding a claimant's registration or a job opening or referral;

(d) Prospective employers of the claimant seldom place orders with the public employment office for jobs requiring occupational skills similar to those of the claimant;

(e) The claimant is registered for work with his or her union and satisfies the requirements of the union relating to job referral procedures and maintenance of membership in good standing; and

(f) The union enters into a written agreement with the public employment office regarding the requirements of this subsection.

History: Cr. Register, July, 1984, No. 343, eff. 8-1-84.

ILHR 126.03 Demand occupations. The department may refuse to grant a waiver under s. ILHR 126.02 if the department determines that the demand for employment of persons in the claimant's customary occupation exceeds the supply of persons available for such employment in the claimant's labor market area.

History: Cr. Register, July, 1984, No. 343, eff. 8-1-84.

ILHR 126.04 Mandatory waiver of work registration. Under s. 108.04 (2) (b), Stats., the department shall waive the registration for work requirement under any of the following circumstances:

(1) The absence of previously scheduled registration facilities in or near to the claimant's community.

(2) The claimant's inability to use the registration facilities available in or nearest to the claimant's community because of the lack or failure of transportation facilities on which the claimant may have reasonably relied. No waiver may be granted unless the lack or failure of transporta-

tion facilities occurred at a time and for a duration in the week as to prevent the claimant's registering within the week.

(3) An error relating to the claimant's registration made by personnel of the department.

(4) Action by an employer, in any manner, directly or indirectly, instructing, warning or persuading the claimant not to register or not to file a benefit claim.

(5) The failure of the claimant's most recent employer to post or maintain any notice as to claiming unemployment benefits which has been supplied to the employer under s. ILHR 120.01.

(6) The claimant is enrolled in and satisfactorily participating in a course of approved training under s. 108.04 (16), Stats.

(7) The claimant reasonably expected to perform work during the week but did not receive timely notice from the employer that work would not be available so as to allow the claimant sufficient time to appear at the public employment office to register for work in that week.

Note: Subsection (1) applies to a situation in which the public employment office traveling representative serving the particular area does not appear during the scheduled time and at the scheduled place to effect registrations.

History: Cr. Register, July, 1984, No. 343, eff. 8-1-84.

ILHR 126.05 Partial unemployment. (1) Under s. 108.04 (2) (d), Stats., a department deputy may require a claimant who is partially unemployed in any given week to register for work in that week to establish eligibility for benefits if the deputy so notifies the claimant before the start of that week and there is some definite indication that the claimant is not interested in working full time.

(2) Section ILHR 126.01 applies to a claimant who is notified to register for work under this section.

History: Cr. Register, July, 1984, No. 343, eff. 8-1-84.