



2021 SENATE BILL 1051

March 9, 2022 - Introduced by Senators WIRCH, AGARD, BEWLEY, CARPENTER, ERPENBACH, JOHNSON, LARSON, RINGHAND and ROYS, cosponsored by Representatives SINICKI, ANDRACA, BALDEH, BOWEN, CABRERA, CONLEY, DRAKE, DOYLE, EMERSON, HAYWOOD, HEBL, HONG, MILROY, NEUBAUER, OHNSTAD, POPE, SHANKLAND, SHELTON, SNODGRASS, SPREITZER, STUBBS, SUBECK and VRUWINK. Referred to Committee on Labor and Regulatory Reform.

1 **AN ACT relating to:** investigation and audit of worker misclassification and
2 making an appropriation.

Analysis by the Legislative Reference Bureau

This bill requires the Unemployment Insurance Division in the Department of Workforce Development to coordinate with the Division of Personnel Management in the Department of Administration to review all recruitment and onboarding programs to ensure that auditor positions are correctly classified and the compensation for auditors is comparable to that in the private labor market. The bill also requires DWD to review resources available to investigators and auditors and evaluate potential strategies and improvements that could be implemented by the department. The bill also requires DWD to submit a report to the legislature of its findings no later than January 31, 2023.

Finally, the bill authorizes three full-time positions for DWD to perform investigations and audits regarding worker misclassification.

For further information see the state 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:

3 **SECTION 1. Nonstatutory provisions.**

SENATE BILL 1051**SECTION 1**

1 (1) INVESTIGATION AND ENFORCEMENT OF WORKER CLASSIFICATION. The department
2 of workforce development shall do all of the following before December 31, 2022:

3 (a) Require the unemployment insurance division, in coordination with the
4 division of personnel management in the department of administration, to review all
5 recruitment and onboarding programs to ensure that auditor positions are correctly
6 classified and the compensation for auditors is comparable to that in the private
7 labor market.

8 (b) Review resources available to investigators and auditors and evaluate
9 potential strategies and improvements that could be implemented, including at least
10 all of the following:

11 1. Cross-training all investigators and auditors working in the department.

12 2. Adding bilingual staff.

13 3. Information technology improvements for more efficient exchange of
14 information.

15 (2) REPORTING. By no later than January 31, 2023, the department shall submit
16 a report to the chief clerk of each house of the legislature for distribution to the
17 standing committees of the legislature under s. 13.172 (3) with jurisdiction over
18 workforce development. The report shall include the findings of the department
19 under sub. (1) (a) and (b).

SECTION 2. Fiscal changes.

20 (1) INVESTIGATION AND ENFORCEMENT OF WORKER CLASSIFICATION. In the schedule
21 under s. 20.005 (3) for the appropriation to the department of workforce development
22 under s. 20.445 (1) (gc), the dollar amount for fiscal year 2021-22 is increased by
23 \$157,500 to increase the authorized FTE positions for the department by 3.0 PR
24 positions for the purpose of investigating and enforcing worker classification laws
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