

1983 Senate Bill 460

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1983 Wisconsin Act 99

AN ACT to amend 108.04 (5), 108.04 (7) (a), 108.04 (7) (d) and (g) (intro.), 108.04 (8) (a) and (b), 108.16 (2) (b), 108.16 (2) (f), 108.16 (7) (a) and 108.18 (2) (b) 1; and to create 108.04 (7) (L), 108.16 (2) (bm) and 108.16 (6) (d) of the statutes, relating to unemployment compensation benefit eligibility and charges.

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

SECTION 1. 108.04 (5) of the statutes is amended to read:

108.04 (5) DISCHARGE FOR MISCONDUCT. An employe's eligibility, for benefits based on those credit weeks then accrued with respect to an employing unit, shall be barred for any week of unemployment completed after he or she has been discharged by the employing unit for misconduct connected with his or her employment; ~~provided, moreover, that such, and the employe shall be deemed is~~ ineligible for any benefits ~~(from other previous based upon employment with an employer accounts)~~ other than the employer from whom the employe is discharged for the week in which ~~such the~~ discharge occurred occurs and for the 3 next following weeks thereafter until he or she has again been employed within at least 7 weeks in employment covered by the unemployment compensation law of any state or the federal government and has earned wages in that employment equaling at least 14 times the employe's weekly benefit rate with the employer against whom benefits are initially chargeable. The employe's benefit rate shall be that which is otherwise applicable.

SECTION 2. 108.04 (7) (a) of the statutes, as affected by 1983 Wisconsin Act 8, is amended to read:

108.04 (7) (a) If an employe terminates his or her employment with an employing unit, the employe is ineligible for any benefits for the week of termination and thereafter until he or she has again been employed within at least ~~8 7~~ weeks ~~and has earned wages in employment covered by the unemployment compensation law of any state or the federal government and has earned wages in that employment~~ equaling at least ~~16 14~~ times the employe's weekly benefit rate with the employer against whom benefits would otherwise

be chargeable, and ~~credit weeks available~~ the remaining amount of benefits payable to the employe based on employment with the employer with whom the employe terminated, if more than one, shall be reduced to one by 50% but not below the weekly benefit amount for one week of total unemployment applicable to the employe based on the employment terminated, except as otherwise provided in this subsection. The employe's benefit rate shall be that which is otherwise applicable.

SECTION 3. 108.04 (7) (d) and (g) (intro.) of the statutes are amended to read:

108.04 (7) (d) ~~The requalifying employment and work requirements of par. (a) shall~~ Paragraph (a) does not apply if the department determines that the employe terminated his or her employment to accept a recall to work for a former employer within 52 weeks after having last worked for such employer.

(g) (intro.) Paragraph (a) shall not suspend ~~or reduce~~ an employe's eligibility for benefits based on employment for other previous employers if the department determines that the employe:

SECTION 4. 108.04 (7) (L) of the statutes is created to read:

108.04 (7) (L) Paragraph (a) does not apply if the department determines that the employe terminated his or her employment to accept another job in employment covered by the unemployment compensation law of any state or the federal government, and worked at least 4 weeks in the subsequent job after the week in which the termination occurred, if the job:

1. Paid an average weekly wage equal to or greater than the employe earned in the terminated employment; or
2. Offered the same or a greater number of hours of work than those performed in the work terminated; or
3. Offered the opportunity for significantly longer term employment; or
4. Offered the opportunity to accept a position the duties of which are primarily discharged at a location significantly closer to the employe's domicile than the location of the terminated employment.

SECTION 5. 108.04 (8) (a) and (b) of the statutes, as affected by 1983 Wisconsin Act 8, are amended to read:

108.04 (8) (a) An employe who fails either to apply for work when notified by a public employment office or to accept work when offered shall, if the failure was without good cause as determined by the department, be ineligible for benefits for the week in which the failure occurs and thereafter until the employe has again been employed within at least ~~8 7~~ 7 weeks ~~and has earned wages~~ in employment covered by the unemployment compensation law of any state or the federal government ~~and has earned wages in that employment~~ equaling at least 14 times the employe's weekly benefit rate with the employer against whom benefits are initially chargeable, and ~~credit weeks available~~ the remaining amount of benefits payable to the employe based on employment with the employer with whom benefits are chargeable at the time that the failure occurs, if more than one, shall be reduced to one by 50% but not below the weekly benefit amount for one week of total unemployment applicable to the employe in the week in which the failure occurs. The employe's benefit rate shall be that which is otherwise applicable.

