

# State of Wisconsin



1995 Senate Bill 390

Date of enactment: **December 18, 1995**

Date of publication\*: **January 3, 1996**

## 1995 WISCONSIN ACT 118

**AN ACT to repeal** 108.04 (1) (gm) 1. and 2., 108.04 (8) (g), 108.05 (1) (d) and (e), 108.09 (4) (f) and 108.09 (4) (i); **to renumber** 108.02 (12) (b) 1. and 2., 108.02 (12) (c), 108.02 (12) (e), 108.04 (1) (gm) 3. to 5. and 108.09 (4) (h); **to renumber and amend** 108.02 (12) (b) (intro.), 108.04 (1) (gm) 6., 108.09 (4) (g) and 108.09 (4) (hm); **to amend** 108.02 (12) (a), 108.02 (12) (f), 108.02 (15m) (intro.), 108.02 (26) (c) 5., 108.04 (2) (a) 2., 108.04 (2) (e), 108.04 (7) (r), 108.04 (11) (b) 1., 108.04 (17) (c) (intro.), (f) and (i), 108.05 (1) (f) (intro.), 108.05 (7) (f) 2., 108.05 (9), 108.06 (2) (a) (intro.), 108.07 (3), 108.07 (3m), 108.07 (5) (c), 108.13 (title) and (1) to (3), 108.14 (8n) (e), 108.141 (1) (d) and (7) (a), 108.15 (3) (a) and (e) and (9) (a) and (c), 108.151 (1), (2) (b) and (6) (a), 108.16 (6m) (a), 108.18 (2) (a), (b) (intro.), (c) and (d), 108.18 (2) (d) and 185.981 (5); **to repeal and recreate** 108.09 (4) (c) to (e); and **to create** 71.67 (7), 108.02 (12) (b), 108.04 (1) (gm) 4., 108.05 (1) (g) and (h), 108.05 (10), 108.07 (3r), 108.07 (8), 108.09 (2) (bm), 108.09 (4) (a) (title), 108.09 (4) (b) (title), 108.09 (4) (f) (title), 108.09 (4s), 108.13 (5) and 108.135 of the statutes; **relating to:** various changes in the unemployment compensation law, unemployment compensation coverage for employes of cooperative sickness care associations and withholding of certain amounts from unemployment compensation for payment of income taxes and providing a penalty.

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

**SECTION 1.** 71.67 (7) of the statutes is created to read:

**71.67 (7) WITHHOLDING FROM UNEMPLOYMENT COMPENSATION.** (a) The department of industry, labor and human relations may, in accordance with s. 108.135, deduct and withhold from any unemployment compensation payment, on a form prepared by the department of industry, labor and human relations, a portion of the payment as Wisconsin income tax. The department of industry, labor and human relations shall deposit the amounts withheld, on a monthly basis, as provided in s. 108.135 (6).

(b) The department of industry, labor and human relations shall furnish to each claimant who receives benefits during any year, on or before January 31 of the

succeeding year, at least one legible copy of a written statement showing all of the following:

1. The name of the claimant and that claimant's social security number.
2. The gross amount of unemployment compensation that is subject to withholding under par. (a).
3. The total amount deducted and withheld under par. (a).

(c) 1. If the department of revenue so requires, the claimant shall furnish the department of revenue with one copy of the written statement that he or she receives under par. (b), along with his or her income tax return for the year.

2. The department of industry, labor and human relations shall furnish the department of revenue with a copy

\* Section 991.11, WISCONSIN STATUTES 1993-94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

of any statement that is furnished to the claimant under par. (b).

**SECTION 2.** 108.02 (12) (a) of the statutes is amended to read:

108.02 (12) (a) “Employee” means any individual who is or has been performing services for an employing unit, in an employment, whether or not the individual is paid directly by such employing unit; except as provided in par. (b) ~~or (e), (c) or (d).~~

**SECTION 3.** 108.02 (12) (b) of the statutes is created to read:

108.02 (12) (b) Paragraph (a) does not apply to an individual performing services in a capacity other than as a contract operator with a carrier or as a skidding operator or piece cutter with a forest products manufacturer or a logging contractor, if the employing unit satisfies the department that:

1. The individual:

a. Holds or has applied for an employer identification number with the federal internal revenue service; or

b. Has filed business or self-employment income tax returns with the federal internal revenue service based on such services in the previous year; and

2. The individual meets 6 or more of the following conditions:

a. The individual maintains a separate business with his or her own office, equipment, materials and other facilities.

b. The individual operates under contracts to perform specific services for specific amounts of money and under which the individual controls the means and method of performing the services.

c. The individual incurs the main expenses related to the services that he or she performs under contract.

d. The individual is responsible for the satisfactory completion of the services that he or she contracts to perform and is liable for a failure to satisfactorily complete the services.

e. The individual receives compensation for services performed under a contract on a commission or per-job or competitive-bid basis and not on any other basis.

f. The individual may realize a profit or suffer a loss under contracts to perform services.

g. The individual has recurring business liabilities or obligations.

h. The success or failure of the individual’s business depends on the relationship of business receipts to expenditures.

**SECTION 4.** 108.02 (12) (b) (intro.) of the statutes is renumbered 108.02 (12) (c) (intro.) and amended to read:

108.02 (12) (c) (intro.) Paragraph (a) ~~shall~~ does not apply to an individual performing services for an employing unit in a capacity as a contract operator with a carrier or as a skidding operator or piece cutter with a forest products manufacturer or a logging contractor if the

employing unit satisfies the department ~~as to both the following conditions:~~

**SECTION 5.** 108.02 (12) (b) 1. and 2. of the statutes are renumbered 108.02 (12) (c) 1. and 2.

**SECTION 6.** 108.02 (12) (c) of the statutes is renumbered 108.02 (12) (e).

**SECTION 7.** 108.02 (12) (e) of the statutes is renumbered 108.02 (12) (d).

**SECTION 8.** 108.02 (12) (f) of the statutes is amended to read:

108.02 (12) (f) The department ~~shall~~ may promulgate rules to ensure the consistent application of this subsection.

**SECTION 9.** 108.02 (15m) (intro.) of the statutes is amended to read:

108.02 (15m) FAMILY CORPORATION. (intro.) “Family Except as provided in s. 108.04 (7) (r), “family corporation” means:

**SECTION 10.** 108.02 (26) (c) 5. of the statutes is amended to read:

108.02 (26) (c) 5. The payment by an employer, without deduction from the remuneration of an employe, of the tax imposed on the employe under 26 USC 3101 with respect to remuneration paid to the employe for domestic service in a private home of the employer or for agricultural labor.

**SECTION 11.** 108.04 (1) (gm) 1. and 2. of the statutes are repealed.

**SECTION 12.** 108.04 (1) (gm) 3. to 5. of the statutes are renumbered 108.04 (1) (gm) 1. to 3.

**SECTION 13.** 108.04 (1) (gm) 4. of the statutes is created to read:

108.04 (1) (gm) 4. Disposition of a total of 75 % or more of the assets of the corporation using one or more of the following methods:

a. Assignment for the benefit of creditors.

b. Surrender to one or more secured creditors or lienholders.

**SECTION 14.** 108.04 (1) (gm) 6. of the statutes is renumbered 108.04 (1) (gm) 4. c. and amended to read:

108.04 (1) (gm) 4. c. ~~Sale of 75% or more of the assets of the corporation,~~ due to economic inviability, if the sale does not result in ownership or control by substantially the same interests that owned or controlled the family corporation. ~~For purposes of this subdivision, it~~ It is presumed unless shown to the contrary that a sale, in whole or in part, to a spouse, parent or child of an individual who owned or controlled the family corporation, or to any combination of 2 or more of them, is a sale to substantially the same interests that owned or controlled the family corporation.

