



D NOTE
State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-3247/P2 P3
JTK:wlj:kjf

WANTED by Wed 9/1

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

WFO: Inserts are out of order.

(regenerate)

1 **AN ACT** ~~to repeal~~ 108.04 (7) (i) and 108.18 (2) (b); ~~to amend~~ 20.445 (1) (n), 20.445

2 (1) (ab), 108.04 (1) (b) 2, 108.04 (5), 108.04 (6), 108.04 (7) (b), 108.04 (7) (h),

3 108.04 (13) (d), 108.05 (3) (a), 108.15 (3) (e), 108.15 (5) (b), 108.151 (1), 108.151

4 (5) (f), 108.16 (6m) (e), 108.18 (2) (c) and 108.19 (1e) (a); and **to create** 108.02

5 (10g), 108.02 (15s), 108.02 (17m), 108.04 (1) (c), 108.04 (7) (s), 108.04 (11) (cm),

6 108.05 (3) (c), 108.095 and 108.161 (3e) of the statutes; **relating to:** various

7 changes in the unemployment insurance law, granting rule-making authority,

8 making appropriations and providing ^{penalties} a penalty.

Analysis by the Legislative Reference Bureau

This bill makes various changes in the unemployment insurance law. Significant provisions include:

BENEFIT RATE CHANGES

OTHER BENEFIT CHANGES

Partial unemployment

Currently, if a claimant earns wages in a given week, the first \$30 of the wages are disregarded and the claimant's weekly benefit payment is reduced by 67% of the remaining amount of wages earned, but no claimant is eligible to receive benefits for

any week if the benefits would be less than \$5 and any wages that the claimant would have earned in any week for work performed for his or her employer had the claimant accepted available work from that employer are treated as wages earned for that week. Any amount that a claimant earns for services performed as a volunteer fire fighter or volunteer emergency medical technician in any week does not reduce the claimant's weekly benefit payment for that week. With certain exceptions, if a claimant works at least 35 hours in any given week for the employer that provided at least 80% of the wages or certain other payments that the claimant received during his or her base period (qualifying work period during which benefit rights accrue), the claimant is ineligible to receive any benefits for that week.

This bill provides, in addition, that a claimant is ineligible to receive any benefits for a week in which the claimant works a total of 40 or more hours in employment covered by the unemployment insurance law with one or more employers covered by that law.

Benefits payable during voluntary leaves of absence

Currently, an employe is ineligible to receive benefits while the employe is on a voluntary leave of absence granted for a definite period, until the period ends or until the employe returns to work, whichever occurs first. This bill provides that if an employe is granted a leave of absence for any portion or portions of a week, the employe's eligibility for benefits for that portion or portions of a week shall be reduced by the amount of wages that the employe could have earned had the leave not been granted, by treating the wages that the employe would have earned for work the employe would have performed during the leave as wages actually earned and applying the same method for computing benefits that is used to determine the benefits payable to employes who are partially unemployed.

Possession or use of controlled substances

Currently, if an employe is discharged for misconduct connected with his or her work which evinces wilful or wanton disregard of the employer's interests or carelessness or negligence in the performance of duties to such degree or recurrence as to manifest culpability or wrongful intent or exhibit such behavior as to endanger the physical safety of persons on the worksite, the employe is ineligible to receive benefits until seven weeks have elapsed since the end of the week in which the discharge occurs and the employe earns wages after the week in which the discharge occurs equal to at least 14 times the employe's weekly benefit rate in employment covered by the unemployment compensation law of any state or the federal government. In addition, all wages earned with the employer that discharges the employe are excluded in determining the amount of any future benefits to which the employe is entitled. If an employe is suspended for good cause connected with his or her work, the employe is ineligible to receive benefits until three weeks have elapsed since the end of the week in which the suspension occurs or until the suspension is terminated, whichever occurs first. Under current law, DWD must prescribe, by rule, conditions under which an employe's possession, use or impairment due to use of a controlled substance (dangerous drug) or an employe's violation of a work rule relating to controlled substances testing constitutes misconduct or good cause for suspension for purposes of these provisions.

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This bill deletes the requirement for DWD to promulgate this rule, thereby leaving determination of misconduct or good cause for suspension under these circumstances to be determined on a case-by-case basis.



Voluntary termination of employment

Currently, if an employe voluntarily terminates his or her employment with an employer, the employe is generally ineligible to receive benefits until four weeks have elapsed since the end of the week in which the termination occurs and the employe earns wages after the week in which the termination occurs equal to at least four times the employe's weekly benefit rate in employment covered by the unemployment insurance law of any state or the federal government. However, an employe may terminate his or her employment and receive benefits without requalifying under this provision if the employe terminates his or her employment with good cause attributable to his or her employer. In addition, an employe may voluntarily terminate his or her employment and receive benefits without requalifying under this provision if the employe terminates his or her employment because the employe's employer made employment, compensation, promotion or job assignments contingent upon the employe's consent to sexual contact or sexual intercourse.

This bill eliminates the second exception relating to sexual contact or sexual intercourse, but specifically provides that "good cause" under the first exception includes sexual harassment by an employer or employer's agent of which the employer or agent knew or should have known but failed to take timely and appropriate corrective action.

The bill also creates a new exception which provides that an employe may voluntarily terminate his or her employment and receive benefits without requalifying if the employe terminates his or her employment due to domestic abuse, concerns about his or her personal safety or harassment or the personal safety or harassment of his or her children, the employe obtains a restraining order from a court in this state or another jurisdiction relating to domestic abuse, child abuse, harassment or contact with a vulnerable adult, regardless of whether the order is enforceable in this state, and the employe demonstrates that the order has been or is reasonably likely to be violated.

Under the bill, the cost of benefits paid to an employe under the sexual harassment exception, in accordance with current law, is generally charged to the employer or employers that employed the employe during his or her base period (recent work period during which benefit rights accrue). The cost of benefits paid to an employe under the abuse, contact and harassment exception is charged to the balancing account of the unemployment reserve fund, which is financed from the contributions (taxes) of all employers that are subject to a requirement to pay contributions, unless the employe's employer or employers do not pay contributions, in which case the cost of benefits is generally chargeable to the employe's employer or employers.

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TAX CHANGES

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Special assessments payable by certain new employers

Currently, if a new employer is required to pay contributions (taxes) to the unemployment reserve fund and the employer's account is overdrawn as of January 31 or June 30 following any of the first three calendar years that the employer is subject to a contribution requirement because the total benefits charged to the account exceed the total contributions credited to the account as of one of those dates, the employer must pay a special assessment to the unemployment reserve fund in the amount of 1.3% of the employer's taxable payroll for unemployment insurance purposes for the calendar year preceding the year in which the account is overdrawn. This bill repeals the requirement to pay this assessment.

Special assessments for information technology systems *annual*

Currently, each employer that is subject to a contribution requirement must pay an annual special assessment for each year prior to 2000 in an amount that may not exceed 0.01% of the employer's taxable payroll for unemployment insurance purposes for the purpose of financing the design or development of unemployment insurance information technology systems. The department of workforce development (DWD) must reduce the solvency rate that an employer must pay in each year prior to 2000 by the special assessment rate applicable to that employer for that year. (The solvency rate is the portion of an employer's contribution rate that is used to maintain the solvency of the unemployment reserve fund.) This bill makes the special assessment requirement and solvency rate offset applicable to calendar years 2000 and 2001.

OTHER CHANGES

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Fraudulent claims for benefits

Currently, if a person makes a false statement or representation in order to obtain benefits that are payable to another person, DWD may file a civil lawsuit to recover the amount of the benefits improperly paid. In addition, the person making the fraudulent statement or representation is guilty of a misdemeanor and is subject to a fine of not less than \$100 nor more than \$500 or imprisonment for not more than 90 days, or both, for each false statement or misrepresentation.

This bill provides, in addition, that DWD may, after an investigation and hearing, issue an administrative determination requiring the repayment of any benefits that were payable to a person other than the claimant and that were obtained by means of a false statement or representation and may also require the offender to pay an additional amount equal to 50% of the amount of the benefits obtained. Under the bill, the determination may be appealed to the labor and industry review commission and the decision of the commission may in turn be appealed to the courts.

Due date for reimbursements

Currently, public employers and nonprofit organizations may elect, in lieu of paying contributions to the unemployment reserve fund, to reimburse the fund for any benefit payments made by the fund that are chargeable to these employers. Any reimbursement is due not later than 20 days after DWD mails a bill to an employer

for the reimbursement. This bill provides that any reimbursement is due on the 20th day after DWD mails a bill to an employer for a reimbursement or the last day of the month in which DWD mails a bill to an employer for a reimbursement, whichever is later.

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Use of federal employment security moneys

Currently, federal moneys received by this state under the federal Reed Act of 1954 may be used to pay benefits or for employment security administration, including unemployment insurance, the public employment service and related statistical operations. This bill provides, in accordance with federal law, that these moneys may only be used for the purpose of unemployment insurance administration in federal fiscal years 2000, 2001 and 2002.

Charging of certain improperly paid benefits

Currently, when DWD pays benefits to an employe improperly due to a departmental error, the account of the employer is not charged for the benefits. This bill removes conflicting language in current law to clarify that if the employer is subject to a requirement to pay contributions (taxes) to the unemployment reserve fund, the cost of any benefits that are improperly paid to an employe of the employer and that are not recovered from that employe are charged to the balancing account of the unemployment reserve fund.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

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- 1 SECTION 1. 20.445 (1) (n) of the statutes is amended to read:
- 2 20.445 (1) (n) *Unemployment administration; federal moneys.* All federal
- 3 moneys received for the employment service under s. 106.09 (4) to (6), for the
- 4 administration of unemployment insurance or for the performance of the
- 5 department's functions under ch. 108, and for its other efforts to regularize
- 6 employment, to pay the compensation and expenses of appeal tribunals and of
- 7 councils and to pay allowances stimulating education during unemployment, to be
- 8 used for such purposes except as provided in s. 108.161 (3e), and to transfer to par.
- 9 (nb) an amount determined by the treasurer of the unemployment reserve fund not

1 exceeding the lesser of the amount specified in s. 108.161 (4) (d) or the amounts in
2 the schedule under par. (nb).

3 **SECTION 2.** 20.445 (1) (nb) of the statutes is amended to read:

4 20.445 (1) (nb) *Unemployment information technology systems; federal moneys.*

5 As a continuing appropriation, the amounts in the schedule, as authorized by the
6 governor under s. 16.54, for the purpose specified in s. 108.19 (1e). All moneys
7 transferred from par. (n) for this purpose shall be credited to this appropriation
8 account. Notwithstanding s. 20.001 (3) (a), the treasurer of the unemployment
9 reserve fund shall transfer any unencumbered balance in this appropriation account
10 that is not needed or available to carry out the purpose of this appropriation to the
11 appropriation account under par. (n). No moneys may be expended from this
12 appropriation unless the treasurer of the unemployment reserve fund determines
13 that such expenditure is currently needed for the purpose specified in s. 108.19 (1e).
14 No moneys may be encumbered from this appropriation account after the beginning
15 of the 3rd 12-month period beginning after ~~May 21, 1998~~ May 22, 2002.