(b) An employe who fails to return to work with a former employer who has duly recalled the employe within 52 weeks after having last worked for that employer shall, if the failure was without good cause as determined by the department, be ineligible for benefits from that employer's account for the week in which the failure occurs and thereafter until the employe has again been employed within at least ~~8 7~~ 7 weeks ~~and has earned wages~~ in employment covered by the unemployment compensation law of any state or the federal government and has earned wages in that employment equaling at least ~~14 14~~ 14 times the employe's weekly benefit rate with the employer against whom benefits are

initially chargeable, and ~~credit weeks available~~ the remaining amount of benefits payable to the employe based on employment with the employer with whom benefits are chargeable at the time that the failure occurs, ~~if more than one,~~ shall be reduced ~~to one~~ by 50% but not below the weekly benefit amount for one week of total unemployment applicable to the employe in the week in which the failure occurs. The employe's benefit rate shall be that which is otherwise applicable. If the employe received actual notice of the recall to work, par. (a) applies in lieu of this paragraph.

SECTION 6. 108.16 (2) (b) of the statutes is amended to read:

108.16 (2) (b) Each employer's account shall be credited with all ~~his~~ its contributions paid into the fund, and shall be charged with all benefits duly paid and deemed payable from the fund to ~~his~~ its employes based on their past employment by ~~him~~ it, except as otherwise specified in this chapter.

SECTION 7. 108.16 (2) (bm) of the statutes is created to read:

108.16 (2) (bm) If a claimant is entitled to benefits from an employer's account for a week of partial unemployment and the benefits payable to the claimant are reduced under s. 108.05 (3), the full amount of the benefits payable to the claimant before the reduction is applied are deemed payable by the employer, but the employer shall be credited with an amount equal to 50% of the difference between the full amount of the benefits and the benefits actually paid to the claimant. The department shall charge the employer's account accordingly. This paragraph applies only if the U.S. secretary of labor determines that failure to implement this paragraph or provisions having a similar fiscal effect will disqualify this state for deferral of interest or reduction of the amount of interest payable on advances from the federal unemployment account under title XII of the social security act.

SECTION 8. 108.16 (2) (f) of the statutes is amended to read:

108.16 (2) (f) The department shall promptly advise the employer as to ~~each benefit check thus~~ all benefits paid or deemed payable and charged to his its account.

SECTION 9. 108.16 (6) (d) of the statutes is created to read:

108.16 (6) (d) All amounts charged to an employer's account under sub. (2) (bm) which are not paid to a claimant.

SECTION 10. 108.16 (7) (a) of the statutes is amended to read:

108.16 (7) (a) All benefits shall be paid from the fund. All benefits paid or deemed payable and duly chargeable to an employer's account shall be so charged, whether or not such account is overdrawn. All other benefits shall be charged to the fund's balancing account.

SECTION 11. 108.18 (2) (b) 1 of the statutes is amended to read:

108.18 (2) (b) 1. At the close of that calendar year was overdrawn (~~on~~ a cash basis, with the benefits paid or deemed payable and charged to the account exceeding the contributions paid and credited thereto, through ~~said~~ the close of the year); or

SECTION 12. **Initial applicability.** (1) The treatment of section 108.04 (5) of the statutes by this act applies with respect to discharges occurring during or after the first week commencing in January, 1984.

(2) The treatment of section 108.04 (7) (a) of the statutes by this act with respect to the requalification requirement applies with respect to voluntary terminations occurring during or after the first week commencing in January, 1984.

(3) The treatment of section 108.04 (7) (a) and (8) (a) and (b) of the statutes by this act with respect to determination of benefit amounts upon voluntary termination of employment and failure to apply for or accept suitable work or recall to work applies with respect to benefit years which begin during and after the first week commencing in January, 1984.

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(4) The creation of section 108.04 (7) (L) of the statutes by this act applies with respect to voluntary terminations occurring during or after the first week commencing in January, 1984.

(5) The treatment of section 108.04 (8) (a) and (b) of the statutes by this act with respect to the requalification requirement applies with respect to failure to apply for or accept work or failure to accept recall occurring during or after the first week commencing in January, 1984.

(6) The treatment of sections 108.16 (2) (b) and (f) and (7) (a) and 108.18 (2) (b) 1 of the statutes and the creation of section 108.16 (2) (bm) and (6) (d) of the statutes by this act apply to weeks of unemployment commencing after June 1, 1984.