**SECTION 15.** 108.04 (2) (a) 2. of the statutes is amended to read:

108.04 (2) (a) 2. As of that week, the individual has registered for work ~~at a public employment office.~~

**SECTION 16.** 108.04 (2) (e) of the statutes is amended to read:

108.04 (2) (e) Each claimant shall furnish to the department his or her social security number. ~~A social security card or other document on which the number is shown that is accepted by the department may be used as evidence of the social security number.~~ If a claimant fails, without good cause, to provide a his or her social security number, the claimant is not eligible to receive benefits for the week in which the failure occurs or any subsequent week until the week in which he or she provides the social security number. If the claimant has good cause, he or she is eligible to receive benefits as of the week in which the claimant first files a claim for benefits or first requests the department to reactivate an existing benefit claim.

**SECTION 17.** 108.04 (7) (r) of the statutes is amended to read:

108.04 (7) (r) Paragraph (a) does not apply if the department determines that the employe has owns or controls, directly or indirectly, an ownership interest specified in sub. (1) (g) 2. or 3., however designated or evidenced, in a family corporation and the employe's employment was terminated by the employer because of an involuntary cessation of the business of the corporation under one or more of the conditions specified in sub. (1) (gm). In this paragraph, "family corporation" has the meaning given in s. 108.02 (15m) and also includes a corporation in which 50% or more of the ownership interest is or was owned or controlled, directly or indirectly, by one or more brothers or sisters of a claimant, or by a combination of one or more brothers or sisters and one or more of the persons specified in s. 108.02 (15m) (a).

**SECTION 18.** 108.04 (8) (g) of the statutes is repealed.

**SECTION 19.** 108.04 (11) (b) 1. of the statutes is amended to read:

108.04 (11) (b) 1. Not less than 25% of nor more than 4 times the claimant's benefit rate under s. 108.05 (1) for the week for which the claim is made for any single act of concealment which results in no overpayment or in overpayment of less than 50% of that benefit rate; or

**SECTION 20.** 108.04 (17) (c) (intro.), (f) and (i) of the statutes are amended to read:

108.04 (17) (c) (intro.) A school year employe of an educational service agency who performs services in an instructional, research or principal administrative capacity, and who provides such services in an educational institution or to or on behalf of an educational institution, is ineligible for benefits based on such services for any week of unemployment which occurs:

(f) A school year employe of an educational service agency who performs services other than in an instructional, research or principal administrative capacity, and who provides such services in an educational institution or to or on behalf of an educational institution, is ineligible for benefits based on such services for any week of

unemployment which occurs during a period between 2 successive academic years or terms if the school year employe performed such services for an educational service agency in the first such year or term and there is reasonable assurance that he or she will perform such services for an educational service agency in the 2nd such year or term.

(i) A school year employe of an educational service agency who performs the services described in par. (c) or (f), and who provides such services in an educational institution or to or on behalf of an educational institution, is ineligible for benefits based on such services for any week of unemployment which occurs during an established and customary vacation period or holiday recess if the school year employe performed such services for an educational service agency in the period immediately before the vacation period or holiday recess, and there is reasonable assurance that the school year employe will perform the services described in par. (c) or (f) for an educational service agency in the period immediately following the vacation period or holiday recess.

**SECTION 21.** 108.05 (1) (d) and (e) of the statutes are repealed.

**SECTION 22.** 108.05 (1) (f) (intro.) of the statutes is amended to read:

108.05 (1) (f) (intro.) Each eligible employe shall be paid benefits for each week of total unemployment which commences on or after January 1, 1995, and before January 7, 1996, at the weekly benefit rate specified in this paragraph. Unless sub. (1m) applies, the weekly benefit rate shall equal 4% of the employe's base period wages which were paid during that quarter of the employe's base period in which the employe was paid the highest total wages, rounded down to the nearest whole dollar, except that if that amount is less than the minimum amount shown in the following schedule, no benefits are payable to the employe and if that amount is more than the maximum amount shown in the following schedule, the employe's weekly benefit rate shall be the maximum amount shown in the following schedule and except that if the employe's benefits are exhausted during any week under s. 108.06 (1), the employe shall be paid the remaining amount of benefits payable to the employe in lieu of the amount shown in the following schedule: [See Figure 108.05 (1) (f) following]

**SECTION 23.** 108.05 (1) (g) and (h) of the statutes are created to read:

108.05 (1) (g) Each eligible employe shall be paid benefits for each week of total unemployment which commences on or after January 7, 1996, and before January 5, 1997, at the weekly benefit rate specified in this paragraph. Unless sub. (1m) applies, the weekly benefit rate shall equal 4% of the employe's base period wages which were paid during that quarter of the employe's base period in which the employe was paid the highest total wages, rounded down to the nearest whole dollar,

except that if that amount is less than the minimum amount shown in the following schedule, no benefits are payable to the employee and if that amount is more than the maximum amount shown in the following schedule, the employee's weekly benefit rate shall be the maximum amount shown in the following schedule and except that

if the employee's benefits are exhausted during any week under s. 108.06 (1), the employee shall be paid the remaining amount of benefits payable to the employee in lieu of the amount shown in the following schedule: [See Figure 108.05 (1) (g) following]

Figure 108.05 (1) (g):

Line	Highest Quarterly Wages Paid	Weekly Benefit Rate
1. ....	Under \$1,300.00	\$ 0
2. ....	1,300.00 to 1,324.99	52
3. ....	1,325.00 to 1,349.99	53
4. ....	1,350.00 to 1,374.99	54
5. ....	1,375.00 to 1,399.99	55
6. ....	1,400.00 to 1,424.99	56
7. ....	1,425.00 to 1,449.99	57
8. ....	1,450.00 to 1,474.99	58
9. ....	1,475.00 to 1,499.99	59
10. ....	1,500.00 to 1,524.99	60
11. ....	1,525.00 to 1,549.99	61
12. ....	1,550.00 to 1,574.99	62
13. ....	1,575.00 to 1,599.99	63
14. ....	1,600.00 to 1,624.99	64
15. ....	1,625.00 to 1,649.99	65
16. ....	1,650.00 to 1,674.99	66
17. ....	1,675.00 to 1,699.99	67
18. ....	1,700.00 to 1,724.99	68
19. ....	1,725.00 to 1,749.99	69
20. ....	1,750.00 to 1,774.99	70
21. ....	1,775.00 to 1,799.99	71
22. ....	1,800.00 to 1,824.99	72
23. ....	1,825.00 to 1,849.99	73
24. ....	1,850.00 to 1,874.99	74
25. ....	1,875.00 to 1,899.99	75
26. ....	1,900.00 to 1,924.99	76
27. ....	1,925.00 to 1,949.99	77
28. ....	1,950.00 to 1,974.99	78
29. ....	1,975.00 to 1,999.99	79
30. ....	2,000.00 to 2,024.99	80
31. ....	2,025.00 to 2,049.99	81
32. ....	2,050.00 to 2,074.99	82
33. ....	2,075.00 to 2,099.99	83
34. ....	2,100.00 to 2,124.99	84
35. ....	2,125.00 to 2,149.99	85
36. ....	2,150.00 to 2,174.99	86
37. ....	2,175.00 to 2,199.99	87
38. ....	2,200.00 to 2,224.99	88
39. ....	2,225.00 to 2,249.99	89