16 **SECTION 3.** 108.02 (10g) of the statutes is created to read:

17 108.02 (10g) DOMESTIC ABUSE. "Domestic abuse" means physical abuse,
18 including a violation of s. 940.225 (1), (2) or (3), or a threat of physical abuse between
19 adult family or adult household members, by an adult person against his or her
20 spouse or former spouse equivalent or by an adult person against an adult person
21 with whom the person has a child in common.

22 **SECTION 4.** 108.02 (15s) of the statutes is created to read:

23 108.02 (15s) FAMILY MEMBER. "Family member" means a spouse, parent, child
24 or person related by consanguinity to another person.

25 **SECTION 5.** 108.02 (17m) of the statutes is created to read:

1 108.02 (17m) HOUSEHOLD MEMBER. "Household member" means a person who
2 is currently or formerly residing in a place of abode with another person.

3 **SECTION 6.** 108.04 (1) (b) 2. of the statutes is amended to read:

4 108.04 (1) (b) 2. While the employe is on a voluntary leave of absence granted
5 for a definite period, until the period ends or until the employe returns to work,
6 whichever occurs first, except as provided in par. (c); or

7 **SECTION 7.** 108.04 (1) (c) of the statutes is created to read:

8 108.04 (1) (c) If a leave of absence is granted to an employe for a portion of a
9 week, the employe's eligibility for benefits for that partial week shall be reduced by
10 the amount of wages that the employe could have earned in his or her work had the
11 leave not been granted. For purposes of this paragraph, the department shall treat
12 the amount the employe would have earned as wages in that work for that week as
13 wages earned by the employe and shall apply the method specified in s. 108.05 (3)
14 (a) to compute the benefits payable to the employe.

15 **SECTION 8.** 108.04 (5) of the statutes is amended to read:

16 108.04 (5) DISCHARGE FOR MISCONDUCT. An employe whose work is terminated
17 by an employing unit for misconduct connected with the employe's work is ineligible
18 to receive benefits until 7 weeks have elapsed since the end of the week in which the
19 discharge occurs and the employe earns wages after the week in which the discharge
20 occurs equal to at least 14 times the employe's weekly benefit rate under s. 108.05
21 (1) in employment or other work covered by the unemployment insurance law of any
22 state or the federal government. For purposes of requalification, the employe's
23 weekly benefit rate shall be that rate which would have been paid had the discharge
24 not occurred. The wages paid to an employe by an employer which terminates
25 employment of the employe for misconduct connected with the employe's

1 employment shall be excluded from the employee's base period wages under s. 108.06
2 (1) for purposes of benefit entitlement. ~~The department shall, by rule, prescribe the~~
3 ~~conditions under which an employee's possession, use or impairment due to use of a~~
4 ~~controlled substance, as defined in s. 961.01 (4), or a controlled substance analog, as~~
5 ~~defined in s. 961.01 (4m), or an employee's violation of a work rule relating to~~
6 ~~controlled substances testing constitutes misconduct.~~ This subsection does not
7 preclude an employe who has employment with an employer other than the employer
8 which terminated the employe for misconduct from establishing a benefit year using
9 the base period wages excluded under this subsection if the employe qualifies to
10 establish a benefit year under s. 108.06 (2) (a). The department shall charge to the
11 fund's balancing account any benefits otherwise chargeable to the account of an
12 employer that is subject to the contribution requirements under ss. 108.17 and
13 108.18 from which base period wages are excluded under this subsection.

14 **SECTION 9.** 108.04 (6) of the statutes is amended to read:

15 108.04 (6) DISCIPLINARY SUSPENSION. An employe whose work is suspended by
16 an employing unit for good cause connected with the employe's work is ineligible to
17 receive benefits until 3 weeks have elapsed since the end of the week in which the
18 suspension occurs or until the suspension is terminated, whichever occurs first. ~~The~~
19 ~~department shall, by rule, prescribe the conditions under which an employe's~~
20 ~~possession, use or impairment due to use of a controlled substance, as defined in s.~~
21 ~~961.01 (4), or a controlled substance analog, as defined in s. 961.01 (4m), or an~~
22 ~~employe's violation of a work rule relating to controlled substances testing~~
23 ~~constitutes good cause for suspension.~~ This subsection does not preclude an employe
24 from establishing a benefit year during a period in which the employe is ineligible

1 to receive benefits under this subsection if the employe qualifies to establish a benefit
2 year under s. 108.06 (2) (a).

3 **SECTION 10.** 108.04 (7) (b) of the statutes is amended to read:

4 108.04 (7) (b) Paragraph (a) does not apply if the department determines that
5 the employe terminated his or her work with good cause attributable to the
6 employing unit. In this paragraph, "good cause" includes, but is not limited to, a
7 request, suggestion or directive by the employing unit that the employe violate
8 federal or Wisconsin law, or sexual harassment, as defined in s. 111.32 (13), by an
9 employer or employer's agent, of which the employer or agent knew or should have
10 known but failed to take timely and appropriate corrective action.

11 **SECTION 11.** 108.04 (7) (h) of the statutes is amended to read:

12 108.04 (7) (h) The department shall charge to the fund's balancing account
13 benefits paid to an employe that are otherwise chargeable to the account of an
14 employer that is subject to the contribution requirements of ss. 108.17 and 108.18
15 if the employe voluntarily terminates employment with that employer and par. (a),
16 (c), (d), (e), (k), (L), (o), (p) ~~or~~ (q) or (s) applies.

17 **SECTION 12.** 108.04 (7) (i) of the statutes is repealed.

18 **SECTION 13.** 108.04 (7) (s) of the statutes is created to read:

19 108.04 (7) (s) 1. Paragraph (a) does not apply if the employe terminates his or
20 her work due to domestic abuse, concerns about personal safety or harassment or
21 concerns about the personal safety or harassment of his or her children, the employe
22 obtains a restraining order under s. 813.12, 813.123, 813.125 or 813.127 or a similar
23 statute, or has a foreign protection order recognized under s. 813.128, and the
24 employe demonstrates to the department that the order has been or is reasonably
25 likely to be violated.

1 2. In determining whether a restraining order is reasonably likely to be
2 violated under subd. 1., the department shall consider evidence, regardless of its age,
3 including court, criminal, medical, law enforcement, child protective services, social
4 services, psychological, school and similar records, and statements from persons
5 other than the employe who have knowledge of circumstances related to the
6 potential for violation of the order.

7 **SECTION 14.** 108.04 (11) (cm) of the statutes is created to read:

8 108.04 (11) (cm) Any person who makes a false statement or representation in
9 order to obtain benefits that are payable to another person may, by a determination
10 or decision issued under s. 108.095, be required to repay the amount of the benefits
11 obtained and be required to forfeit an additional amount equal to 50% of the amount
12 of benefits obtained.

13 **SECTION 15.** 108.04 (13) (d) of the statutes is amended to read:

14 108.04 (13) (d) If the department finds that any benefits charged to an
15 employer's account have been erroneously paid to an employe without fault by the
16 employer, the department shall notify the employe and the employer of the erroneous
17 payment. If recovery of an ~~overpayment~~^{erroneous payment} is permitted under s. 108.22 (8) (c) and
18 benefits are currently payable to the employe from the employer's account, the
19 department may correct the error by adjusting the benefits accordingly. To correct
20 any erroneous payment not so adjusted, ~~whenever recovery of an overpayment is~~
21 ~~permitted under s. 108.22 (8) (c) that was charged to the account of an employer that~~
22 is subject to the contribution requirements of ss. 108.17 and 108.18, the department
23 shall restore the proper amount to the employer's account and charge that amount
24 to the fund's balancing account, and shall thereafter reimburse the balancing
25 account by crediting to it benefits which would otherwise be payable to, or cash

1 recovered from, the employe, ~~unless the employer is a government unit or nonprofit~~
2 ~~organization which has elected reimbursement financing.~~ To correct any erroneous
3 payment not so adjusted from the account of an employer which is a government unit
4 or a nonprofit organization and which has elected reimbursement financing,
5 ~~whenever recovery of an overpayment is permitted under s. 108.22 (8) (c), the~~
6 department shall, ~~if recovery of the overpayment is permitted under s. 108.22 (8) (c),~~
7 credit to the account benefits which would otherwise be payable to, or cash received
8 from, the employe, ~~or if recovery of the overpayment is not permitted under s. 108.22~~
9 ~~(8) (c), restore the proper amount to the employer's account and charge that amount~~
10 ~~in accordance with s. 108.07 (5).~~

11 SECTION 16. 108.05 (3) (a) of the statutes is amended to read:

12 108.05 (3) (a) Except as provided in ~~par. pars. (b) and (c),~~ if an eligible employe
13 earns wages in a given week, the first \$30 of the wages shall be disregarded and the
14 employe's applicable weekly benefit payment shall be reduced by 67% of the
15 remaining amount, except that no such employe is eligible for benefits if the
16 employe's benefit payment would be less than \$5 for any week. For purposes of this
17 paragraph, "wages" includes any salary reduction amounts earned that are not
18 wages and that are deducted from the salary of a claimant by an employer pursuant
19 to a salary reduction agreement under a cafeteria plan, within the meaning of 26
20 USC 125, and any amount that a claimant would have earned in available work
21 which is treated as wages under s. 108.04 (1) (a), but excludes any amount that a
22 claimant earns for services performed as a volunteer fire fighter or volunteer
23 emergency medical technician. In applying this paragraph, the department shall
24 disregard discrepancies of less than \$2 between wages reported by employes and
25 employers.

1 **SECTION 17.** 108.05 (3) (c) of the statutes is created to read:

2 108.05 (3) (c) A claimant is ineligible to receive any benefits for a week in which
3 the claimant works a total of 40 or more hours in employment with one or more
4 employers.

5 **SECTION 18.** 108.095 of the statutes is created to read:

6 **108.095 False statements or representations to obtain benefits payable**
7 **to other persons.** (1) The procedures under this section apply to any issue arising
8 under this chapter concerning any alleged false statement or representation of a
9 person to obtain benefits that are payable to another person, and are in addition to
10 any determination, decision or other procedure provided under s. 108.09. The
11 procedures under this section apply whether or not a penalty for an offense is
12 provided under s. 108.24.

