



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-2910/1
MED:wlj

2021 ASSEMBLY BILL 307

May 3, 2021 - Introduced by Representatives SINICKI, SHANKLAND, HESSELBEIN, HINTZ, ANDERSON, HEBL, VRUWINK, NEUBAUER, CONLEY, S. RODRIGUEZ, EMERSON, ANDRACA, SHELTON, SPREITZER, SKOWRONSKI, SUBECK and STUBBS, cosponsored by Senators ERPENBACH, WIRCH, BEWLEY, CARPENTER, L. TAYLOR, ROYS, RINGHAND, PFAFF, SMITH and LARSON. Referred to Committee on Workforce Development.

- 1 **AN ACT** *to amend* 108.062 (20) (intro.) and 108.062 (20) (c) of the statutes;
2 **relating to:** unemployment insurance work-share programs.

Analysis by the Legislative Reference Bureau

Current law allows an employer to create a work-share program within a work unit of the employer. Under a work-share program, the working hours of all of the full-time employees in the program are reduced in an equitable manner in lieu of a layoff of some of the employees and a continuation of full-time employment by the other employees. A claimant for unemployment insurance (UI) benefits who is included in a work-share program may receive UI benefits during his or her continued employment with the work-share employer in an amount equal to the claimant's benefit for total unemployment multiplied by the same percentage reduction in normal working hours that the claimant incurs under the program. Current law also provides for the temporary modification of certain requirements that apply to work-share plans with respect to work-share plans submitted on or after April 17, 2020, and before the conclusion of a national emergency declared by the U.S. president in response to the 2019 novel coronavirus or July 4, 2021, whichever is earlier.

Also, under a provision in federal law, first enacted in the federal CARES Act, a state with a work-share law may receive payment equal to 100 percent of the amount of work-share benefits paid under a work-share program under the provisions of the state law. The CARES Act provided the payments for weeks of unemployment ending on or before December 31, 2020, but the date has been extended further, most recently in the federal American Rescue Plan Act. Under the

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American Rescue Plan Act, the payments are extended for weeks of unemployment ending on or before September 6, 2021.

The bill does the following under state law with respect to work-share programs:

1. Extends the applicability of these modifications to correspond with the date described above provided in federal law (currently September 6, 2021) so that if federal law is amended to further extend the end date for the federal payments, the modifications are extended as well.

2. Adds an additional temporary modification to allow work-share plans to remain in effect for 12 months in a five-year period, instead of six months.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 108.062 (20) (intro.) of the statutes, as affected by 2021 Wisconsin
2 Act 4, is amended to read:

3 108.062 **(20)** SUSPENSIONS OF CERTAIN PROVISIONS. (intro.) Notwithstanding sub.
4 (2), this subsection, and not sub. (2), applies to work-share plans submitted on or
5 after April 17, 2020, and before the conclusion of a national emergency declared by
6 the U.S. president under 50 USC 1621 in response to the 2019 novel coronavirus or
7 July 4, 2021, whichever is earlier applicable date in section 2108 (b) (2) of the federal
8 CARES Act, as amended, 15 USC 9026 (b) (2), subject to sub. (19). During that
9 period, prior to implementing a work-share program, an employer shall submit a
10 work-share plan for the approval of the department. In its submittal, the employer
11 shall certify that its plan is in compliance with all requirements under this section.
12 Each plan shall:

13 **SECTION 2.** 108.062 (20) (c) of the statutes is amended to read:

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1 108.062 **(20)** (c) Specify the period or periods when the plan will be in effect,
2 which may not exceed a total of ~~6~~ 12 months in any 5-year period within the same
3 work unit.

4 **SECTION 3. Initial applicability.**

5 (1) The treatment of s. 108.062 (20) (c) first applies to work-share plans
6 approved under s. 108.062 (3) or (3m) on the effective date of this subsection.

7 **SECTION 4. Effective date.**

8 (1) This act takes effect on the first Sunday after publication.

9 **(END)**