1995 Senate Bill 390

40.	2,250.00	to	2,274.99	90
41.	2,275.00	to	2,299.99	91
42.	2,300.00	to	2,324.99	92
43.	2,325.00	to	2,349.99	93
44.	2,350.00	to	2,374.99	94
45.	2,375.00	to	2,399.99	95
46.	2,400.00	to	2,424.99	96
47.	2,425.00	to	2,449.99	97
48.	2,450.00	to	2,474.99	98
49.	2,475.00	to	2,499.99	99
50.	2,500.00	to	2,524.99	100
51.	2,525.00	to	2,549.99	101
52.	2,550.00	to	2,574.99	102
53.	2,575.00	to	2,599.99	103
54.	2,600.00	to	2,624.99	104
55.	2,625.00	to	2,649.99	105
56.	2,650.00	to	2,674.99	106
57.	2,675.00	to	2,699.99	107
58.	2,700.00	to	2,724.99	108
59.	2,725.00	to	2,749.99	109
60.	2,750.00	to	2,774.99	110
61.	2,775.00	to	2,799.99	111
62.	2,800.00	to	2,824.99	112
63.	2,825.00	to	2,849.99	113
64.	2,850.00	to	2,874.99	114
65.	2,875.00	to	2,899.99	115
66.	2,900.00	to	2,924.99	116
67.	2,925.00	to	2,949.99	117
68.	2,950.00	to	2,974.99	118
69.	2,975.00	to	2,999.99	119
70.	3,000.00	to	3,024.99	120
71.	3,025.00	to	3,049.99	121
72.	3,050.00	to	3,074.99	122
73.	3,075.00	to	3,099.99	123
74.	3,100.00	to	3,124.99	124
75.	3,125.00	to	3,149.99	125
76.	3,150.00	to	3,174.99	126
77.	3,175.00	to	3,199.99	127
78.	3,200.00	to	3,224.99	128
79.	3,225.00	to	3,249.99	129
80.	3,250.00	to	3,274.99	130
81.	3,275.00	to	3,299.99	131
82.	3,300.00	to	3,324.99	132
83.	3,325.00	to	3,349.99	133
84.	3,350.00	to	3,374.99	134
85.	3,375.00	to	3,399.99	135
86.	3,400.00	to	3,424.99	136
87.	3,425.00	to	3,449.99	137
88.	3,450.00	to	3,474.99	138
89.	3,475.00	to	3,499.99	139
90.	3,500.00	to	3,524.99	140

91.	3,525.00	to	3,549.99	141
92.	3,550.00	to	3,574.99	142
93.	3,575.00	to	3,599.99	143
94.	3,600.00	to	3,624.99	144
95.	3,625.00	to	3,649.99	145
96.	3,650.00	to	3,674.99	146
97.	3,675.00	to	3,699.99	147
98.	3,700.00	to	3,724.99	148
99.	3,725.00	to	3,749.99	149
100.	3,750.00	to	3,774.99	150
101.	3,775.00	to	3,799.99	151
102.	3,800.00	to	3,824.99	152
103.	3,825.00	to	3,849.99	153
104.	3,850.00	to	3,874.99	154
105.	3,875.00	to	3,899.99	155
106.	3,900.00	to	3,924.99	156
107.	3,925.00	to	3,949.99	157
108.	3,950.00	to	3,974.99	158
109.	3,975.00	to	3,999.99	159
110.	4,000.00	to	4,024.99	160
111.	4,025.00	to	4,049.99	161
112.	4,050.00	to	4,074.99	162
113.	4,075.00	to	4,099.99	163
114.	4,100.00	to	4,124.99	164
115.	4,125.00	to	4,149.99	165
116.	4,150.00	to	4,174.99	166
117.	4,175.00	to	4,199.99	167
118.	4,200.00	to	4,224.99	168
119.	4,225.00	to	4,249.99	169
120.	4,250.00	to	4,274.99	170
121.	4,275.00	to	4,299.99	171
122.	4,300.00	to	4,324.99	172
123.	4,325.00	to	4,349.99	173
124.	4,350.00	to	4,374.99	174
125.	4,375.00	to	4,399.99	175
126.	4,400.00	to	4,424.99	176
127.	4,425.00	to	4,449.99	177
128.	4,450.00	to	4,474.99	178
129.	4,475.00	to	4,499.99	179
130.	4,500.00	to	4,524.99	180
131.	4,525.00	to	4,549.99	181
132.	4,550.00	to	4,574.99	182
133.	4,575.00	to	4,599.99	183
134.	4,600.00	to	4,624.99	184
135.	4,625.00	to	4,649.99	185
136.	4,650.00	to	4,674.99	186
137.	4,675.00	to	4,699.99	187
138.	4,700.00	to	4,724.99	188
139.	4,725.00	to	4,749.99	189
140.	4,750.00	to	4,774.99	190
141.	4,775.00	to	4,799.99	191

142.	4,800.00	to	4,824.99	192
143.	4,825.00	to	4,849.99	193
144.	4,850.00	to	4,874.99	194
145.	4,875.00	to	4,899.99	195
146.	4,900.00	to	4,924.99	196
147.	4,925.00	to	4,949.99	197
148.	4,950.00	to	4,974.99	198
149.	4,975.00	to	4,999.99	199
150.	5,000.00	to	5,024.99	200
151.	5,025.00	to	5,049.99	201
152.	5,050.00	to	5,074.99	202
153.	5,075.00	to	5,099.99	203
154.	5,100.00	to	5,124.99	204
155.	5,125.00	to	5,149.99	205
156.	5,150.00	to	5,174.99	206
157.	5,175.00	to	5,199.99	207
158.	5,200.00	to	5,224.99	208
159.	5,225.00	to	5,249.99	209
160.	5,250.00	to	5,274.99	210
161.	5,275.00	to	5,299.99	211
162.	5,300.00	to	5,324.99	212
163.	5,325.00	to	5,349.99	213
164.	5,350.00	to	5,374.99	214
165.	5,375.00	to	5,399.99	215
166.	5,400.00	to	5,424.99	216
167.	5,425.00	to	5,449.99	217
168.	5,450.00	to	5,474.99	218
169.	5,475.00	to	5,499.99	219
170.	5,500.00	to	5,524.99	220
171.	5,525.00	to	5,549.99	221
172.	5,550.00	to	5,574.99	222
173.	5,575.00	to	5,599.99	223
174.	5,600.00	to	5,624.99	224
175.	5,625.00	to	5,649.99	225
176.	5,650.00	to	5,674.99	226
177.	5,675.00	to	5,699.99	227
178.	5,700.00	to	5,724.99	228
179.	5,725.00	to	5,749.99	229
180.	5,750.00	to	5,774.99	230
181.	5,775.00	to	5,799.99	231
182.	5,800.00	to	5,824.99	232
183.	5,825.00	to	5,849.99	233
184.	5,850.00	to	5,874.99	234
185.	5,875.00	to	5,899.99	235
186.	5,900.00	to	5,924.99	236
187.	5,925.00	to	5,949.99	237
188.	5,950.00	to	5,974.99	238
189.	5,975.00	to	5,999.99	239
190.	6,000.00	to	6,024.99	240
191.	6,025.00	to	6,049.99	241
192.	6,050.00	to	6,074.99	242

193.	6,075.00	to	6,099.99	243
194.	6,100.00	to	6,124.99	244
195.	6,125.00	to	6,149.99	245
196.	6,150.00	to	6,174.99	246
197.	6,175.00	to	6,199.99	247
198.	6,200.00	to	6,224.99	248
199.	6,225.00	to	6,249.99	249
200.	6,250.00	to	6,274.99	250
201.	6,275.00	to	6,299.99	251
202.	6,300.00	to	6,324.99	252
203.	6,325.00	to	6,349.99	253
204.	6,350.00	to	6,374.99	254
205.	6,375.00	to	6,399.99	255
206.	6,400.00	to	6,424.99	256
207.	6,425.00	to	6,449.99	257
208.	6,450.00	to	6,474.99	258
209.	6,475.00	to	6,499.99	259
210.	6,500.00	to	6,524.99	260
211.	6,525.00	to	6,549.99	261
212.	6,550.00	to	6,574.99	262
213.	6,575.00	to	6,599.99	263
214.	6,600.00	to	6,624.99	264
215.	6,625.00	to	6,649.99	265
216.	6,650.00	to	6,674.99	266
217.	6,675.00	to	6,699.99	267
218.	6,700.00	to	6,724.99	268
219.	6,725.00	to	6,749.99	269
220.	6,750.00	to	6,774.99	270
221.	6,775.00	to	6,799.99	271
222.	6,800.00	to	6,824.99	272
223.	6,825.00	to	6,849.99	273
224.	6,850.00		and over	274