13 (2) The department shall investigate whether any person has obtained benefits
14 that were payable to another person by means of any false statement or
15 representation, and may issue an initial determination concerning its findings. The
16 department shall mail a copy of the determination to the last-known address of each
17 party affected thereby. Unless designated by a determination under this section, an
18 employing unit is not a party to the determination. The department may set aside
19 or amend the determination at any time prior to a hearing concerning the
20 determination under sub. (5) on the basis of subsequent information or to correct a
21 mistake, including an error of law.

22 (3) Any party to a determination may appeal that determination by requesting
23 a hearing concerning any matter in that determination if the request is received by
24 the department or postmarked within 14 days after the mailing.

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1 (4) Upon issuance of a determination, the department is a party to the
2 determination.

3 (5) Any hearing shall be held before an appeal tribunal appointed under s.
4 108.09 (3). Section 108.09 (4) and (5) applies to the proceeding before the tribunal.

5 (6) Any party may petition the commission for review of the decision of the
6 appeal tribunal under s. 108.09 (6). The commission's authority to take action
7 concerning any issue or proceeding under this section is the same as that provided
8 in s. 108.09 (6).

9 (7) Any party may commence an action for judicial review of a decision of the
10 commission under this section, after exhausting the remedies provided under this
11 section, by commencing the action within 30 days after the decision of the
12 commission is mailed to the department and the last-known address of each other
13 party. The scope and manner of judicial review is the same as that provided in s.
14 108.09 (7).

15 (8) The mailing of determinations and decisions under this section shall be first
16 class, and may include the use of services performed by the postal service requiring
17 the payment of extra fees.

18 (9) Section 108.09 (8) (b) applies to representation and fees for representation
19 of parties in proceedings under this section.

20 **SECTION 19.** 108.15 (3) (e) of the statutes is amended to read:

21 108.15 (3) (e) Each time a government unit elects or reelects contribution
22 financing its initial contribution rate shall be 2.7% on its payroll for each of the first
23 3 calendar years in which such election or reelection is in effect, ~~plus any~~
24 ~~contributions payable under s. 108.18 (2) (b).~~ If a government unit terminates its

1 election of contribution financing it may not reelect contribution financing within a
2 period of 3 calendar years thereafter.

3 **SECTION 20.** 108.15 (5) (b) of the statutes is amended to read:

4 108.15 (5) (b) The department shall monthly bill each government unit for any
5 reimbursements required under this section, and any reimbursement thus billed
6 shall be due and shall be paid by such government unit within 20 days after the date
7 such bill is mailed to it the government unit by the department or by the last day of
8 the month in which the bill is mailed, whichever is later.

9 **SECTION 21.** 108.151 (1) of the statutes is amended to read:

10 108.151 (1) **EMPLOYER'S CONTRIBUTION RATE.** Each nonprofit organization which
11 is or becomes an employer subject to this chapter shall be subject to all its provisions
12 except as it may elect reimbursement financing in accordance with sub. (2). If such
13 an approved election is terminated, the employer's contribution rate shall be 2.7%
14 on its payroll for each of the next 3 calendar years, ~~plus any contributions payable~~
15 ~~under s. 108.18 (2) (b).~~

16 **SECTION 22.** 108.151 (5) (f) of the statutes is amended to read:

17 108.151 (5) (f) Whenever an employer's reimbursement account has a negative
18 balance as of the close of any calendar month, the fund's treasurer shall promptly bill
19 such employer, at its last-known address, for that portion of its negative balance
20 which has resulted from the net benefits charged to such account within such month.
21 Reimbursement payment shall be due within 20 days ~~thereafter~~ after the date such
22 bill is mailed to the employer by the department or by the last day of the month in
23 which the bill is mailed, whichever is later. Any required payment which remains
24 unpaid after its applicable due date is a delinquent payment. Section 108.22 shall
25 apply for collecting delinquent payments.

1 SECTION 23. 108.16 (6m) (e) of the statutes is amended to read:

2 108.16 (6m) (e) Any overpayment of benefits that is written off under sub. (3),
3 unless it is chargeable to an employer's account under s. 108.04 (13) (c) or (d).

4 SECTION 24. 108.161 (3e) of the statutes is created to read:

5 108.161 (3e) Notwithstanding sub. (3), any moneys provided under section 903
6 of the federal Social Security Act for federal fiscal years 2000, 2001 and 2002 shall
7 be used solely for unemployment insurance administration.

8 SECTION 25. 108.18 (2) (b) of the statutes is repealed.

9 SECTION 26. 108.18 (2) (c) of the statutes is amended to read:

10 108.18 (2) (c) An employer engaged in the construction of roads, bridges,
11 highways, sewers, water mains, utilities, public buildings, factories, housing, or
12 similar construction projects shall pay contributions for each of the first 3 calendar
13 years at the average rate for construction industry employers as determined by the
14 department on each computation date, rounded up to the next highest rate, except
15 as additional contributions apply under par. (b). This rate may in no case be more
16 than the maximum rate specified in the schedule in effect for the year of the
17 computation under sub. (4).

18 SECTION 27. 108.19 (1e) (a) of the statutes is amended to read:

19 108.19 (1e) (a) Except as provided in par. (b), each employer, other than an
20 employer which finances benefits under s. 108.15 or 108.151 shall, in addition to
21 other contributions payable under s. 108.18 and this section, pay an assessment to
22 the administrative account for each year prior to the year 2000 2002 equal to the
23 lesser of 0.01% of its payroll for that year or the solvency contribution that would
24 otherwise be payable by the employer under s. 108.18 (9) for that year.

25 SECTION 28. Appropriation changes.

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1 (1) In the schedule under section 20.005 (3) of the statutes for the appropriation
2 to the department of workforce development under section 20.445 (1) (nb) of the
3 statutes, as affected by the acts of 1999, the dollar amount is increased by \$-0- for
4 fiscal year 1999-00 and the dollar amount is increased by \$-0- for fiscal year
5 2000-01 to increase funding for the purpose for which the appropriation is made.

6 **SECTION 29. Initial applicability.**

7 (1) The treatment of section 108.04 (1) (b) 2. and (c) of the statutes first applies
8 with respect to determinations issued under sections 108.09 and 108.10 of the
9 statutes on the effective date of this subsection or, in relation to determinations that
10 are appealed, to decisions issued under sections 108.09 and 108.10 of the statutes on
11 April 2, 2000.

12 (2) The treatment of section 108.04 (7) (b) and (l) of the statutes first applies
13 with respect to determinations issued under section 108.09 of the statutes on the
14 effective date of this subsection or, in relation to determinations that are appealed,
15 to decisions issued under section 108.09 of the statutes on April 2, 2000.

16 (3) The treatment of section 108.04 (7) (h) and (s) of the statutes first applies
17 with respect to benefit years that begin on the effective date of this subsection for
18 which a termination of employment does not affect an employee's eligibility under any
19 claim filed before that date.

20 (4) The treatment of sections 108.04 (11) (cm) and 108.095 of the statutes first
21 applies with respect to false statements and representations made on the effective
22 date of this subsection.

23 (5) The treatment of section 108.05 (3) (a) and (c) of the statutes first applies
24 with respect to weeks of unemployment beginning on April 2, 2000.

FNS
16-6
↓

1 (6) The treatment of sections 108.15 (5) (b) and 108.151 (5) (f) of the statutes
2 first applies to reimbursements billed in the month following the month that
3 includes the effective date of this subsection.

Handwritten notes in a circle:
JWS
17-3
↓

4 **SECTION 30. Effective dates.** This act takes effect on the first Sunday after
5 publication, except as follows:

6 (1) The treatment of sections 108.15 (3) (e), 108.151 (1) and 108.18 (2) (b) and
7 (c) of the statutes takes effect on January 1, 2000.

8 (END)

INSERT 3A

Definition of base period

Currently, an employee's eligibility for and amount of benefits are determined with reference to the employee's "base period", which is the work period consisting of the first ~~1/4~~ ^{four} of the ~~1/4~~ ^{five} most recently completed quarters at the time that an employee begins a "benefit year" (period during which benefits are payable). This bill provides that, if an employee does not qualify to receive any benefits using the current definition of "base period", the employee's base period shall be the ~~1/4~~ ^{four} most recently completed quarters at the time that an employee begins a benefit year. Under the bill, an employee whose benefits are computed using the alternate base period may not reuse any wages for a subsequent benefit claim based on the current definition of "base period", except for payment of Wisconsin supplemental or federal extended benefits (these benefits are paid during periods of high unemployment).

INSERT 4A

Quarterly wage report format

Currently, each employer that is subject to the unemployment insurance law must file with DWD a quarterly report of the wages paid to each of its employees and certain other information. Employers of 250 or more employees must file the report using a medium approved by DWD. If an employer is delinquent in filing a report, the employer is subject to a tardy filing fee of \$15 to \$115, depending on the number of its employees. This bill applies this reporting requirement to all employers of 100 or more employees. The bill requires DWD to approve one or more electronic media for use in complying with the requirement, and requires each employer to report using such a medium. The bill also applies the electronic reporting requirement for not less than ~~1/4~~ ^{four} complete quarters after an employer becomes subject to the requirement. In addition, the bill changes the amounts of the tardy filing fees from not less than \$25 to not more than \$75, and permits DWD to assess a penalty against any employer that is subject to an electronic reporting requirement and that fails to report electronically in the amount of \$10 for each employee whose information is not reported electronically.

Use of interest and penalty revenues

Currently, DWD collects interest on late payments required to be made to DWD by employers and various penalties for late payments and certain other infractions under the unemployment insurance law. The revenues from interest and penalties are used to finance administration of the unemployment insurance and other employment security programs, including employment security building construction costs and operation of public employment offices. This bill discontinues use of these interest and penalty revenues for employment security building

construction and administrative purposes. Under the bill, the only authorized purpose for which these revenues may be used is unemployment insurance administration.

INSERT 5A

~~NO~~ The bill also clarifies that if benefits are erroneously paid to an employe due to the fault of an employer, the cost of the benefits is charged to the employer's account rather than the balancing account regardless of whether the benefits may have been paid as a result of a departmental error.

ANS 4B

performed in an independently established trade, business or profession in which the individual is customarily engaged. Any other individual is not an "employee" if the individual holds or has applied for an employer identification number with the federal internal revenue service or has filed business or self-employment income tax returns with the federal internal revenue service in the previous year, and meets at least 6 of 8 other conditions concerning the individual's relationship to or direction or control over his or her business or the services that he or she performs. This bill applies the former exclusion, rather than the latter exclusion, to all employees of governmental units and nonprofit organizations.

