

No. 63, A.]

[Published June 2, 1933.]

**CHAPTER 186.**

AN ACT to amend sections 1 and 3 of chapter 20, laws of special session 1931-1932, and to amend subsection (8) of section 108.15 and subsection (1) of section 108.17, and subsection (5) of section 20.57 of the statutes, relating to the postponement of the effective dates of the unemployment reserves and compensation act, and making an appropriation.

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

SECTION 1. Section 1 of chapter 20, laws of special session 1931-1932, is amended to read: (Chapter 20, laws of special session 1931-1932) Section 1. LEGISLATIVE INTENT. \* \* \* The legislature intends through this act to make it certain that \* \* \* *in the near future* at least a majority of the employes of this state will enjoy the protection of fair and adequate systems of unemployment compensation. The largest organization of employers in the state having declared it to be the intention of its members voluntarily to establish unemployment fund systems, it is the intent of the legislature to give employers a fair opportunity to bring about the purposes of this act without legal compulsion. *Therefore the opportunity to keep this act from taking general and compulsory effect shall extend until business recovery is well under way in Wisconsin, namely until a finding of fact by the industrial commission either that the number of manual employes in Wisconsin manufacturing establishments has for three successive months been at least twenty per cent greater or that the aggregate weekly payrolls for such employes have for three successive months been at least fifty per cent greater than for December, 1932, as shown by monthly indexes of employment and payrolls computed by the commission and appearing in its Wisconsin Labor Market bulletin. Such finding of fact shall be published by the commission in the official state paper. If by \* \* \* twenty days after such official publication date the employers of not less than one hundred \* \* \* thirty-nine thousand employes have voluntarily established plans \* \* \* in accordance with section 3 of this act, then the compulsory system provided for in \* \* \* chapter 108 of the statutes shall not take effect; otherwise, it shall take effect \* \* \* sixty days after such publication date.* Should this provision for any reason be held invalid it

is the intent of the legislature that the compulsory plan shall take effect \* \* \* *sixty days after such publication date. In no event shall contributions become payable under the compulsory features of chapter 108 prior to July 1, 1934.*

SECTION 2. Subsection (8) of section 108.15 of the statutes is amended to read: (108.15) (8) The rules and regulations for the government of such plan must be submitted to and approved by the commission. A plan, so approved, shall when put into effect, constitute a contract between each employer and every other employer participating in that plan, and between the employer or employers on the one hand, and, on the other hand all employees who come under it; and shall not thereafter (*until five years after the date of official publication of the finding of fact provided for in section 1 of chapter 20, laws of special session 1931-1932*) be abandoned, \* \* \* *nor without the approval of the commission be modified.* Provided that, at any time after *the close of such five years* \* \* \* the commission may, on the petition of any interested party, or on its own motion, and after public hearing, modify any such plan to conform to the standards then provided by the law for approved voluntary or exempted unemployment benefit plans or guaranteed employment plans as the case may be.

SECTION 3. Subsection (1) of section 108.17 of the statutes is amended to read: 108.17 PAYMENT OF CONTRIBUTIONS. (1) \* \* \* *Contributions shall accrue and become payable by each employer then subject to this chapter on the first day of the succeeding calendar month which is not less than sixty days after the date of official publication of the finding of fact provided for in section 1 of chapter 20, laws of special session 1931-1932, as amended, or on the first day of July, 1934, whichever day is later, and shall be paid thenceforth in accordance with this chapter.* Thereafter contributions shall accrue and become payable by any employer on and after the date on which he becomes newly subject to this chapter.

SECTION 4. Section 3 of chapter 20, laws of special session 1931-1932, is amended to read: (Chapter 20, laws of special session 1931-1932) Section 3. VOLUNTARY SYSTEMS OF UNEMPLOYMENT COMPENSATION. (1) In accordance with the legislative intent expressed in section 1 of this act, as amended, the compulsory features of section 2 and section 5 of this act shall not take effect until \* \* \* *sixty days after the official publication date*

*of the finding of fact made by the industrial commission in accordance with section 1; nor shall they take effect \* \* \* at that time if the commission finds that \* \* \* by twenty days after such publication date employers then employing (as evidenced by the employer's payment of any wages to such persons in the employer's payroll period last preceding such publication date) in the aggregate at least one hundred \* \* \* thirty-nine thousand employes as defined in section 108.02 shall have established plans \* \* \* approved by the commission prior to such publication date as plans which would be entitled to exemption under section 108.15 of the compulsory act. Otherwise sections 2 and 5 of this act shall take compulsory effect sixty days after the publication date of the commission's finding under section 1 of this act, as amended.*

(2) At any time after the taking effect of this act employers may submit to the industrial commission voluntary plans for guaranteed employment or for unemployment \* \* \* benefits. If, after investigation, the commission is satisfied that a plan thus submitted would be entitled to exemption under section 108.15 of the compulsory act, the commission shall give its written approval of such plan, and such approval shall apply for the purposes of the present section of this act. *Any approved plan may, at the employer's option, specify that contributions or guaranteed employment, as the case may be under such plan, shall commence on the date when contributions would commence under section 108.17, or may specify instead any earlier date. That a plan duly approved by the commission has thereafter been established and put in effect shall be evidenced by the signature of the employer, by the posting of the plan in the employer's establishment, and by the mailing to the commission of a signed copy of the approved plan together with an affidavit that the plan has been posted and is in effect.*

(3) \* \* \* *Not less than twenty nor more than forty days after the official publication date of its finding under section 1 of this act, as amended, the industrial commission shall make a second finding of fact whether or not employers employing \* \* \* (as evidenced by the employer's payment of any wages to such persons in the employer's payroll period last preceding such publication date) in the aggregate at least one hundred \* \* \* thirty-nine thousand employes as defined in section 108.02, have established \* \* \* by twenty days after such publication date*

plans \* \* \* approved by the commission *prior to such publication date* as plans which would be entitled to exemption under section 108.15 of the compulsory act. The commission shall file such *second finding of fact* with the secretary of state. Such finding of fact by the industrial commission shall be conclusive. In accordance with such finding and in accordance with subsection (1) of \* \* \* *this section* the secretary of state shall give notice through publication in the official state paper of the taking effect or otherwise of the compulsory features of section 2 and section 5 of this act.

(4) *In case sections 2 and 5 of this act take general and compulsory effect, voluntary plans duly approved and established in accordance with this section shall automatically constitute exempted plans under section 108.15 of the compulsory act.*

(5) If the compulsory plan shall not come into operation, the industrial commission shall continue its supervision over the voluntary plans of unemployment compensation established in this state. It shall be the duty of the commission to keep itself informed regarding the operations of such voluntary plans and it shall include pertinent statistics regarding such plans in its biennial reports.

SECTION 5. Subsection (5) of section 20.57 of the statutes is amended to read: (20.57) (5) On January 1, 1932, twenty-five thousand dollars, and on July 1, 1933, eighteen thousand dollars, to assist employers in the establishment of voluntary plans for unemployment compensation in conformity with the standards prescribed by law, and for carrying out the purposes of chapter 108. This appropriation shall remain available until \* \* \* *ninety days after the publication date of the finding of fact to be made by the industrial commission under section 1 of chapter 20, laws of special session 1931-1932, as amended.*

SECTION 6. This act shall take effect upon passage and publication.

Approved June 1, 1933.

No. 297, A.]

[Published June 2, 1933.]

## CHAPTER 187.

AN ACT to repeal all of section 61.34 except subsection (39) and section 61.455; to renumber subsection (39) of section 61.34; to create section 61.34 and sections 61.69 to 61.72; and to amend