(h) Each eligible employee shall be paid benefits for each week of total unemployment which commences on or after January 5, 1997, at the weekly benefit rate specified in this paragraph. Unless sub. (1m) applies, the weekly benefit rate shall equal 4% of the employee's base period wages which were paid during that quarter of the employee's base period in which the employee was paid the highest total wages, rounded down to the nearest whole dollar, except that if that amount is less than the minimum amount shown in the following schedule, no benefits are

payable to the employee and if that amount is more than the maximum amount shown in the following schedule, the employee's weekly benefit rate shall be the maximum amount shown in the following schedule and except that if the employee's benefits are exhausted during any week under s. 108.06 (1), the employee shall be paid the remaining amount of benefits payable to the employee in lieu of the amount shown in the following schedule: [See Figure 108.05 (1) (h) following]

**Figure 108.05 (1) (h):**

<b>Line</b>	<b>Highest Quarterly Wages Paid</b>	<b>Weekly Benefit Rate</b>
1. ....	Under \$1,325.00	\$ 0
2. ....	1,325.00 to 1,349.99	53



3. ....	1,350.00	to	1,374.99	54
4. ....	1,375.00	to	1,399.99	55
5. ....	1,400.00	to	1,424.99	56
6. ....	1,425.00	to	1,449.99	57
7. ....	1,450.00	to	1,474.99	58
8. ....	1,475.00	to	1,499.99	59
9. ....	1,500.00	to	1,524.99	60
10. ....	1,525.00	to	1,549.99	61
11. ....	1,550.00	to	1,574.99	62
12. ....	1,575.00	to	1,599.99	63
13. ....	1,600.00	to	1,624.99	64
14. ....	1,625.00	to	1,649.99	65
15. ....	1,650.00	to	1,674.99	66
16. ....	1,675.00	to	1,699.99	67
17. ....	1,700.00	to	1,724.99	68
18. ....	1,725.00	to	1,749.99	69
19. ....	1,750.00	to	1,774.99	70
20. ....	1,775.00	to	1,799.99	71
21. ....	1,800.00	to	1,824.99	72
22. ....	1,825.00	to	1,849.99	73
23. ....	1,850.00	to	1,874.99	74
24. ....	1,875.00	to	1,899.99	75
25. ....	1,900.00	to	1,924.99	76
26. ....	1,925.00	to	1,949.99	77
27. ....	1,950.00	to	1,974.99	78
28. ....	1,975.00	to	1,999.99	79
29. ....	2,000.00	to	2,024.99	80
30. ....	2,025.00	to	2,049.99	81
31. ....	2,050.00	to	2,074.99	82
32. ....	2,075.00	to	2,099.99	83
33. ....	2,100.00	to	2,124.99	84
34. ....	2,125.00	to	2,149.99	85
35. ....	2,150.00	to	2,174.99	86
36. ....	2,175.00	to	2,199.99	87
37. ....	2,200.00	to	2,224.99	88
38. ....	2,225.00	to	2,249.99	89
39. ....	2,250.00	to	2,274.99	90
40. ....	2,275.00	to	2,299.99	91
41. ....	2,300.00	to	2,324.99	92
42. ....	2,325.00	to	2,349.99	93
43. ....	2,350.00	to	2,374.99	94
44. ....	2,375.00	to	2,399.99	95
45. ....	2,400.00	to	2,424.99	96
46. ....	2,425.00	to	2,449.99	97
47. ....	2,450.00	to	2,474.99	98
48. ....	2,475.00	to	2,499.99	99
49. ....	2,500.00	to	2,524.99	100
50. ....	2,525.00	to	2,549.99	101
51. ....	2,550.00	to	2,574.99	102
52. ....	2,575.00	to	2,599.99	103
53. ....	2,600.00	to	2,624.99	104

54.	2,625.00	to	2,649.99	105
55.	2,650.00	to	2,674.99	106
56.	2,675.00	to	2,699.99	107
57.	2,700.00	to	2,724.99	108
58.	2,725.00	to	2,749.99	109
59.	2,750.00	to	2,774.99	110
60.	2,775.00	to	2,799.99	111
61.	2,800.00	to	2,824.99	112
62.	2,825.00	to	2,849.99	113
63.	2,850.00	to	2,874.99	114
64.	2,875.00	to	2,899.99	115
65.	2,900.00	to	2,924.99	116
66.	2,925.00	to	2,949.99	117
67.	2,950.00	to	2,974.99	118
68.	2,975.00	to	2,999.99	119
69.	3,000.00	to	3,024.99	120
70.	3,025.00	to	3,049.99	121
71.	3,050.00	to	3,074.99	122
72.	3,075.00	to	3,099.99	123
73.	3,100.00	to	3,124.99	124
74.	3,125.00	to	3,149.99	125
75.	3,150.00	to	3,174.99	126
76.	3,175.00	to	3,199.99	127
77.	3,200.00	to	3,224.99	128
78.	3,225.00	to	3,249.99	129
79.	3,250.00	to	3,274.99	130
80.	3,275.00	to	3,299.99	131
81.	3,300.00	to	3,324.99	132
82.	3,325.00	to	3,349.99	133
83.	3,350.00	to	3,374.99	134
84.	3,375.00	to	3,399.99	135
85.	3,400.00	to	3,424.99	136
86.	3,425.00	to	3,449.99	137
87.	3,450.00	to	3,474.99	138
88.	3,475.00	to	3,499.99	139
89.	3,500.00	to	3,524.99	140
90.	3,525.00	to	3,549.99	141
91.	3,550.00	to	3,574.99	142
92.	3,575.00	to	3,599.99	143
93.	3,600.00	to	3,624.99	144
94.	3,625.00	to	3,649.99	145
95.	3,650.00	to	3,674.99	146
96.	3,675.00	to	3,699.99	147
97.	3,700.00	to	3,724.99	148
98.	3,725.00	to	3,749.99	149
99.	3,750.00	to	3,774.99	150
100.	3,775.00	to	3,799.99	151
101.	3,800.00	to	3,824.99	152
102.	3,825.00	to	3,849.99	153
103.	3,850.00	to	3,874.99	154
104.	3,875.00	to	3,899.99	155

105.	3,900.00	to	3,924.99	156
106.	3,925.00	to	3,949.99	157
107.	3,950.00	to	3,974.99	158
108.	3,975.00	to	3,999.99	159
109.	4,000.00	to	4,024.99	160
110.	4,025.00	to	4,049.99	161
111.	4,050.00	to	4,074.99	162
112.	4,075.00	to	4,099.99	163
113.	4,100.00	to	4,124.99	164
114.	4,125.00	to	4,149.99	165
115.	4,150.00	to	4,174.99	166
116.	4,175.00	to	4,199.99	167
117.	4,200.00	to	4,224.99	168
118.	4,225.00	to	4,249.99	169
119.	4,250.00	to	4,274.99	170
120.	4,275.00	to	4,299.99	171
121.	4,300.00	to	4,324.99	172
122.	4,325.00	to	4,349.99	173
123.	4,350.00	to	4,374.99	174
124.	4,375.00	to	4,399.99	175
125.	4,400.00	to	4,424.99	176
126.	4,425.00	to	4,449.99	177
127.	4,450.00	to	4,474.99	178
128.	4,475.00	to	4,499.99	179
129.	4,500.00	to	4,524.99	180
130.	4,525.00	to	4,549.99	181
131.	4,550.00	to	4,574.99	182
132.	4,575.00	to	4,599.99	183
133.	4,600.00	to	4,624.99	184
134.	4,625.00	to	4,649.99	185
135.	4,650.00	to	4,674.99	186
136.	4,675.00	to	4,699.99	187
137.	4,700.00	to	4,724.99	188
138.	4,725.00	to	4,749.99	189
139.	4,750.00	to	4,774.99	190
140.	4,775.00	to	4,799.99	191
141.	4,800.00	to	4,824.99	192
142.	4,825.00	to	4,849.99	193
143.	4,850.00	to	4,874.99	194
144.	4,875.00	to	4,899.99	195
145.	4,900.00	to	4,924.99	196
146.	4,925.00	to	4,949.99	197
147.	4,950.00	to	4,974.99	198
148.	4,975.00	to	4,999.99	199
149.	5,000.00	to	5,024.99	200
150.	5,025.00	to	5,049.99	201
151.	5,050.00	to	5,074.99	202
152.	5,075.00	to	5,099.99	203
153.	5,100.00	to	5,124.99	204
154.	5,125.00	to	5,149.99	205
155.	5,150.00	to	5,174.99	206