TAX CHANGES

Contribution rate schedules *Sub 6 Solvency rate adjustment*

insurance Currently, all employers that engage employees in work ^{that} which is covered under the unemployment compensation law, other than governmental and nonprofit employers ^{that} which elect to pay directly for the cost of benefits, must pay contributions (taxes) to finance unemployment compensation benefits. The total contributions of an employer are the sum of the employer's contribution rate and the employer's solvency rate, each of which vary with the employment stability of the employer and the solvency of the unemployment reserve fund, from which benefits are paid. An employer's contributions payable as a result of its contribution rate are credited to the employer's account, while an employer's contributions payable as a result of its solvency rate are credited to the fund's balancing account, which is used to fund benefits not payable from any employer's account. *insurance*

This bill decreases the solvency rate payable by employers having a taxable annual payroll for unemployment insurance purposes of less than \$500,000 when the unemployment insurance fund has a balance of at least \$900,000,000 to 0.02% of an employer's payroll to 0.00% of an employer's payroll.

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3247/P3ins
JTK.....

INSERT 12-4

~~SECTION~~ 108.06 (1) ^m ^g cm of the statutes is created to read:

^B 108.06 (1) ^m ^g cm If an employe qualifies to receive benefits using the base period described in s. 108.02 (4) (b), the wages used to compute the employe's benefit entitlement are not available for use in any subsequent benefit computation for the same employe, except under s. 108.141 or 108.142.

INSERT 15-24:5

~~SECTION~~ 108.22 (1) (ac) ^g of the statutes is created to read:

108.22 (1) (ac) In addition to any fee assessed ^e under par. (a), an employer that is subject to the reporting requirement under s. 108.205 (2) and that fails to file its report in the format prescribed under that subsection may be assessed a penalty of \$10 for each employe whose information is not reported in the format prescribed under s. 108.205 (2).

INSERT 16-6

~~(#)~~ The treatment of sections 108.02 (4) and 108.06 (1) ^m ^g cm of the statutes first applies to benefit years beginning on April 2, 2000.

INSERT 17-3

~~#~~ The treatment of section 108.18 (9) (figure) schedule C, line 1 and schedule D, line 1 of the statutes first applies with respect to payrolls beginning on January 1, 2001.

~~§~~ The treatment of sections 108.20 (3)[✓], 108.205 (2)[✓] and 108.22 (1) (a) 1. to 5.[✓]
and (ac)[✓] of the statutes first applies with respect to reports due for the calendar
quarter ending on March 31, 2001.

(END OF INSERT 17-3)

JWS 5-1

Section #. 20.445 (1) (gf) of the statutes is amended to read:

~~VAVAV~~ ~~Employment security administration~~ ^I Unemployment insurance
20.445 (1) (gf) ~~Employment security administration~~. From the moneys received as interest and penalties collected under ss. 108.04 (11) (c) and (13) (c) and 108.22, the amounts in the schedule for the administration of ~~employment service programs and~~ unemployment insurance programs under ch. 108 ~~and s. 106.09~~ and federal or state unemployment insurance programs authorized by the governor under s. 16.54; and for payments to satisfy any federal audit exception concerning a payment from the unemployment reserve fund or any federal aid disallowance involving the unemployment insurance program.

~~History: 1971 c. 125 ss. 156, 522 (1); 1971 c. 211, 215; 1971 c. 228 s. 44; 1971 c. 259; 1973 c. 90, 180, 243, 333; 1975 c. 39, 147, 224, 274, 344; 1975 c. 404 ss. 3, 10 (1); 1975 c. 405 ss. 3, 11 (1); 1977 c. 29, 48, 203, 418; 1979 c. 34 ss. 512 to 522, 2102 (25) (a); 1979 c. 189, 221, 309; 1979 c. 329 s. 25 (1); 1979 c. 350 ss. 3, 27 (6); 1979 c. 353, 355; 1981 c. 20, 36, 92, 93, 317, 325, 364; 1983 a. 8; 1983 a. 27 ss. 411 to 425; 1983 a. 98 ss. 1, 31; 1983 a. 192, 384, 388, 410; 1985 a. 17, 29, 153, 313, 332; 1987 a. 27; 1987 a. 38 ss. 2 to 4, 136; 1987 a. 399, 403; 1989 a. 31, 44, 64, 77, 254, 284, 359; 1991 a. 39 ss. 372c, 545r, 545t, 545v, 547, 548, 548g, 548m, 549, 549b, 549g, 549p; 1991 a. 85, 89, 269, 315; 1993 a. 16, 126, 243, 437, 491; 1995 a. 27 ss. 772mm, 772mn, 776p to 778b, 778L, 778n, 778q, 778v, 778z to 780m, 781m to 782p, 782u, 841, 842, 849, 850, 854, 855, 858c, 873 to 876, 878, 880, 890 to 896, 962 to 1014c, 9126 (19), 9130 (4); 1995 a. 113 s. 2t; 1995 a. 117, 201, 216, 225, 289; 1995 a. 404 ss. 4, 6 to 8, 10 to 17; 1997 a. 3; 1997 a. 27 ss. 610 to 642m, 722; 1997 a. 35, 38, 39, 105, 112, 191, 235, 236, 237, 252; s. 13.93 (2) (c).~~

JWS 6-15

Section #. 108.02 (4) of the statutes is amended to read:

that
which is used to compute
an employee's benefit
rights under s.
108.06 ✓
P(a) The

108.02 (4) BASE PERIOD. An employee's "^{Base}base period" means the period consisting of the first 4 of the 5 most recently completed quarters preceding the employee's benefit year, which is used to compute his or her benefit rights for that year under s. 108.06. or

History: 1971 c. 53; 1971 e. 213 s. 5; 1973 c. 247; 1975 c. 223, 343; 1975 c. 373 s. 40; 1977 e. 29, 133; 1979 c. 52, 221; 1981 c. 36, 353; 1983 a. 8 ss. 4 to 12, 54; 1983 a. 168; 1983 a. 189 ss. 158 to 161, 329 (25), (28); 1983 a. 384, 477, 538; 1985 a. 17, 29, 332; 1987 a. 38 ss. 6 to 22, 134; 1987 a. 255; 1989 a. 31; 1989 a. 56 ss. 151, 259; 1989 a. 77, 303; 1991 a. 89; 1993 a. 112, 213, 373, 492; 1995 a. 27 ss. 3777, 9130 (4); 1995 a. 118, 225; 1997 a. 3, 27, 39.

SECTION # . CR 108.02 (4) (b) ✓
108.02 (4) (b) If an employee does not qualify to receive any benefits using the period described in par. (a), the period consisting of the 4 most recently completed quarters preceding the employee's benefit year.

FWS 15-17

Section # Am' 108.18(9) (Figure) Schedule C

Line 1 (B) cc

108.18(9) (Figure) Schedule C

W/W

	Employers with payroll under \$500,000	Employers with payroll of \$500,000 or more
Contribution Rate	0.00	0.05
Solvency Rate	0.02 0.02	0.05

WPO:
See attached

Section # Am' 108.18(9) (Figure) Schedule D

Line 1 (B) cc

108.18(9) (Figure) Schedule D

W/W

	Employers with payroll under \$500,000	Employers with payroll of \$500,000 or more
Contribution Rate	0.00	0.05
Solvency Rate	0.02 0.02	0.05

WPO:
Please see attached.

WPO: Please see the attached example for Schedules C and D.



108.18 UNEMPLOYMENT INSURANCE

Figure 108.18 (9): (continued)

14	2.70	0.90	1.40
15	2.84	1.00	1.50
16	3.18	1.10	1.60
17	3.57	1.20	1.70
18	5.70	0.90	0.90
19	6.20	0.90	0.90
20	6.70	0.90	0.90
21	7.20	0.90	0.90
22	7.70	0.90	0.90
23	8.20	0.90	0.90
24	8.90	0.90	0.90

Schedule B

Line	Contribution Rate	Employers with payroll under \$500,000	
		Solvency Rate	Solvency Rate
1	0.00	0.05	0.10
2	0.20	0.05	0.10
3	0.35	0.05	0.15
4	0.45	0.05	0.20
5	0.65	0.20	0.30
6	0.80	0.20	0.35
7	0.90	0.20	0.40
8	1.05	0.25	0.45
9	1.30	0.30	0.50
10	1.60	0.35	0.55
11	1.95	0.45	0.60
12	2.30	0.50	0.65
13	2.65	0.55	0.70
14	2.70	0.55	0.70
15	3.00	0.60	0.70
16	3.45	0.65	0.70
17	4.00	0.65	0.70
18	5.70	0.90	0.90
19	6.20	0.90	0.90
20	6.70	0.90	0.90
21	7.20	0.90	0.90
22	7.70	0.90	0.90
23	8.20	0.90	0.90
24	8.90	0.90	0.90

Schedule C

Line	Contribution Rate	Employers with payroll under \$500,000	
		Solvency Rate	Solvency Rate
1	0.00	0.02 0.00	0.05
2	0.20	0.02	0.05
3	0.35	0.02	0.05
4	0.45	0.02	0.05
5	0.65	0.10	0.15

Figure 108.18 (9): (continued)

6	0.80	0.10	0.20
7	0.90	0.10	0.25
8	1.05	0.15	0.30
9	1.30	0.15	0.35
10	1.60	0.20	0.40
11	1.95	0.25	0.45
12	2.30	0.30	0.50
13	2.65	0.35	0.55
14	2.70	0.35	0.55
15	3.00	0.40	0.55
16	3.45	0.40	0.55
17	4.00	0.40	0.55
18	5.70	0.70	0.70
19	6.20	0.70	0.70
20	6.70	0.70	0.70
21	7.20	0.70	0.70
22	7.70	0.80	0.80
23	8.20	0.85	0.85
24	8.90	0.85	0.85

Schedule D

Line	Contribution Rate	Employers with payroll under \$500,000	
		Solvency Rate	Solvency Rate
1	0.00	0.02 0.00	0.05
2	0.10	0.02	0.05
3	0.25	0.02	0.05
4	0.35	0.02	0.05
5	0.55	0.10	0.15
6	0.70	0.10	0.20
7	0.80	0.10	0.25
8	0.95	0.15	0.30
9	1.20	0.15	0.35
10	1.50	0.20	0.40
11	1.85	0.25	0.45
12	2.20	0.30	0.50
13	2.55	0.35	0.55
14	2.70	0.35	0.55
15	2.90	0.40	0.55
16	3.35	0.40	0.55
17	3.90	0.40	0.55
18	5.70	0.70	0.70
19	6.20	0.70	0.70
20	6.70	0.70	0.70
21	7.20	0.70	0.70
22	7.70	0.80	0.80
23	8.20	0.85	0.85
24	8.90	0.85	0.85

~~(9c) REDUCTION OF SOLVENCY RATE. The department shall reduce the solvency rate payable under sub. (9) by each employer for each year by the rate payable by that employer under s. 108.19 (1e) (a) for that year.~~

~~(9e) SEASONAL EMPLOYER SOLVENCY RATE. A seasonal employer shall pay an additional solvency contribution of 2% on~~

FNS 15-24:1

Section #. 108.20 (3) of the statutes is amended to read:

108.20 (3) There shall be included in the moneys governed by sub. (2m) any amounts collected by the department under ss. 108.04 (11) (c) and 108.22 (1) (a) ^{and (ac)} as tardy filing fees, forfeitures ^{or interest} on delinquent payments ^{or other penalties} and any excess moneys collected under s. 108.19 (1m). ← scored comma

~~History: 1973 c. 90 s. 559; 1981 c. 36 ss. 38, 39, 45; 1983 a. 8, 388; 1985 a. 17, 29, 40; 1987 a. 27, 38, 403; 1989 a. 77, 1991 a. 89, 1997 a. 27, 39, 252.~~

SECTION # . RP; 108.20(5) to (9)



FRS 15-24:2

Section #. 108.205 (2) of the statutes is amended to read:

108.205 (2) All employers of ~~250~~¹⁰⁰ or more employees, as determined under s. 108.22 (1) (ae), shall file the quarterly report under sub. (1) using ~~a~~^{an electronic} medium approved by the department for such employers.

