

No. 125, S.]

[Published May 21, 1949.

**CHAPTER 142.**

AN ACT to renumber 108.04 (2), 108.05 (1) (schedule, lines 5 through 17) and 108.09 (5); to amend 108.02 (4) (g) 3 and (19), 108.04 (4) (b), 108.05 (1) (schedule, lines 1 through 4 and line 18), 108.06 (2) (b) and (3) (e) and 108.09 (2) and (2m); to repeal and recreate 108.02 (12) and 108.04 (3) and (11); to create 108.02 (3) (d), 108.04 (2) (b) and (8) (c), 108.05 (1) (schedule, lines 18 and 19), 108.09 (3m) and (5) (b) and 108.16 (3) of the statutes, constituting recommendations pursuant to 108.14 (5m), made by the statutory advisory committee on unemployment compensation, to the 1949 legislature, relating to unemployment compensation, and therefore affecting the unemployment reserve fund.

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

SECTION 1. 108.02 (3) (d) of the statutes is created to read:

108.02 (3) (d) Any individual who is, under this subsection, an "employee" of a given employer shall be deemed "employed" by that employer for the purposes of this chapter.

SECTION 2. 108.02 (4) (g) 3 and (19) of the statutes are amended to read:

108.02 (4) (g) 3. Has \* \* \* *been covered by this chapter throughout* each of the 2 most recently completed calendar years, *but has, in each such year, had less than 18 weeks within which he employed* \* \* \* *4 or more employes* \* \* \*.

(19) An employee's "waiting period" means any period of time (for which no \* \* \* benefits are payable) required of the employee pursuant to section 108.04 (3), as a condition precedent to his receipt of \* \* \* benefits.

SECTION 3. 108.02 (12) of the statutes is repealed and recreated to read:

108.02 (12) "Week" means calendar week, starting Sunday and ending Saturday; but, where an employe starts a working shift on a given Saturday, all his hours and pay for that shift shall be counted in the calendar week which includes that Saturday.

SECTION 4. 108.04 (2) of the statutes is renumbered 108.04 (2) (a).

SECTION 5. 108.04 (2) (b) of the statutes is created to read:

108.04 (2) (b) Any claimant, thus registered, may also be required at any time to make such other efforts to secure work as the commission may reasonably direct under the circumstances, and to supply proper evidence thereof; and shall, if he fails without good cause to do so, be ineligible for each week such failure continues.

SECTION 6. 108.04 (3) and (11) of the statutes, subject to the timing specified in section 20 of this act, are repealed and recreated to read:

108.04 (3) WAITING PERIOD. (a) Only those weeks of an employe's unemployment for which he would otherwise be eligible to receive benefits shall be counted as waiting period weeks.

(b) An employe shall become eligible to receive benefits for his weeks of unemployment ending within a given calendar year only after he has had 2 waiting period weeks, ending within such year, except as hereinafter provided.

(c) Not more than 2 of the weeks ending between October 31 and the following March 1 shall be required of an employe as waiting period weeks.

(d) No week shall be required of an employe as a waiting period week if benefits were payable to him for the immediately preceding week.

(11) FRAUDULENT CLAIMS. In addition to any other provisions, including penalties, which may apply under this chapter:

(a) If a claimant, in filing his claim for any week, conceals any part of his wages earned for that week, or conceals his refusal (within that week) of a job offer, he shall be ineligible for that week, whether or not his concealment caused any benefit payment.

(b) Any such claimant may also, by a determination issued under section 108.09, be required, as to each such act of concealment, to forfeit such benefits as would otherwise become payable to him for not more than 3 weeks of compensable unemployment completed not later than 2 years following the date of such determination. The benefits thus forfeited by a claimant shall be duly charged against his benefit credits and against the proper employer's account and shall be credited to the fund's balancing account.

SECTION 7. 108.04 (4) (b), subject to the timing specified in section 20 of this act, is amended to read:

108.04 (4) (b) An employe shall be ineligible for benefits, based on his past employment by a given employer, while his applicable "average weekly wage" as to such employer is under \* \* \* \$12.