156.	5,175.00	to	5,199.99	207
157.	5,200.00	to	5,224.99	208
158.	5,225.00	to	5,249.99	209
159.	5,250.00	to	5,274.99	210
160.	5,275.00	to	5,299.99	211
161.	5,300.00	to	5,324.99	212
162.	5,325.00	to	5,349.99	213
163.	5,350.00	to	5,374.99	214
164.	5,375.00	to	5,399.99	215
165.	5,400.00	to	5,424.99	216
166.	5,425.00	to	5,449.99	217
167.	5,450.00	to	5,474.99	218
168.	5,475.00	to	5,499.99	219
169.	5,500.00	to	5,524.99	220
170.	5,525.00	to	5,549.99	221
171.	5,550.00	to	5,574.99	222
172.	5,575.00	to	5,599.99	223
173.	5,600.00	to	5,624.99	224
174.	5,625.00	to	5,649.99	225
175.	5,650.00	to	5,674.99	226
176.	5,675.00	to	5,699.99	227
177.	5,700.00	to	5,724.99	228
178.	5,725.00	to	5,749.99	229
179.	5,750.00	to	5,774.99	230
180.	5,775.00	to	5,799.99	231
181.	5,800.00	to	5,824.99	232
182.	5,825.00	to	5,849.99	233
183.	5,850.00	to	5,874.99	234
184.	5,875.00	to	5,899.99	235
185.	5,900.00	to	5,924.99	236
186.	5,925.00	to	5,949.99	237
187.	5,950.00	to	5,974.99	238
188.	5,975.00	to	5,999.99	239
189.	6,000.00	to	6,024.99	240
190.	6,025.00	to	6,049.99	241
191.	6,050.00	to	6,074.99	242
192.	6,075.00	to	6,099.99	243
193.	6,100.00	to	6,124.99	244
194.	6,125.00	to	6,149.99	245
195.	6,150.00	to	6,174.99	246
196.	6,175.00	to	6,199.99	247
197.	6,200.00	to	6,224.99	248
198.	6,225.00	to	6,249.99	249
199.	6,250.00	to	6,274.99	250
200.	6,275.00	to	6,299.99	251
201.	6,300.00	to	6,324.99	252
202.	6,325.00	to	6,349.99	253
203.	6,350.00	to	6,374.99	254
204.	6,375.00	to	6,399.99	255
205.	6,400.00	to	6,424.99	256
206.	6,425.00	to	6,449.99	257

207. ....	6,450.00	to	6,474.99 .....	258
208. ....	6,475.00	to	6,499.99 .....	259
209. ....	6,500.00	to	6,524.99 .....	260
210. ....	6,525.00	to	6,549.99 .....	261
211. ....	6,550.00	to	6,574.99 .....	262
212. ....	6,575.00	to	6,599.99 .....	263
213. ....	6,600.00	to	6,624.99 .....	264
214. ....	6,625.00	to	6,649.99 .....	265
215. ....	6,650.00	to	6,674.99 .....	266
216. ....	6,675.00	to	6,699.99 .....	267
217. ....	6,700.00	to	6,724.99 .....	268
218. ....	6,725.00	to	6,749.99 .....	269
219. ....	6,750.00	to	6,774.99 .....	270
220. ....	6,775.00	to	6,799.99 .....	271
221. ....	6,800.00	to	6,824.99 .....	272
222. ....	6,825.00	to	6,849.99 .....	273
223. ....	6,850.00	to	6,874.99 .....	274
224. ....	6,875.00	to	6,899.99 .....	275
225. ....	6,900.00	to	6,924.99 .....	276
226. ....	6,925.00	to	6,949.99 .....	277
227. ....	6,950.00	to	6,974.99 .....	278
228. ....	6,975.00	to	6,999.99 .....	279
229. ....	7,000.00	to	7,024.99 .....	280
230. ....	7,025.00	to	7,049.99 .....	281
231. ....	7,050.00		and over .....	282

**SECTION 24.** 108.05 (7) (f) 2. of the statutes is amended to read:

108.05 (7) (f) 2. If the pension payment is received under another retirement system, the claimant has base period wages from the employer from which the pension payment is received, the claimant has performed work for that employer since the start of the claimant's base period, and that work or remuneration for that work affirmatively affected the claimant's eligibility for or increased the amount of the pension payment, the department shall reduce the weekly benefits payable for a week of partial or total unemployment by 50% of the weekly pension amount, or by the percentage of the employer's contribution if acceptable evidence of a contribution by the employer other than 50% is furnished to the department.

**SECTION 25.** 108.05 (9) of the statutes is amended to read:

108.05 (9) **ROUNDING OF BENEFIT AMOUNTS.** Notwithstanding sub. (1), benefits payable for a week of unemployment as a result of applying sub. (1m), (3) or (7) or s. 108.04 (11) or (12), 108.06 (1) ~~or~~ 108.13 (4) ~~or (5)~~ or 108.135 shall be rounded down to the next lowest dollar.

**SECTION 26.** 108.05 (10) of the statutes is created to read:

108.05 (10) **DEDUCTIONS FROM BENEFIT PAYMENTS.** After calculating the benefit payment due to be paid for a week under subs. (1) to (7), the department shall make

deductions from that payment to the extent that the payment is sufficient to make the following payments in the following order:

- (a) First, to recover forfeitures assessed under s. 108.04 (11).
- (b) Second, to recover overpayments under s. 108.22 (8) (b).
- (c) Third, to pay child support obligations under s. 108.13 (4).
- (d) Fourth, to withhold federal income taxes under s. 108.135.
- (e) Fifth, to withhold state income taxes under s. 108.135.
- (f) Sixth, to deduct amounts for any purpose authorized under s. 108.13 (5).

**SECTION 27.** 108.06 (2) (a) (intro.) of the statutes is amended to read:

108.06 (2) (a) (intro.) A claimant may establish a benefit year ~~by written request to the department, filed in the manner that prescribed by the department prescribes~~ by rule, whenever the claimant qualifies to start a benefit year under s. 108.04 (4) (a) and:

**SECTION 28.** 108.07 (3) of the statutes is amended to read:

108.07 (3) Except as provided in sub. (7), if a claimant earns wages during his or her benefit year for work performed for an employer from which the claimant has base period wages, if a claimant receives sick pay, holi-

day pay, vacation pay or termination pay that is treated as wages under s. 108.05, if any amount that the claimant would have earned from that employer is treated as wages under s. 108.05 (3) (a) or if any combination of wages and such pay or amount is received or treated as received during the claimant's benefit year from such an employer, the department shall charge benefits otherwise chargeable to the account of that employer to the fund's balancing account for each week in which the claimant earns, receives or is treated as receiving such remuneration equal to at least ~~3.8%~~ 6.4% of the wages paid by that employer to the claimant during the ~~2 quarters in the claimant's base period in which the highest wages were paid by that employer to the claimant same quarter of the prior calendar year as the quarter which includes that week.~~

**SECTION 29.** 108.07 (3m) of the statutes is amended to read:

108.07 (3m) If a claimant has base period wages with an employer constituting less than 5% of the claimant's total base period wages, the department shall not charge the benefits to the account of that employer. If benefits are otherwise chargeable to the account of any employer whose share of a claimant's total base period wages is less than 5%, the department shall charge the benefits to the remaining employers with which the claimant has base period wages. The department shall distribute such charges in the same proportion that the claimant's base period wages from such employers bear to the claimant's total base period wages from all such employers. This subsection does not apply to claims for benefits based in whole or in part on employment ~~for the federal government under 5 USC 8501 to 8509, employment with the armed forces under 5 USC 8521 (a) (1) as federal civilian employes or former military personnel under 5 USC ch. 85,~~ or work covered by the unemployment compensation laws of 2 or more jurisdictions under s. 108.14 (8n).

