



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2015 Wisconsin Act 334
[2015 Assembly Bill 819]

**Various Changes to the
Unemployment Insurance Law**

BACKGROUND

The Unemployment Insurance (UI) Division of the Department of Workforce Development (DWD) administers Wisconsin's UI program. The program provides temporary cash benefits to eligible employees when they are out of work. Financing for the program comes from a combination of federal and state taxes paid by employers who are subject to federal and state UI laws.

The UI Advisory Council is a council within the DWD that consists of five representatives of employers and five representatives of employees appointed to serve for six-year terms and a permanent classified employee of DWD who serves as a non-voting chairperson.

Wisconsin law requires the UI Advisory Council to advise DWD in administering the UI program and submit its recommendations with respect to changes to the UI program to each regular session of the Legislature. 2015 Assembly Bill 819, enacted as 2015 Wisconsin Act 334, represents the UI Advisory Council's recommendations for changes to the UI program.

2015 WISCONSIN ACT 334

The Act contains provisions relating to all of the following subjects:

- Prohibitions against an employer misclassifying an employee as a nonemployee.
- Assessments and penalties for an employer who misclassifies an employee as a nonemployee.
- Assessments imposed on certain employers to fund program integrity activities conducted by DWD.
- DWD's authority to transfer excess funds from the unemployment interest payment fund to other funds.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.

- Restoring amounts to an employer's account in the balancing account for erroneous payments of benefits that result from identity theft, through no fault of the employer.
- Personal liability of partners in limited liability companies for UI contributions.
- Employer status of a county governmental department that contracts with a fiscal intermediary under the children's community options program.
- The definition of "suitable work" for a claimant.
- Standards for determining whether there is good cause for a claimant to refuse suitable work when offered.
- The elements involved in determining whether a claimant has concealed wages, hours worked, or a material fact relating to eligibility.
- Prohibitions regarding concurrent receipt of UI and Social Security disability insurance benefits.
- Treatment of permanent total disability worker's compensation payments received by a UI claimant.
- Consequences for failing to appear at a hearing on the merits of a UI determination.
- Judicial review of UI decisions.
- A claimant's ability to work and availability for work.
- Benefit rate tables and adjustments to benefit amounts.

Effective date: The Act took effect on April 3, 2016, except as follows:

- Certain provisions regarding concurrent receipt of Social Security disability insurance benefits and UI benefits took effect on January 5, 2014.
- Certain provisions regarding restoring amounts to an employer's account in the balancing account for erroneous payments of benefits that result from identity theft, take effect on October 2, 2016.
- Certain provisions regarding judicial review of UI decisions take effect on August 1, 2016.
- Certain provisions regarding suitable work for a claimant take effect on May 1, 2016.
- Certain provisions regarding receipt of worker's compensation benefits take effect on May 1, 2016.
- Certain provisions regarding assessments and penalties for an employer who misclassifies an employee take effect on October 2, 2016.

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