



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2011 Assembly Bill 310

**Assembly Amendment 1, as
Amended**

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Contact: Jessica Karls-Ruplinger, Senior Staff Attorney (266-2230)

Under *current law*, if an employee is discharged for failing to notify his or her employer of absenteeism or tardiness that becomes excessive, and the employer has a written policy on notification of tardiness or absences, the employee is ineligible to receive unemployment insurance (UI) benefits until six weeks have elapsed since the end of the week in which the discharge occurs and the employee earns wages after the week in which the discharge occurs equal to at least six times the employee's weekly benefit rate. In addition, under current law, an employee whose work is suspended by an employer for good cause connected with the employee's work is ineligible to receive UI benefits until three weeks have elapsed since the end of the week in which the suspension occurs or until the suspension is terminated, whichever occurs first.

2011 Assembly Bill 310 makes various changes in the UI law, but the bill does not amend the current law provisions relating to discharge for failing to notify of absenteeism or tardiness or relating to suspension.

Assembly Amendment 1 repeals the provisions in current law relating to discharge for failing to notify of absenteeism or tardiness and relating to suspension. The amendment, instead, provides that an employee who is discharged for a knowing violation of a reasonable and uniformly enforced rule or policy of the employer, when reasonably applied, is ineligible to receive UI benefits until six weeks have elapsed since the end of the week in which the discharge occurs and the employee earns wages after the week in which the discharge occurs equal to at least six times the employee's weekly benefit rate. An employee who is suspended rather than discharged for a violation of an employer's rule or policy is ineligible to receive UI benefits until three weeks have elapsed since the end of the week in which the suspension occurs or until the suspension is terminated, whichever occurs first.

Further, *Assembly Amendment 1* provides that a claimant who was disqualified from receiving UI benefits because of being discharged for or incurring a disciplinary suspension for a knowing violation of a work rule or policy is ineligible to receive extended UI benefits for the week in which the

termination occurs or the suspension begins and for each week thereafter until the claimant has again been employed during at least four subsequent weeks and earned wages equal to at least four times the claimant's weekly extended benefit rate.

Assembly Amendment 1 to Assembly Amendment 1 applies the provisions in Assembly Amendment 1 also to intentional conduct connected with the employee's employment that a reasonable person would not engage in, if the conduct is documented by the employee's employer and the employee knew or should have known that the conduct would not be considered reasonable by the employer.

Legislative History

Assembly Amendment 1 was offered by Representative Ballweg. Assembly Amendment 1 to Assembly Amendment 1 was offered by the Assembly Committee on Labor and Workforce Development on a vote of Ayes, 6; Noes, 3.

On October 20, 2011, the Assembly Committee on Labor and Workforce Development recommended adoption of Assembly Amendment 1 to Assembly Amendment 1 and of Assembly Amendment 1, as amended, on votes of Ayes, 6; Noes, 3. The committee then recommended passage of Assembly Bill 310, as amended, on a vote of Ayes, 5; Noes, 4.

JKR:ksm