**SECTION 30.** 108.07 (3r) of the statutes is created to read:

108.07 (3r) Except as otherwise provided in sub. (7), if a claimant has been paid or is treated as having been paid base period wages with respect to work performed for an employer that is subject to the contribution requirements of ss. 108.17 and 108.18 and whose account has been charged for benefits paid to that claimant for an immediately preceding benefit year, the department shall not charge the benefits payable in the subsequent benefit year to the account of that employer if the claimant has not had employment with that employer since the start of the immediately preceding benefit year. The department shall charge benefits otherwise chargeable to the account of that employer to the fund's balancing account.

**SECTION 31.** 108.07 (5) (c) of the statutes is amended to read:

108.07 (5) (c) If 2 or more employers from which the claimant has base period wages are not subject to the con-

tribution requirements of ss. 108.17 and 108.18, and one or more employers from which the claimant has base period wages are subject to the contribution requirements of ss. 108.17 and 108.18, that percentage of the employe's ~~base period wages~~ benefits which would otherwise be chargeable to the fund's balancing account under sub. (3) or s. 108.04 (1) (f) or (5), or under s. 108.16 (6m) (e) for benefits specified in s. 108.16 (3) (b), shall be charged to the administrative account and paid from the appropriation under s. 20.445 (1) (gd).

**SECTION 32.** 108.07 (8) of the statutes is created to read:

108.07 (8) (a) In this subsection, "prisoner" has the meaning given in s. 301.01 (2).

(b) If a claimant is a prisoner of a state prison, as defined in s. 302.01, and has employment with an employer other than the department of corrections or a private business leasing space within a state prison under s. 303.01 (2) (em), and the claimant's employment terminates because conditions of incarceration or supervision make it impossible to continue the employment, the department shall charge to the fund's balancing account any benefits based on the terminated employment that are otherwise chargeable to the account of an employer that is subject to the contribution requirements under ss. 108.17 and 108.18.

**SECTION 33.** 108.09 (2) (bm) of the statutes is created to read:

108.09 (2) (bm) In determining whether an individual meets the conditions specified in s. 108.02 (12) (b) 2. a. or b., the department shall not consider documents granting operating authority or licenses, or any state or federal laws or federal regulations granting such authority or licenses.

**SECTION 34.** 108.09 (4) (a) (title) of the statutes is created to read:

108.09 (4) (a) (title) *Opportunity to be heard.*

**SECTION 35.** 108.09 (4) (b) (title) of the statutes is created to read:

108.09 (4) (b) (title) *Scheduling of hearing.*

**SECTION 36.** 108.09 (4) (c) to (e) of the statutes are repealed and recreated to read:

108.09 (4) (c) *Late appeal.* If a party files an appeal which is not timely, the department may schedule a hearing concerning the issue of whether the party's failure to timely file the appeal was for a reason beyond the party's control. The department may also provisionally schedule a hearing concerning any matter in the determination. If, after hearing testimony, the appeal tribunal finds that the party's failure to timely file the appeal was not for a reason beyond the party's control, the appeal tribunal shall issue a decision containing this finding and dismissing the appeal. If, after hearing testimony, the appeal tribunal finds that the party's failure to timely file an appeal was for a reason beyond the party's control, the appeal tribunal shall issue a decision containing this finding. The

same or another appeal tribunal established by the department for this purpose shall then issue a decision under sub. (3) (b) after conducting a hearing concerning any matter in the determination.

(d) *Appellant's failure to appear.* 1. If the appellant fails to appear at a hearing held under this section and due notice of the hearing was mailed to the appellant's last-known address, the appeal tribunal shall issue a decision dismissing the request for hearing unless subd. 2. applies.

2. If the appellant delivers or transmits a written explanation for nonappearance to the department which is received before a decision under subd. 1., is mailed, the department may so notify each party and schedule a hearing concerning whether there was good cause for the appellant's nonappearance. The department may also provisionally schedule a hearing concerning any matter in the determination. If, after hearing testimony, the appeal tribunal finds that the appellant's explanation does not establish good cause for nonappearance, the appeal tribunal shall issue a decision containing this finding and dismissing the appeal. If, after hearing testimony, the appeal tribunal finds that the appellant's explanation establishes good cause for nonappearance, the appeal tribunal shall issue a decision containing this finding. The same or another appeal tribunal established by the department for this purpose shall then issue a decision under sub. (3) (b) after conducting a hearing concerning any matter in the determination.

3. If the appellant delivers or transmits a written explanation for nonappearance to the department which is received within 21 days after a decision under subd. 1. is mailed, the appeal tribunal may set aside the decision dismissing the appeal and the department may schedule a hearing concerning whether there was good cause for the appellant's nonappearance. The department may also provisionally schedule a hearing concerning any matter in the determination. If, after hearing testimony, the appeal tribunal finds that the appellant's explanation does not establish good cause for nonappearance, the appeal tribunal shall issue a decision containing this finding and reinstating the dismissal. If, after hearing testimony, the appeal tribunal finds that the appellant's explanation establishes good cause for nonappearance, the appeal tribunal shall issue a decision containing this finding. The same or another appeal tribunal established by the department for this purpose shall then issue a decision under sub. (3) (b) after conducting a hearing concerning any matter in the determination.

(e) *Respondent's failure to appear.* 1. If the respondent fails to appear at a hearing held under this section but the appellant is present, and due notice of the hearing was mailed to the respondent's last-known address, the appeal tribunal shall hold the hearing and shall issue a decision under sub. (3) (b) unless subd. 2. applies.

2. If the respondent delivers or transmits a written explanation for nonappearance to the department which is

received before a decision favorable to the respondent is mailed under subd. 1., the appeal tribunal shall acknowledge receipt of the explanation in its decision but shall take no further action concerning the explanation at that time. If the respondent delivers or transmits a written explanation for nonappearance to the department which is received before a decision unfavorable to the respondent is mailed under subd. 1., the department may so notify each party and may schedule a hearing concerning whether there was good cause for the respondent's nonappearance. The department may also provisionally schedule a hearing for further testimony concerning any matter in the determination. If, after hearing testimony, the appeal tribunal finds that the respondent's explanation does not establish good cause for nonappearance, the appeal tribunal shall issue a decision containing this finding. The same or another appeal tribunal established by the department for this purpose shall also issue a decision based on the testimony and other evidence presented at the hearing at which the respondent failed to appear. If, after hearing testimony, the appeal tribunal finds that the respondent's explanation establishes good cause for nonappearance, the appeal tribunal shall issue a decision containing this finding. The same or another appeal tribunal established by the department for this purpose shall then issue a decision under sub. (3) (b) after conducting a hearing concerning any matter in the determination. If such a 2nd hearing is held concerning any matter in the determination, the appeal tribunal shall only consider testimony and other evidence admitted at that hearing in making a decision.