An employer that becomes subject to the reporting requirement under this subsection shall continue to file its quarterly report under this subsection for the next 4 quarters beginning after the quarter in which the employer becomes subject to the reporting requirement and in each subsequent quarter through the 4th quarter beginning after the quarter in which the employer has less than 100 employees.

The department shall prescribe one or more electronic media that employers may use for compliance with this subsection.



FWS 15-24:3

Section #. 108.22 (1) (a) 1. of the statutes is amended to read:

108.22 (1) (a) 1. For 1 to 100 employees, \$15.

History: 1973 c. 247; Sup. Ct. Order, 67-W (2d) 585, 774 (1975); 1975 c. 343; 1979 c. 52; 1981 c. 36; 1985 a. 17, 29; 1987 a. 38; 1989 a. 77; 1991 a. 89; 1993 a. 112, 373; 1995 a. 224; 1997 a. 39.

Section # . RP, 108.22 (1)(a) 2. to 4.



INS 15-24:4

Section #. 108.22 (1) (a) [✓]5. of the statutes is renumbered 108.22 (1) (a) [✓]2. and amended to read:

108.22 (1) (a) 2. For more than ¹⁰⁰~~400~~ employees, \$⁸⁷⁵~~115~~

History: 1973 c. 247; Sup. Ct. Order, 67 W (2d) 585, 774 (1975); 1975 c. 343; 1979 c. 52; 1981 c. 36; 1985 a. 17, 29; 1987 a. 38; 1989 a. 77; 1991 a. 89; 1993 a. 112, 373; 1995 a. 224; 1997 a. 39.

WPO: INSERT 15-24:5 is on a previous page (3247/P3ins).
INSERT 15-24:6 is on the next page. ↘

INS 15-24:6

a. and b. are
Section #. 108.22 (8) (c) 1. of the statutes is amended to read:

108.22 (8) (c) 1. ~~The department shall waive recovery of benefits that were erroneously paid if.~~

a. The ~~overpayment~~ erroneous payment was the result of a departmental error, ~~whether or not an employer is also~~ and was not the fault of any
~~at fault~~ under s. 108.04 (13) (f); and

b. The ~~overpayment~~ erroneous payment did not result from the fault of an employe as provided in s. 108.04 (13) (f),
or because of a claimant's false statement or misrepresentation.

History: 1973 c. 247; Sup. Ct. Order, 67 W (2d) 585, 774 (1975); 1975 c. 343; 1979 c. 52; 1981 c. 36; 1985 a. 17, 29;
1987 a. 38; 1989 a. 77; 1991 a. 89; 1993 a. 112, 373; 1995 a. 224; 1997 a. 39.

(END OF INSERT 15-24)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3247/P3dn

JTK.../.....

Wlj

1. This draft includes the ^{five} ~~4~~ additional items you sent on August 17 (Dept #3, Dept #6A, Dept #14, Other #3 and Management #4/Labor #11). I will incorporate the remaining items when I return from vacation the week of September 7.

2. Concerning the alternate base period, I have not had time to do so, but would like to review the occurrences of "base period" (and perhaps lag period, however that might be described) in ch. 108, stats, to see if there are any references that wouldn't work mechanically, under the revised definition. Also, does the department need any additional authority to obtain wage information in order to administer this change?

108.06 (1m) Finally, I assumed in proposed s. ~~108.06 (1) (cm)~~ that an employee's wages may be requested for Wisconsin supplemental benefit purposes. Is this correct?

3. In s. 108.205 (2), stats., I retained the word "medium" because even though the department may permit more than one electronic medium to be used, presumably each employer will use only one medium.

4. Following up on my comment #7 in the drafter's note to LRB-3247/P2, I think the language of s. 108.22 (8) (a), stats., was also revised several times when we last visited the issue of employer/employee/departmental fault and overpayments and was not satisfactorily treated in the final version. Of course, if an erroneous payment may have been caused through the fault of an employer, sometimes we can't say whether there was actually any departmental error.
always tell

5. Concerning use of interest and penalty revenues, your instructions included language prohibiting the legislature from appropriating these revenues and prohibiting the department from expending these revenues for non-UI purposes. Since the legislature's power to appropriate money is derived from the state constitution, we can't reach that in this draft. Since the department's authority to expend money is derived from the statutory appropriations, the fact that this draft amends those appropriations to limit the expenditure of I & P revenues to UI purposes does the complete job; there is nothing more to do. Therefore, I have not included this language.

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3247/P3dn
JTK:wlj:kjf

September 1, 1999

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Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

Barman, Mike

From: Barman, Mike
Sent: Wednesday, September 08, 1999 10:45 AM
To: Kho, Michelle
Subject: 99-3247/P3 (per your request)



99-3247/P3



99-3247/P3dn

Mike Barman

Mike Barman - Program Asst. (PH. 608-266-3561)
(E-Mail: mike.barman@legis.state.wi.us) (FAX: 608-264-6948)

State of Wisconsin
Legislative Reference Bureau - Legal Section - Front Office
100 N. Hamilton Street - 5th Floor
Madison, WI 53703

(k) Each eligible employe shall be paid benefits for each week of total unemployment which commences on or after April 2, 2000, and before October 1, 2000, 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) (k) following]

Figure 108.05 (1) (k):

Line	Highest Quarterly Wages Paid	Weekly Benefit Rate
1.. . . .	Under 1,125.00.	0
2.. . . .	1,125.00 to 1,149.99.	45
3.. . . .	1,150.00 to 1,174.99.	46
4.. . . .	1,175.00 to 1,199.99.	47
5.. . . .	1,200.00 to 1,224.99.	48
6.. . . .	1,225.00 to 1,249.99.	49
7.. . . .	1,250.00 to 1,274.99.	50
8.. . . .	1,275.00 to 1,299.99.	51
9.. . . .	1,300.00 to 1,324.99.	52
10.. . . .	1,325.00 to 1,349.99.	53
11.. . . .	1,350.00 to 1,374.99.	54
12.. . . .	1,375.00 to 1,399.99.	55
13.. . . .	1,400.00 to 1,424.99.	56
14.. . . .	1,425.00 to 1,449.99.	57
15.. . . .	1,450.00 to 1,474.99.	58
16.. . . .	1,475.00 to 1,499.99.	59
17.. . . .	1,500.00 to 1,524.99.	60
18.. . . .	1,525.00 to 1,549.99.	61
19.. . . .	1,550.00 to 1,574.99.	62
20.. . . .	1,575.00 to 1,599.99.	63
21.. . . .	1,600.00 to 1,624.99.	64
22.. . . .	1,625.00 to 1,649.99.	65
23.. . . .	1,650.00 to 1,674.99.	66
24.. . . .	1,675.00 to 1,699.99.	67
25.. . . .	1,700.00 to 1,724.99.	68
26.. . . .	1,725.00 to 1,749.99.	69
27.. . . .	1,750.00 to 1,774.99.	70
28.. . . .	1,775.00 to 1,799.99.	71
29.. . . .	1,800.00 to 1,824.99.	72
30.. . . .	1,825.00 to 1,849.99.	73
31.. . . .	1,850.00 to 1,874.99.	74
32.. . . .	1,875.00 to 1,899.99.	75
33.. . . .	1,900.00 to 1,924.99.	76
34.. . . .	1,925.00 to 1,949.99.	77
35.. . . .	1,950.00 to 1,974.99.	78
36.. . . .	1,975.00 to 1,999.99.	79
37.. . . .	2,000.00 to 2,024.99.	80

Figure 108.05 (1) (k): (continued)

38.....	2,025.00 to 2,049.99.....	81
39.....	2,050.00 to 2,074.99.....	82
40.....	2,075.00 to 2,099.99.....	83
41.....	2,100.00 to 2,124.99.....	84
42.....	2,125.00 to 2,149.99.....	85
43.....	2,150.00 to 2,174.99.....	86
44.....	2,175.00 to 2,199.99.....	87
45.....	2,200.00 to 2,224.99.....	88
46.....	2,225.00 to 2,249.99.....	89
47.....	2,250.00 to 2,274.99.....	90
48.....	2,275.00 to 2,299.99.....	91
49.....	2,300.00 to 2,324.99.....	92
50.....	2,325.00 to 2,349.99.....	93
51.....	2,350.00 to 2,374.99.....	94
52.....	2,375.00 to 2,399.99.....	95
53.....	2,400.00 to 2,424.99.....	96
54.....	2,425.00 to 2,449.99.....	97
55.....	2,450.00 to 2,474.99.....	98
56.....	2,475.00 to 2,499.99.....	99
57.....	2,500.00 to 2,524.99.....	100
58.....	2,525.00 to 2,549.99.....	101
59.....	2,550.00 to 2,574.99.....	102
60.....	2,575.00 to 2,599.99.....	103
61.....	2,600.00 to 2,624.99.....	104
62.....	2,625.00 to 2,649.99.....	105
63.....	2,650.00 to 2,674.99.....	106
64.....	2,675.00 to 2,699.99.....	107
65.....	2,700.00 to 2,724.99.....	108
66.....	2,725.00 to 2,749.99.....	109
67.....	2,750.00 to 2,774.99.....	110
68.....	2,775.00 to 2,799.99.....	111
69.....	2,800.00 to 2,824.99.....	112
70.....	2,825.00 to 2,849.99.....	113
71.....	2,850.00 to 2,874.99.....	114
72.....	2,875.00 to 2,899.99.....	115
73.....	2,900.00 to 2,924.99.....	116
74.....	2,925.00 to 2,949.99.....	117
75.....	2,950.00 to 2,974.99.....	118
76.....	2,975.00 to 2,999.99.....	119
77.....	3,000.00 to 3,024.99.....	120
78.....	3,025.00 to 3,049.99.....	121
79.....	3,050.00 to 3,074.99.....	122
80.....	3,075.00 to 3,099.99.....	123
81.....	3,100.00 to 3,124.99.....	124
82.....	3,125.00 to 3,149.99.....	125
83.....	3,150.00 to 3,174.99.....	126
84.....	3,175.00 to 3,199.99.....	127
85.....	3,200.00 to 3,224.99.....	128
86.....	3,225.00 to 3,249.99.....	129
87.....	3,250.00 to 3,274.99.....	130
88.....	3,275.00 to 3,299.99.....	131
89.....	3,300.00 to 3,324.99.....	132
90.....	3,325.00 to 3,349.99.....	133
91.....	3,350.00 to 3,374.99.....	134
92.....	3,375.00 to 3,399.99.....	135
93.....	3,400.00 to 3,424.99.....	136
94.....	3,425.00 to 3,449.99.....	137
95.....	3,450.00 to 3,474.99.....	138
96.....	3,475.00 to 3,499.99.....	139
97.....	3,500.00 to 3,524.99.....	140
98.....	3,525.00 to 3,549.99.....	141
99.....	3,550.00 to 3,574.99.....	142
100.....	3,575.00 to 3,599.99.....	143