SECTION 8. 108.04 (8) (e), subject to the timing specified in section 20 of this act, is created to read:

108.04 (8) (e) When a claimant accepts new work which he could have refused with good cause, and then terminates such employment with the same good cause and within the first 10 weeks after starting work, his eligibility for benefits based on other previous employment shall not be suspended, under subsection (7), by reason of such termination.

SECTION 9. 108.05 (1) (Schedule, lines 1 through 4) of the statutes, subject to the timing specified in section 20 of this act, are amended to read:

108.05 (1) SCHEDULE		
Line	Average Weekly Wage Class	Weekly Benefit Rate
1.	Under* * * \$12.00	\$ None
* * *	* * * * * *	* * *
* * * 2.	* * * \$12.00 to * * * 14.50	9
* * * 3.	* * * 14.51 to 17.00	10

SECTION 10. 108.05 (1) (Schedule, lines 5 through 17) of the statutes are renumbered respectively 108.05 (1) (Schedule, lines 4 through 16).

SECTION 11. 108.05 (1) (Schedule, line 18) of the statutes, subject to the timing specified in section 21 of this act, is amended to read:

108.05 (1) SCHEDULE		
Line	Average Weekly Wage Class	Weekly Benefit Rate
* * * 17.	46.01 * * * to 48.00	24

SECTION 12. 108.05 (1) (Schedule, lines 18 and 19) of the statutes, subject to the timing specified in section 21 of this act, are created to read:

108.05 (1) SCHEDULE		
Line	Average Weekly Wage Class	Weekly Benefit Rate
18.	48.01 to 50.00	25
19.	50.01 or more	26

SECTION 13. 108.06 (2) (b) and (3) (e) of the statutes, subject to the timing specified in section 20 of this act, are amended to read:

108.06 (2) (b) Based on each such credit week, the fund shall be liable to pay benefits to the employe (if otherwise eligible) in an amount equal to \* \* \* *two-thirds* of the weekly benefit rate applicable under the given benefit determination; except that the sum of the benefit credits thus resulting, based on all credit weeks under said determination, shall be adjusted to the nearest multiple of one-half of said weekly benefit rate.

(3) (e) To determine qualifying employment under section 108.04 (4) (a), and any other subsequently determined benefit rights, the commission \* \* \* shall count all weeks of employment covered by an employer's report and all credit weeks included in any benefit determination as if they had all occurred consecutively during the most recent part of the period covered by \* \* \* the given report or determination.

SECTION 14. 108.09 (2) and (2m) of the statutes, subject to the timing specified in section 20 of this act, are each amended, as to the time limit for requesting a benefit hearing, by changing the phrase "within 7 days" to read "within 10 days".

SECTION 15. 108.09 (3m) of the statutes is created to read:

108.09 (3m) REPORTS BY EXPERTS. The contents of verified reports by qualified experts shall be received in evidence in any proceeding under this section, in the same manner and subject to the same conditions as would apply to such reports under section 102.17 (1) (as).

SECTION 16. 108.09 (5) of the statutes is renumbered 108.09 (5) (a).

SECTION 17. 108.09 (5) (b) of the statutes is created to read:

108.09 (5) (b) To record the testimony at any hearing under this section, the commission may use a recording machine, in lieu of a stenographer.

SECTION 18. 108.16 (3) of the statutes is created to read:

108.16 (3) As to any benefit overpayment still outstanding after said 2-year period, the fund's treasurer may write off such overpayment, upon receipt of a certification by a commission deputy that such overpayment cannot reasonably be recovered.

SECTION 19. 108.14 (13) of the statutes shall apply to all changes, in chapter 108 of the statutes, effected by this act.

SECTION 20. The changes effected by this act in 108.04 (4) (b), (8) and (11), 108.05 (1) (schedule, lines 1 through 4), 108.06 (2) (b) and (3) (e), and 108.09 (2) and (2m) of the statutes shall apply to all determinations (under chapter 108 of the statutes) issued after the effective date of this act.

SECTION 21. The changes effected by this act in 108.05 (1) (schedule, from line 17 on) of the statutes shall apply only to determinations (issued after September 1949, under chapter 108 of the statutes) which include one or more weeks of employment ended after September 1949.

Approved May 18, 1949.

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