3. If the respondent delivers or transmits a written explanation for nonappearance to the department which is received within 21 days after a decision favorable to the respondent is mailed under subd. 1., the department shall notify the respondent of receipt of the explanation and that since the decision was favorable to the respondent no further action concerning the explanation will be taken at that time. If the respondent delivers or transmits a written explanation for nonappearance to the department which is received within 21 days after a decision unfavorable to the respondent is mailed under subd. 1., the appeal tribunal may set aside the original decision and the department may schedule a hearing concerning whether there was good cause for the respondent's nonappearance. The department may also provisionally schedule a hearing concerning any matter in the determination. If the original decision is not set aside, the appeal tribunal may on its own motion amend or set aside that decision within 21 days after the decision concerning whether there was good cause for the respondent's nonappearance is mailed under subd. 1. If, after hearing testimony, the appeal tribunal finds that the respondent's explanation does not establish good cause for nonappearance, the appeal tribunal shall issue a decision containing this finding and, if necessary, reinstating the decision which was set aside. If,

after hearing testimony, the appeal tribunal finds that the respondent's explanation establishes good cause for non-appearance, the same or another appeal tribunal established by the department for this purpose shall issue a decision containing this finding. The same or another appeal tribunal established by the department for this purpose shall then issue a decision under sub. (3) (b) after conducting a hearing concerning any matter in the determination. If such a 2nd hearing is held concerning any matter in the determination, the appeal tribunal shall only consider the testimony and other evidence admitted at that hearing in making a decision.

**SECTION 37.** 108.09 (4) (f) (title) of the statutes is created to read:

108.09 (4) (f) (title) *Postdecision changes.*

**SECTION 38.** 108.09 (4) (f) of the statutes is repealed.

**SECTION 39.** 108.09 (4) (g) of the statutes is renumbered 108.09 (4) (f) 1. and amended to read:

108.09 (4) (f) 1. ~~Within~~ Except as provided in par. (e) 3., within 21 days after its decision was mailed to the parties the appeal tribunal may on its own motion amend or set aside its decision and may thereafter make new findings and issue a decision on the basis of evidence previously submitted in such case, or the same or another appeal tribunal may make new findings and issue a decision after taking additional testimony.

**SECTION 40.** 108.09 (4) (h) of the statutes is renumbered 108.09 (4) (f) 2.

**SECTION 41.** 108.09 (4) (hm) of the statutes is renumbered 108.09 (4) (f) 3. and amended to read:

108.09 (4) (f) 3. Unless a party has filed a timely petition for review of the appeal tribunal decision by the commission, the appeal tribunal may, within one year after the date of the decision, reopen its decision if it has reason to believe that a party offered false evidence or a witness gave false testimony on an issue material to its decision.

Thereafter, and after receiving additional evidence or taking additional testimony, the same or another appeal tribunal may set aside its original decision ~~and~~ make new findings and issue a decision.

**SECTION 42.** 108.09 (4) (i) of the statutes is repealed.

**SECTION 43.** 108.09 (4s) of the statutes is created to read:

108.09 (4s) EMPLOYEE STATUS. In determining whether an individual meets the conditions specified in s. 108.02 (12) (b) 2. a. or b., the appeal tribunal shall not take administrative notice of or admit into evidence documents granting operating authority or licenses, or any state or federal laws or federal regulations granting such authority or licenses.

**SECTION 44.** 108.13 (title) and (1) to (3) of the statutes are amended to read:

**108.13 (title) Assignment Deductions from benefit payments.** (1) (title) ASSIGNMENT BEFORE PAYMENT. Except as provided in ~~sub. subs. (4) and (5) and s. 108.135,~~ no claim for benefits under this chapter nor any interest

in the fund is assignable before payment. This subsection does not affect the survival of such a claim or interest.

(2) (title) LIABILITY OF CLAIMANT. Except as provided in ~~sub. subs. (4) and (5),~~ no claim for benefits awarded, adjudged or paid or any interest in the fund may be taken on account of any liability incurred by the party entitled thereto. This subsection does not apply to liability incurred as the result of an overpayment of unemployment compensation benefits under the law of any state or the federal government.

(3) (title) DEATH OF CLAIMANT. ~~In case an employe If a claimant dies during or after the close of a week of unemployment in which the employe claimant was otherwise eligible to receive benefits and for which benefits are payable under this chapter, the department may designate any person who might in its judgment should properly receive such the benefits, and a in lieu of the claimant. A receipt or an indorsement endorsement from the person so designated shall fully discharge discharges the fund from liability for such the benefits.~~

**SECTION 45.** 108.13 (5) of the statutes is created to read:

108.13 (5) OTHER DEDUCTIONS. The department may make a deduction from a claimant's benefit payments for any purpose that is permitted by federal law.

**SECTION 46.** 108.135 of the statutes is created to read:

**108.135 Income tax withholding.** (1) The department shall advise each claimant filing a new claim for unemployment compensation, at the time of filing the claim, that:

(a) Unemployment compensation is subject to federal and Wisconsin income taxes.

(b) Requirements exist under federal law pertaining to estimated tax payments.

(c) The claimant may elect to have federal income taxes and, if permitted under sub. (3), Wisconsin income taxes withheld and to change each election once during a benefit year.

(2) The department shall permit a claimant to elect to have federal income tax deducted and withheld from the claimant's benefit payments. Except as provided in sub. (5), if a claimant elects federal income tax withholding, the department shall deduct and withhold federal income tax at the rate specified in 26 USC 3402 (p) (2).

(3) The department may permit a claimant to elect to have state income tax deducted and withheld from the claimant's benefit payments. Except as provided in sub. (5), if the department permits and a claimant elects state income tax withholding, the department shall deduct and withhold state income tax at the rate specified by the department.

(4) The department shall permit a claimant to change each previously elected withholding status under sub. (2) or (3) one time within a benefit year.

(5) If any benefit payment due for a week under s. 108.05 (1) to (7), after making any deductions under s.



108.05 (10), is insufficient to equal the amounts required to be withheld under sub. (2) or (3), the department shall deduct and withhold the entire remaining benefit payment for that week.

(6) Upon making a deduction under this section, the department shall transfer the amount deducted from the fund to the federal internal revenue service or to the department of revenue.

(7) The department shall follow all procedures specified by the U.S. department of labor and the federal internal revenue service pertaining to the deducting and withholding of income tax.

**SECTION 47.** 108.14 (8n) (e) of the statutes is amended to read:

108.14 (8n) (e) The department shall charge this state's share of any benefits paid under this subsection to the account of each employer by which the employee claiming benefits was employed in the applicable base period, in proportion to the total amount of wages he or she earned from each employer in the base period, except that if s. 108.04 (1) (f), (5), (7) (a), (c), (d), (e), (k), (L), (o), (p) or (q), (7m) or (8) (a) or 108.07 (3) ~~or (3r)~~, (5) (b) ~~or (8)~~ would have applied to employment by such an employer who is subject to the contribution requirements of ss. 108.17 and 108.18, the department shall charge the share of benefits based on employment with that employer to the fund's balancing account, or, if s. 108.04 (1) (f) or (5) or 108.07 (3) would have applied to an employer that is not subject to the contribution requirements of ss. 108.17 and 108.18, the department shall charge the share of benefits based on that employment in accordance with s. 108.07 (5) (a) and (b). The department shall also charge the fund's balancing account with any other state's share of such benefits pending reimbursement by that state.

**SECTION 48.** 108.141 (1) (d) and (7) (a) of the statutes are amended to read:

108.141 (1) (d) "Extended benefits" means benefits ~~(including benefits payable to federal civilian employees and to individuals who were formerly engaged in federal service pursuant to former military personnel under 5 USC ch. 85)~~, payable to an individual under this section for weeks of unemployment in that individual's eligibility period.