101...	3,600.00 to 3,624.99	144
102...	3,625.00 to 3,649.99	145
103...	3,650.00 to 3,674.99	146
Figure 108.05 (1) (k): (continued)		
104...	3,675.00 to 3,699.99	147
105...	3,700.00 to 3,724.99	148
106...	3,725.00 to 3,749.99	149
107...	3,750.00 to 3,774.99	150
108...	3,775.00 to 3,799.99	151
109...	3,800.00 to 3,824.99	152
110...	3,825.00 to 3,849.99	153
111...	3,850.00 to 3,874.99	154
112...	3,875.00 to 3,899.99	155
113...	3,900.00 to 3,924.99	156
114...	3,925.00 to 3,949.99	157
115...	3,950.00 to 3,974.99	158
116...	3,975.00 to 3,999.99	159
117...	4,000.00 to 4,024.99	160
118...	4,025.00 to 4,049.99	161
119...	4,050.00 to 4,074.99	162
120...	4,075.00 to 4,099.99	163
121...	4,100.00 to 4,124.99	164
122...	4,125.00 to 4,149.99	165
123...	4,150.00 to 4,174.99	166
124...	4,175.00 to 4,199.99	167
125...	4,200.00 to 4,224.99	168
126...	4,225.00 to 4,249.99	169
127...	4,250.00 to 4,274.99	170
128...	4,275.00 to 4,299.99	171
129...	4,300.00 to 4,324.99	172
130...	4,325.00 to 4,349.99	173
131...	4,350.00 to 4,374.99	174
132...	4,375.00 to 4,399.99	175
133...	4,400.00 to 4,424.99	176
134...	4,425.00 to 4,449.99	177
135...	4,450.00 to 4,474.99	178
136...	4,475.00 to 4,499.99	179
137...	4,500.00 to 4,524.99	180
138...	4,525.00 to 4,549.99	181
139...	4,550.00 to 4,574.99	182
140...	4,575.00 to 4,599.99	183
141...	4,600.00 to 4,624.99	184
142...	4,625.00 to 4,649.99	185
143...	4,650.00 to 4,674.99	186
144...	4,675.00 to 4,699.99	187
145...	4,700.00 to 4,724.99	188
146...	4,725.00 to 4,749.99	189
147...	4,750.00 to 4,774.99	190
148...	4,775.00 to 4,799.99	191
149...	4,800.00 to 4,824.99	192
150...	4,825.00 to 4,849.99	193
151...	4,850.00 to 4,874.99	194
152...	4,875.00 to 4,899.99	195
153...	4,900.00 to 4,924.99	196
154...	4,925.00 to 4,949.99	197
155...	4,950.00 to 4,974.99	198
156...	4,975.00 to 4,999.99	199
157...	5,000.00 to 5,024.99	200
158...	5,025.00 to 5,049.99	201
159...	5,050.00 to 5,074.99	202
160...	5,075.00 to 5,099.99	203

161...	5,100.00 to 5,124.99	204
162...	5,125.00 to 5,149.99	205
163...	5,150.00 to 5,174.99	206
164...	5,175.00 to 5,199.99	207
165...	5,200.00 to 5,224.99	208
166...	5,225.00 to 5,249.99	209
Figure 108.05 (1) (k): (continued)		
167...	5,250.00 to 5,274.99	210
168...	5,275.00 to 5,299.99	211
169...	5,300.00 to 5,324.99	212
170...	5,325.00 to 5,349.99	213
171...	5,350.00 to 5,374.99	214
172...	5,375.00 to 5,399.99	215
173...	5,400.00 to 5,424.99	216
174...	5,425.00 to 5,449.99	217
175...	5,450.00 to 5,474.99	218
176...	5,475.00 to 5,499.99	219
177...	5,500.00 to 5,524.99	220
178...	5,525.00 to 5,549.99	221
179...	5,550.00 to 5,574.99	222
180...	5,575.00 to 5,599.99	223
181...	5,600.00 to 5,624.99	224
182...	5,625.00 to 5,649.99	225
183...	5,650.00 to 5,674.99	226
184...	5,675.00 to 5,699.99	227
185...	5,700.00 to 5,724.99	228
186...	5,725.00 to 5,749.99	229
187...	5,750.00 to 5,774.99	230
188...	5,775.00 to 5,799.99	231
189...	5,800.00 to 5,824.99	232
190...	5,825.00 to 5,849.99	233
191...	5,850.00 to 5,874.99	234
192...	5,875.00 to 5,899.99	235
193...	5,900.00 to 5,924.99	236
194...	5,925.00 to 5,949.99	237
195...	5,950.00 to 5,974.99	238
196...	5,975.00 to 5,999.99	239
197...	6,000.00 to 6,024.99	240
198...	6,025.00 to 6,049.99	241
199...	6,050.00 to 6,074.99	242
200...	6,075.00 to 6,099.99	243
201...	6,100.00 to 6,124.99	244
202...	6,125.00 to 6,149.99	245
203...	6,150.00 to 6,174.99	246
204...	6,175.00 to 6,199.99	247
205...	6,200.00 to 6,224.99	248
206...	6,225.00 to 6,249.99	249
207...	6,250.00 to 6,274.99	250
208...	6,275.00 to 6,299.99	251
209...	6,300.00 to 6,324.99	252
210...	6,325.00 to 6,349.99	253
211...	6,350.00 to 6,374.99	254
212...	6,375.00 to 6,399.99	255
213...	6,400.00 to 6,424.99	256
214...	6,425.00 to 6,449.99	257
215...	6,450.00 to 6,474.99	258
216...	6,475.00 to 6,499.99	259
217...	6,500.00 to 6,524.99	260
218...	6,525.00 to 6,549.99	261
219...	6,550.00 to 6,574.99	262
220...	6,575.00 to 6,599.99	263

221.. . . .	6,600.00 to 6,624.99.	264
222.. . . .	6,625.00 to 6,649.99.	265
223.. . . .	6,650.00 to 6,674.99.	266
224.. . . .	6,675.00 to 6,699.99.	267
225.. . . .	6,700.00 to 6,724.99.	268
226.. . . .	6,725.00 to 6,749.99.	269
227.. . . .	6,750.00 to 6,774.99.	270
228.. . . .	6,775.00 to 6,799.99.	271
229.. . . .	6,800.00 to 6,824.99.	272
Figure 108.05 (1) (k): (continued)		
230.. . . .	6,825.00 to 6,849.99.	273
231.. . . .	6,850.00 to 6,874.99.	274
232.. . . .	6,875.00 to 6,899.99.	275
233.. . . .	6,900.00 to 6,924.99.	276
234.. . . .	6,925.00 to 6,949.99.	277
235.. . . .	6,950.00 to 6,974.99.	278
236.. . . .	6,975.00 to 6,999.99.	279
237.. . . .	7,000.00 to 7,024.99.	280
238.. . . .	7,025.00 to 7,049.99.	281
239.. . . .	7,050.00 to 7,074.99.	282
240.. . . .	7,075.00 to 7,099.99.	283
241.. . . .	7,100.00 to 7,124.99.	284
242.. . . .	7,125.00 to 7,149.99.	285
243.. . . .	7,150.00 to 7,174.99.	286
244.. . . .	7,175.00 to 7,199.99.	287
245.. . . .	7,200.00 to 7,224.99.	288
246.. . . .	7,225.00 to 7,249.99.	289
247.. . . .	7,250.00 to 7,274.99.	290
248.. . . .	7,275.00 to 7,299.99.	291
249.. . . .	7,300.00 to 7,324.99.	292
250.. . . .	7,325.00 to 7,349.99.	293
251.. . . .	7,350.00 to 7,374.99.	294
252.. . . .	7,375.00 to 7,399.99.	295
253.. . . .	7,400.00 to 7,424.99.	296
254.. . . .	7,425.00 to 7,449.99.	297
255.. . . .	7,450.00 to 7,474.99.	298
256.. . . .	7,475.00 to 7,499.99.	299
257.. . . .	7,500.00 to 7,524.99.	300
258.. . . .	7,525.00 to 7,549.99.	301
259.. . . .	7,550.00 to 7,574.99.	302
260.. . . .	7,575.00 to 7,599.99.	303
261.. . . .	7,600.00 to 7,624.99.	304
262.. . . .	7,625.00 and over	305

(L) Each eligible employe shall be paid benefits for each week of total unemployment which commences on or after October 1, 2000, 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) (L) following]

Figure 108.05 (1) (L):

Line	Highest Quarterly Wages Paid	Weekly Benefit Rate
1.....	Under 1,150.00.....	0
2.....	1,150.00 to 1,174.99.....	46
3.....	1,175.00 to 1,199.99.....	47
4.....	1,200.00 to 1,224.99.....	48
5.....	1,225.00 to 1,249.99.....	49
6.....	1,250.00 to 1,274.99.....	50
7.....	1,275.00 to 1,299.99.....	51
8.....	1,300.00 to 1,324.99.....	52
9.....	1,325.00 to 1,349.99.....	53

Figure 108.05 (1) (L): (continued)