(7) (a) The department shall charge the state's share of each week of extended benefits to each employer's account in proportion to the employer's share of the total wages of the employee receiving the benefits in the employee's base period, except that if the employer is subject to the contribution requirements of ss. 108.17 and 108.18 the department shall charge the share of extended benefits to which s. 108.04 (1) (f), (5), (7) (a), (c), (d), (e), (k), (L), (o), (p) or (q), (7m) or (8) (a) or 108.07 (3) ~~or (3r)~~, (5) (b) ~~or (8)~~ applies to the fund's balancing account.

**SECTION 49.** 108.15 (3) (a) and (e) and (9) (a) and (c) of the statutes are amended to read:

108.15 (3) (a) It shall file a written notice to that effect with the department before the beginning of such year except that if the government unit became newly subject to this chapter as of the beginning of such year, it shall file the notice within 30 days after the date of mailing to it a written notification by the department that it is subject to this chapter. Such election shall remain in effect for not less than ~~2~~ 3 calendar years.

(e) Each time a government unit elects or reelects contribution financing its initial contribution rate shall be 2.7% on its payroll for each of the first ~~2~~ 3 calendar years in which such election or reelection is in effect, plus any contributions payable under s. 108.18 (2) (b). If a government unit terminates its election of contribution financing it may not reelect contribution financing within a period of ~~2~~ 3 calendar years thereafter.

(9) (a) The group will be treated as one employer for at least ~~2~~ 3 calendar years and the group may be discontinued or dissolved at the beginning of any subsequent calendar year by filing advance written notice thereof with the department before the beginning of such subsequent calendar year.

(c) The group shall be dissolved at the beginning of any calendar year after the required ~~2~~ 3 calendar years of participation if any member of the group files written notice with the department in advance of such calendar year of its intended withdrawal from the group.

**SECTION 50.** 108.151 (1), (2) (b) and (6) (a) of the statutes are amended to read:

108.151 (1) EMPLOYER'S CONTRIBUTION RATE. Each nonprofit organization which is or becomes an employer subject to this chapter shall be subject to all its provisions except as it may elect reimbursement financing in accordance with sub. (2). If such an approved election is terminated, the employer's contribution rate shall be 2.7% on its payroll for each of the next ~~2~~ 3 calendar years, plus any contributions payable under s. 108.18 (2) (b).

(2) (b) An employer whose prior election of reimbursement financing has been terminated pursuant to sub. (3) may not thereafter reelect reimbursement financing unless it has been subject to the contribution requirements of ss. 108.17 and 108.18 for at least ~~2~~ 3 calendar years thereafter and is not, at the time of filing such re-election, delinquent under s. 108.22.

(6) (a) They shall be so treated for at least the ~~2~~ 3 calendar years following their request, unless their election of reimbursement financing is terminated under sub. (3), but they may discontinue their group arrangement as of the beginning of any subsequent calendar year by filing advance notice with the department. A member of such a group may discontinue its participation in the group and the group shall be dissolved at the beginning of any calendar year after the ~~2nd~~ 3rd year.

**SECTION 51.** 108.16 (6m) (a) of the statutes is amended to read:

108.16 (6m) (a) The benefits thus chargeable under s. 108.04 (1) (f), (5), (7) (h), (8) (a) or (13) (c) or (d), 108.07 (3), (3r), (5) (b), (5m) or (6) or (8), 108.14 (8n) (e), 108.141 or 108.151 or sub. (6) (e) or (7) (a) and (b).

**SECTION 52.** 108.18 (2) (a), (b) (intro.), (c) and (d) of the statutes are amended to read:

108.18 (2) (a) Except as provided in pars. (c) and (d), an employer's contribution rate shall be 2.7% on its payroll for each of the first ~~2~~ 3 calendar years with respect to which contributions are credited to its account, except as additional contributions apply under this section.

(b) (intro.) As to each of those first ~~2~~ 3 calendar years, if the employer's payroll for any such year was \$20,000 or more, it shall be required to pay an additional contribution at the rate of 1.3% on that calendar year's payroll, within 60 days after notice from the department that such additional contribution is payable, if its account:

(c) An employer engaged in the construction of roads, bridges, highways, sewers, water mains, utilities, public buildings, factories, housing, or similar construction projects shall pay contributions for each of the first ~~2~~ 3 calendar years at the average rate for construction industry employers as determined by the department on each computation date, rounded up to the next highest rate, except as additional contributions apply under par. (b). This rate may in no case be more than the maximum rate specified in the schedule in effect for the year of the computation under sub. (4).

(b). This rate may in no case be more than the maximum rate specified in the schedule in effect for the year of the computation under sub. (4).

**SECTION 53.** 108.18 (2) (d) of the statutes is amended to read:

108.18 (2) (d) No later than 90 days after the department issues an initial determination that a person is an employer, any employer other than an employer specified in par. (c), having a payroll exceeding \$10,000,000 in a calendar year may elect that its contribution rate shall be one percent on its payroll for the first ~~2~~ 3 calendar years with respect to which contributions are credited to its account. In such case, the department shall credit the amount collected in excess of this amount against liability of the employer for future contributions after the close of each calendar year in which an election applies. If an employer qualifies for and makes an election under this paragraph, the employer shall, upon notification by the department, make a special contribution after the close of each quarter equivalent to the amount by which its account is overdrawn, if any, for the preceding quarter. The department shall credit any timely payment of contributions to the employer's account before making a determination of liability for a special contribution under this paragraph. An employer does not qualify for an alternate contribution rate under this paragraph at any time during which the employer's special contribution payment is delinquent.

**SECTION 54.** 185.981 (5) of the statutes, as affected by [1995 Wisconsin Act 27](#), is amended to read:

185.981 (5) Every such cooperative association is a charitable and benevolent corporation, and its employees are excluded from the provisions of ch. 108 as provided in s. 108.02.

**SECTION 55. Initial applicability.**

(1) The treatment of sections 71.67 (7), 108.05 (9) and (10) (d) to (f), 108.13 (1), (2) and (5) and 108.135 of the statutes first applies to unemployment compensation payments made on January 1, 1997.

(2) The treatment of sections 108.02 (12) (a), (b) (intro.), 1. and 2., (c), (e) and (f) and 108.09 (2) (bm) and (4s) (with respect to contribution requirements) of the statutes first applies with respect to services performed after December 31, 1995.

(3) The treatment of sections 108.02 (12) (a), (b) (intro.), 1. and 2., (c), (e) and (f) and 108.09 (2) (bm) and (4s) (with respect to benefit entitlement) of the statutes first applies with respect to benefit years beginning after December 31, 1995.

(4) The treatment of sections 108.02 (15m) (intro.) and 108.04 (7) (r) of the statutes first applies with respect to benefit years which begin on the effective date of this subsection for which a termination of employment does not affect a claimant's eligibility under any claim filed before that date.

(5) The treatment of section 108.04 (1) (gm) 1. to 6. of the statutes and the creation of section 108.04 (1) (gm) 4. of the statutes first apply with respect to benefit years beginning on the effective date of this subsection.

(6) The treatment of section 108.07 (3) of the statutes first applies with respect to weeks of unemployment beginning after April 6, 1996.

(7) The treatment of sections 108.07 (3r) and (8), 108.14 (8n) (e), 108.141 (7) (a) and 108.16 (6m) (a) of the statutes first applies with respect to benefit years beginning on the effective date of this subsection.

(8) The treatment of sections 108.15 (3) (a) and (e) and (9) (a) and (c) and 108.151 (1), (2) (b) and (6) (a) of the statutes first applies to elections, reelections and terminations of reimbursement financing, elections of group reimbursement and terminations of such elections filed for the 1997 calendar year.

(9) The treatment of section 108.18 (2) (a), (b) (intro.), (c) and (d) of the statutes first applies with respect to employer contribution rates for the 1997 calendar year.

**SECTION 56. Effective dates.** This act takes effect on the first Sunday after publication, except as follows:

(1) The treatment of section 108.02 (26) (c) 5. of the statutes takes effect on January 1, 1996.