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

59.....	2,575.00 to 2,599.99.....	103
60.....	2,600.00 to 2,624.99.....	104
61.....	2,625.00 to 2,649.99.....	105
62.....	2,650.00 to 2,674.99.....	106
63.....	2,675.00 to 2,699.99.....	107
64.....	2,700.00 to 2,724.99.....	108
65.....	2,725.00 to 2,749.99.....	109
66.....	2,750.00 to 2,774.99.....	110
67.....	2,775.00 to 2,799.99.....	111
68.....	2,800.00 to 2,824.99.....	112
69.....	2,825.00 to 2,849.99.....	113
70.....	2,850.00 to 2,874.99.....	114
71.....	2,875.00 to 2,899.99.....	115
72.....	2,900.00 to 2,924.99.....	116
73.....	2,925.00 to 2,949.99.....	117
Figure 108.05 (1) (L): (continued)		
74.....	2,950.00 to 2,974.99.....	118
75.....	2,975.00 to 2,999.99.....	119
76.....	3,000.00 to 3,024.99.....	120
77.....	3,025.00 to 3,049.99.....	121
78.....	3,050.00 to 3,074.99.....	122
79.....	3,075.00 to 3,099.99.....	123
80.....	3,100.00 to 3,124.99.....	124
81.....	3,125.00 to 3,149.99.....	125
82.....	3,150.00 to 3,174.99.....	126
83.....	3,175.00 to 3,199.99.....	127
84.....	3,200.00 to 3,224.99.....	128
85.....	3,225.00 to 3,249.99.....	129
86.....	3,250.00 to 3,274.99.....	130
87.....	3,275.00 to 3,299.99.....	131
88.....	3,300.00 to 3,324.99.....	132
89.....	3,325.00 to 3,349.99.....	133
90.....	3,350.00 to 3,374.99.....	134
91.....	3,375.00 to 3,399.99.....	135
92.....	3,400.00 to 3,424.99.....	136
93.....	3,425.00 to 3,449.99.....	137
94.....	3,450.00 to 3,474.99.....	138
95.....	3,475.00 to 3,499.99.....	139
96.....	3,500.00 to 3,524.99.....	140
97.....	3,525.00 to 3,549.99.....	141
98.....	3,550.00 to 3,574.99.....	142
99.....	3,575.00 to 3,599.99.....	143
100.....	3,600.00 to 3,624.99.....	144
101.....	3,625.00 to 3,649.99.....	145
102.....	3,650.00 to 3,674.99.....	146
103.....	3,675.00 to 3,699.99.....	147
104.....	3,700.00 to 3,724.99.....	148
105.....	3,725.00 to 3,749.99.....	149
106.....	3,750.00 to 3,774.99.....	150
107.....	3,775.00 to 3,799.99.....	151
108.....	3,800.00 to 3,824.99.....	152
109.....	3,825.00 to 3,849.99.....	153
110.....	3,850.00 to 3,874.99.....	154
111.....	3,875.00 to 3,899.99.....	155
112.....	3,900.00 to 3,924.99.....	156
113.....	3,925.00 to 3,949.99.....	157
114.....	3,950.00 to 3,974.99.....	158
115.....	3,975.00 to 3,999.99.....	159
116.....	4,000.00 to 4,024.99.....	160
117.....	4,025.00 to 4,049.99.....	161
118.....	4,050.00 to 4,074.99.....	162
119.....	4,075.00 to 4,099.99.....	163
120.....	4,100.00 to 4,124.99.....	164
121.....	4,125.00 to 4,149.99.....	165

122...	4,150.00 to 4,174.99	166
123...	4,175.00 to 4,199.99	167
124...	4,200.00 to 4,224.99	168
125...	4,225.00 to 4,249.99	169
126...	4,250.00 to 4,274.99	170
127...	4,275.00 to 4,299.99	171
128...	4,300.00 to 4,324.99	172
129...	4,325.00 to 4,349.99	173
130...	4,350.00 to 4,374.99	174
131...	4,375.00 to 4,399.99	175
132...	4,400.00 to 4,424.99	176
133...	4,425.00 to 4,449.99	177
134...	4,450.00 to 4,474.99	178
135...	4,475.00 to 4,499.99	179
136...	4,500.00 to 4,524.99	180

Figure 108.05 (1) (L): (continued)

137...	4,525.00 to 4,549.99	181
138...	4,550.00 to 4,574.99	182
139...	4,575.00 to 4,599.99	183
140...	4,600.00 to 4,624.99	184
141...	4,625.00 to 4,649.99	185
142...	4,650.00 to 4,674.99	186
143...	4,675.00 to 4,699.99	187
144...	4,700.00 to 4,724.99	188
145...	4,725.00 to 4,749.99	189
146...	4,750.00 to 4,774.99	190
147...	4,775.00 to 4,799.99	191
148...	4,800.00 to 4,824.99	192
149...	4,825.00 to 4,849.99	193
150...	4,850.00 to 4,874.99	194
151...	4,875.00 to 4,899.99	195
152...	4,900.00 to 4,924.99	196
153...	4,925.00 to 4,949.99	197
154...	4,950.00 to 4,974.99	198
155...	4,975.00 to 4,999.99	199
156...	5,000.00 to 5,024.99	200
157...	5,025.00 to 5,049.99	201
158...	5,050.00 to 5,074.99	202
159...	5,075.00 to 5,099.99	203
160...	5,100.00 to 5,124.99	204
161...	5,125.00 to 5,149.99	205
162...	5,150.00 to 5,174.99	206
163...	5,175.00 to 5,199.99	207
164...	5,200.00 to 5,224.99	208
165...	5,225.00 to 5,249.99	209
166...	5,250.00 to 5,274.99	210
167...	5,275.00 to 5,299.99	211
168...	5,300.00 to 5,324.99	212
169...	5,325.00 to 5,349.99	213
170...	5,350.00 to 5,374.99	214
171...	5,375.00 to 5,399.99	215
172...	5,400.00 to 5,424.99	216
173...	5,425.00 to 5,449.99	217
174...	5,450.00 to 5,474.99	218
175...	5,475.00 to 5,499.99	219
176...	5,500.00 to 5,524.99	220
177...	5,525.00 to 5,549.99	221
178...	5,550.00 to 5,574.99	222
179...	5,575.00 to 5,599.99	223
180...	5,600.00 to 5,624.99	224
181...	5,625.00 to 5,649.99	225
182...	5,650.00 to 5,674.99	226
183...	5,675.00 to 5,699.99	227
184...	5,700.00 to 5,724.99	228
185...	5,725.00 to 5,749.99	229

186...	5,750.00 to 5,774.99	230
187...	5,775.00 to 5,799.99	231
188...	5,800.00 to 5,824.99	232
189...	5,825.00 to 5,849.99	233
190...	5,850.00 to 5,874.99	234
191...	5,875.00 to 5,899.99	235
192...	5,900.00 to 5,924.99	236
193...	5,925.00 to 5,949.99	237
194...	5,950.00 to 5,974.99	238
195...	5,975.00 to 5,999.99	239
196...	6,000.00 to 6,024.99	240
197...	6,025.00 to 6,049.99	241
198...	6,050.00 to 6,074.99	242
199...	6,075.00 to 6,099.99	243
200...	6,100.00 to 6,124.99	244
201...	6,125.00 to 6,149.99	245
Figure 108.05 (1) (L): (continued)		
202...	6,150.00 to 6,174.99	246
203...	6,175.00 to 6,199.99	247
204...	6,200.00 to 6,224.99	248
205...	6,225.00 to 6,249.99	249
206...	6,250.00 to 6,274.99	250
207...	6,275.00 to 6,299.99	251
208...	6,300.00 to 6,324.99	252
209...	6,325.00 to 6,349.99	253
210...	6,350.00 to 6,374.99	254
211...	6,375.00 to 6,399.99	255
212...	6,400.00 to 6,424.99	256
213...	6,425.00 to 6,449.99	257
214...	6,450.00 to 6,474.99	258
215...	6,475.00 to 6,499.99	259
216...	6,500.00 to 6,524.99	260
217...	6,525.00 to 6,549.99	261
218...	6,550.00 to 6,574.99	262
219...	6,575.00 to 6,599.99	263
220...	6,600.00 to 6,624.99	264
221...	6,625.00 to 6,649.99	265
222...	6,650.00 to 6,674.99	266
223...	6,675.00 to 6,699.99	267
224...	6,700.00 to 6,724.99	268
225...	6,725.00 to 6,749.99	269
226...	6,750.00 to 6,774.99	270
227...	6,775.00 to 6,799.99	271
228...	6,800.00 to 6,824.99	272
229...	6,825.00 to 6,849.99	273
230...	6,850.00 to 6,874.99	274
231...	6,875.00 to 6,899.99	275
232...	6,900.00 to 6,924.99	276
233...	6,925.00 to 6,949.99	277
234...	6,950.00 to 6,974.99	278
235...	6,975.00 to 6,999.99	279
236...	7,000.00 to 7,024.99	280
237...	7,025.00 to 7,049.99	281
238...	7,050.00 to 7,074.99	282
239...	7,075.00 to 7,099.99	283
240...	7,100.00 to 7,124.99	284
241...	7,125.00 to 7,149.99	285
242...	7,150.00 to 7,174.99	286

243....	7,175.00 to 7,199.99.	287
244....	7,200.00 to 7,224.99.	288
245....	7,225.00 to 7,249.99.	289
246....	7,250.00 to 7,274.99.	290
247....	7,275.00 to 7,299.99.	291
248....	7,300.00 to 7,324.99.	292
249....	7,325.00 to 7,349.99.	293
250....	7,350.00 to 7,374.99.	294
251....	7,375.00 to 7,399.99.	295
252....	7,400.00 to 7,424.99.	296
253....	7,425.00 to 7,449.99.	297
254....	7,450.00 to 7,474.99.	298
255....	7,475.00 to 7,499.99.	299
256....	7,500.00 to 7,524.99.	300
257....	7,525.00 to 7,549.99.	301
258....	7,550.00 to 7,574.99.	302
259....	7,575.00 to 7,599.99.	303
260....	7,600.00 to 7,624.99.	304
261....	7,625.00 to 7,649.99.	305
262....	7,650.00 to 7,674.99.	306
263....	7,675.00 to 7,699.99.	307
Figure 108.05 (1) (L): (continued)		
264....	7,700.00 to 7,724.99.	308
265....	7,725.00 to 7,749.99.	309
266....	7,750.00 to 7,774.99.	310
267....	7,775.00 to 7,799.99.	311
268....	7,800.00 to 7,824.99.	312
269....	7,825.00 and over.	313

(1m) FINAL PAYMENTS IN CERTAIN CASES. Whenever, as of the beginning of any week, the difference between the maximum amount of benefits potentially payable to an employe, as computed under this section and s. 108.06 (1), and the amount of benefits otherwise payable to the employe for that week is \$5 or less, the benefits payable to the employe for that week shall be that maximum amount.

(2) SEMIANNUAL ADJUSTMENT OF MAXIMUM AND MINIMUM

BENEFIT RATES. (a) This chapter's maximum weekly benefit rate, as to weeks of unemployment in a given half year starting January 1 or July 1 shall be based on the "average wages per average week" of the preceding "base year", ended 6 months before the starting date of the given half year, pursuant to this subsection. (b) The department shall determine by each December 1 and June 1 for the last completed base year, ended June 30 or December 31 respectively, from reports to the department submitted by employers other than government units financing benefits under s. 108.15 covering their employes in employment and any corrections thereof filed by September 30 or March 31 for that base year:

1. The gross wages thus reported by all such employers as paid in that year for such employment; and
2. The average of the 12 mid-month totals of all such employes in employment thus reported for that year; and
3. The quotient obtained by dividing said gross wages by said average; and

Analysis of Proposed Law Change

Amend Definition of Employee/Independent Contractor

1. Description of Proposed Law Change.

Currently, under a provision adopted beginning in 1996, workers qualify as independent contractors under the definition of "employee" if they meet one of two mandatory tests plus any six of eight optional factors. However, the pre-1996 test continues to apply to loggers and truckers.

This proposal would follow department work group recommendation. The first part of the proposal eliminates the mandatory nature of the requirement that the worker either (1) hold or have applied for a federal employer identification number (FEIN) or (2) have filed business or self-employment tax forms for a previous year. These become optional factors. The overall requirement becomes to meet 7 of 10 optional factors. The proposal also clarifies present optional statutory tests.

2. Proposed Statutory Language.

Amend section 108.02(12) of the statutes:

(12) Employee. (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), (c) or (d).

(b) Paragraph (a) does not apply to an individual performing services for an employing unit 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 the individual meets 7 or more of the following conditions by contract and in fact:

~~1. The individual:~~

~~a. Holds or has applied for a federal employer identification number, or~~

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

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

1. The individual has a federal employer identification number.

2. The individual has filed business or self-employment income tax returns with the federal internal revenue service based on such services performed for this or other employing units.

a- 3. The individual maintains a separate business with his or her own office, equipment, and materials and other facilities

b- 4. The individual ~~operates under contracts to perform specific services for specific amounts of money and under which the individual controls the means and methods of performing the services,~~ and makes such business services available to other potential clients.

e- 5. The individual incurs the main expenses related to the services that he or she performs ~~under contract~~ for the employing unit.

d- 6. The individual is responsible to the employing unit 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- 7. The individual receives compensation for specific services performed under a contract on a commission or per job or competitive bid basis and not on any other basis and sets the rate of compensation with or without negotiation with the employing unit.

f- 8. The individual may realize a profit or suffer a loss under contracts to perform services.

g- 9. The individual has recurring business liabilities or obligations which would continue beyond any specific relationship with a single employing unit.

10. The success or failure of the individual's business ~~depends on the relationship of business receipts to expenditures is not dependent on his or her relationship with a single employing unit.~~

3. Proposer's Reason for the Change.

The purpose of the proposal is to clarify the intent of the present law regarding the definition of employee/independent contractor, to recognize the growth of the consulting service industry, and to facilitate the establishment of independent contractor status for individuals who are first entering business.

The definition of employee has been an area of on-going concern for the department, legislators, workers, and businesses for some time. The tax return filing requirement has proven unrealistic for new or recent independent contractors. The IRS discourages workers without employees of their own from even applying for a federal employer identification number.

4. Brief History and Background of Current Provision.

The current provision adopted in 1995, effective in 1996, was a variation on the test used for Workers' Compensation purposes.

5. Effect of the Proposed Change.

Policy.

Administrative Feasibility.

Equitable.

Fiscal. The proposal is not expected to have a major fiscal impact. Most importantly, it would remove a mandatory requirement for an individual to have a federal employer identification number or application for one or have filed a business tax form for the preceding year. The Internal Revenue Service prefers not to issue a federal employee identification number or process the application for one when the contractor has no employees. Moreover, a newly established contractor will, in many cases, not have filed a tax form for the business before it has been operating for a full year.

6. State and Federal Issues.

Chapter 108. No other sections of Chapter 108 are affected.

Rules. No other administrative rules are affected.

Conformity. No issues.

7. Proposed Effective/Applicability Date.

Effective with determinations issued on or after the effective date of the bill.

9/8/99

Note to Jeff Kuesel:

This amendment of the definition of "employee" is to have a four-year sunset period.
Please add the appropriate language to the statutory section? Thanks.

Michelle Kho

Analysis of Proposed Law Change

Require Claimants to Make Two Applications per Week

1. Description of Proposed Law Change

Increase the required weekly work search for claimants from one to two.

2. Proposed Statutory Language

For weekly work searches, section 108.04(2)(a) of the statutes currently provides that a claimant is eligible for benefits for a given week only if, among other things, the claimant is seeking suitable work during that week. Section 108.04(2)(b) currently provides that the department may prescribe work search requirements by rule, which may include waiver by general rule under certain stated conditions.

Proposed change:

108.04(2) GENERAL QUALIFYING REQUIREMENTS.

- (a) Except as provided in par. (b) and as otherwise expressly provided, a claimant is eligible for benefits as to any given week for which he or she earns no wages only if:
 - 1. The individual is able to work and available for work ~~and is seeking suitable work~~ during that week; ~~and~~
 - 2. As of that week, the individual has registered for work; and
 - 3. The individual conducts a reasonable search for suitable work during that week. A reasonable search for suitable work must include two actions that constitute a reasonable search as prescribed by department rule.
- (b) The requirements for registration for work and search for work shall be prescribed by rule of the department, and the department may by general rule waive these requirements under certain stated conditions.

The department implements the *work search requirements* in Administrative Code § DWD 127.01, which requires weekly a "reasonable search for suitable

work.” Section DWD 127.01(2) lists numerous examples of actions that the department may consider constituting a reasonable search under the facts and circumstances of the claimant's individual circumstances. Nowhere does the rule specifically state that claimants are required to only make one application or contact per week. That is the result of policy that is communicated to claimants on the Form UCB-12, Claimant Job Search Record. The record is formatted for two contacts per week and a total of 12 weeks of contacts.

3. Proposer's Reason for the Change

Management believes that, given the current tight labor supply, the job market is sufficiently active and promising so that claimants' chances of re-employment would be enhanced with increased activity. It further believes that two applications per week are reasonable under any standard and that those sincerely interested in re-employment would be willing to make more applications than that.

4. Brief History and Background of Current Provision.

Work searching has been required by statute and rule for some years now.

5. Effect of the Proposed Change

Policy. These changes would be effectuated by changes in department policy regarding the number of weekly work searches required as well as monitoring.

Administrative Feasibility. [For Bureau of Benefits]

Equitable. This would slightly increase the burden or obligation imposed on a claimant by numerically increasing the required job “contacts.” It would theoretically help employers by offering them more candidates for their vacancies.

Fiscal. The proposal is not expected to have a major fiscal impact on the Reserve Fund although it may increase administrative expenditures. Most people who are looking for work already make more than one application per week. The proposal is directed at exceptional situations where there may be some question about how actively an individual is looking. It is assumed that present waivers of work search would continue as, for example, when someone has a definite date for recall, is registered at a union hiring hall, etc.

6. State and Federal Issues.

Chapter 108. No other sections of Chapter 108 are affected.

Rules. No other administrative rules are affected.

Conformity. No issues.

7. Proposed Effective/Applicability Date.

Weeks of unemployment beginning on or after the effective date of the bill

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Note to Jeff Kuesel:

Jeff,

This law change to make two applications for work per week during the work search is to have a two-year sunset period. Please add this to the statutory language. Thanks.

Michelle Kho

Analysis of Proposed UI Law Change

Allow benefits to employees who quit by refusing a transfer to another shift because of lack of childcare, and provided they remain able to work and available for work on the same terms and conditions as they previously worked.

1. Description of the Proposed Change:

This proposal represents a revision from Labor's original #6, as revised June 7, 1999, to allow benefits due to a quit for compelling personal reasons.

It adds a new exception to the quit disqualification of section 108.04(7)(a) of the statutes. This would allow benefits if an employee quits by refusing to accept a transfer to another shift because of lack of childcare, as long as the employee remains available under the same conditions as applied to the employee's last job.

2. Proposed statutory language:

Add new paragraph 108.04(7)(cm) of the statutes to read:

(cm) Paragraph (a) does not apply if the department determines that the employee terminated his or her work because the employee refused a transfer by his or her employing unit to a different shift because of lack of child care for his or her minor children, provided that the employee remains able to work and available for work under the same conditions that applied to the employee's most recent period of employment.

3. Proposer's Reason For The Change

Labor feels that it is appropriate to allow benefits where an employee quits by refusing the employer's job transfer to another shift because the employee lacks child care. The exception would be subject to condition that the employee remain able to work and available for under the same conditions that applied to the employee's most recent period of employment – the conditions that applied to the job worked before transfer.

Questions will arise as to the meaning of "minor children", which we might want to refine to a specific age – e.g., under the age of 12, 13, etc. While we thought

we might possibly use an age set by Wisconsin law regarding parental responsibilities toward their children, there is no particular age (a child is a person under the age of 18). So there's no specific law that says a child of 14 or a child of 8 cannot be left home without supervision. It depends on a child's level of maturity, behavior, etc.

Presumably "children" would include legal (birth and adopted), stepchildren, and children for whom the employe is legally responsible.

4. Brief History and Background of the Current Provision

Currently, there is no provision specifically dealing with this situation. Under current law, lack of childcare would generally be viewed as a controllable restriction on availability for work. If the transfer was to a different shift, we would look at the "new work" provisions of section 108.04(9)(b), but would likely allow benefits only if the transfer was from the first to second or third shifts, where the hours would be substantially less favorable to the individual than prevailing for similar work in the locality. If the transfer was to the first shift, the condition as to hours would be prevailing. Therefore, the prevailing conditions of employment standard would not apply.

5. Effect of the Proposed Change

a. Policy: [Benefit Operations]

b. Administrative Feasibility: [Benefit Operations]

Equitable: The proposal would increase benefits for those employees who could continue working on the shift on which they are presently employed, but are forced to quit when transferred to another shift because of lack of child care. They would be eligible for benefits immediately after quitting if they remain able and available for work under the same conditions as the job from which they were transferred.

Employers would be charged with these benefits because they occasioned the employee's unemployment by requiring the transfer.

b. Fiscal: [Office of Policy Research]

6. State and Federal Issues

a. Chapter 108: No effect on any other section of Chapter 108.

b. Rules: No effect on administrative rules.

c. Conformity: Current federal law mandates that state UI laws pay benefits only to those claimants who are able to work and available for work. States are given great latitude in determining under their law when a claimant is able to work and available for work. Lack of childcare inherently raises the able and available issue. This proposal would require that the employee remain able and available for work under pre-transfer conditions.

7. Proposed Effective/Applicability Date

The proposal would be effective with issues adjudicated after the passage of the bill.

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