



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-3682P-PS  
JTK:kmg:jf

wanted by 10/1 mon 4pm

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT to renumber 108.02 (12m) (c) and (d); to renumber and amend 108.02**  
2 **(12m) (intro.), 108.02 (12m) (a) and (b), 108.02 (12m) (e) and 108.09 (3) (a); to**  
3 **amend 20.445 (1) (gh) (title), 20.445 (1) (nb) (title), 108.02 (10m), 108.02 (13)**  
4 **(a), 108.02 (15) (f) (intro.), 108.02 (15) (g) (intro.), 108.02 (15) (j) 4. and 5., 108.02**  
5 **(15) (n), 108.02 (22m), 108.04 (7) (h), 108.04 (8) (c), 108.04 (13) (d) 4. (intro.),**  
6 **108.04 (16) (b), 108.04 (17) (b), 108.04 (17) (h), 108.05 (1) (L) (intro.), 108.05 (7)**  
7 **(a) 1., 108.05 (7) (f) 1., 108.065 (1), 108.16 (6) (g), 108.16 (6m) (a), 108.16 (8) (b)**  
8 **(intro.), 108.16 (8) (b) 2., 108.16 (8) (b) 3., 108.16 (8) (c) 3., 108.16 (8) (e) 3., 108.16**  
9 **(8) (f), 108.17 (2), 108.19 (1e) (a) and (d), 108.19 (1m), 108.20 (3), 108.22 (1) (am),**  
10 **108.22 (1) (b), 108.22 (1) (e), 108.22 (1m), 108.225 (1) (a) to (c) and 108.225 (16)**  
11 **(intro.); and to create 108.02 (15) (gm), 108.02 (15) (j) 6., 108.02 (17m), 108.02**  
12 **(21e), 108.02 (29), 108.05 (1) (m) and (n), 108.065 (1m), 108.067, 108.09 (3) (a)**  
13 **2., 108.14 (2e), 108.14 (19), 108.141 (7) (c), 108.152, 108.16 (8) (c) 4., 108.16 (8)**  
14 **(e) 4., 108.16 (8) (L), 108.17 (2c), 108.17 (2g), 108.22 (1) (ad) and 230.12 (1) (g)**  
15 **of the statutes; relating to: various changes in the unemployment insurance**

1 law, appointment of temporary reserve appeal tribunals, requiring the exercise  
2 of rule-making authority, and making an appropriation.

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***Analysis by the Legislative Reference Bureau***

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

**BENEFIT RATE CHANGES**

Currently, weekly unemployment insurance benefit rates for total unemployment range from \$46 for an employee who earns wages (or certain other amounts treated as wages) of at least \$1,150 during at least one quarter of the employee's base period (period preceding a claim during which benefit rights accrue) to \$313 for an employee who earns wages (or certain other amounts treated as wages) of at least \$7,825 during any such quarter. This bill adjusts weekly benefit rates for weeks of unemployment beginning on or after December 30, 2001, and before December 29, 2002, to rates ranging from \$48 for an employee who earns wages (or certain other amounts treated as wages) of at least \$1,200 during at least one quarter of the employee's base period to \$324 for an employee who earns wages (or certain other amounts treated as wages) of at least \$8,100 during any such quarter; and beginning on or after December 29, 2002, to rates ranging from \$49 for an employee who earns wages (or certain other amounts treated as wages) of at least \$1,225 during at least one quarter of the employee's base period to \$329 for an employee who earns wages (or certain other amounts treated as wages) of at least \$8,225 during any such quarter.

**OTHER BENEFIT CHANGES**

***Offset of social security benefits***

Currently, with certain exceptions, if benefits are payable to a claimant for any week for which the claimant receives a pension payment from a governmental or other retirement system (including the social security system) maintained or contributed to by an employer for which the claimant worked during his or her base period (recent work period during which benefit rights accrue), the benefits received by the claimant for each week are reduced by the amount of the pension payment received for that week, except that if the payment is received under the Social Security Act the benefits received by the claimant for each week are reduced by 50% of the gross amount of the social security payment received for that week. This bill provides that, beginning with the first full week of 2003, all payments received by a claimant under the Social Security Act are not included in determining the amount of any required unemployment insurance benefit reduction.

The bill also provides that for all weeks beginning in 2002 the benefits received by a claimant for each week in which the claimant receives a payment under the Social Security Act are reduced by only 25% of the gross amount of the social security payment received by the claimant for that week.

***Requalification for employees receiving certain training***

Currently, with certain exceptions, if an employee is unable to work or unavailable for work, has not registered for work, or is not seeking suitable work, the employee's benefits are reduced or the employee is ineligible to receive benefits. Also currently with certain exceptions, if an employee fails, without good cause, to accept suitable work when offered or to return to work when recalled by his or her employer, the employee is ineligible to receive benefits for the next 4 full weeks and until the employee requalifies by earning a specified amount of wages in certain employment. One exception permits an employee to receive benefits without requalifying if the employee enrolls in or leaves work to participate in training approved under the federal Trade Readjustment Act. This bill also permits an employee to receive benefits without requalifying if the employee enrolls in or leaves work to participate in training under a state plan approved under the federal Workforce Investment Act. The cost of benefits paid to an employee under the current exception is generally charged to the employer or employers that employed the employee during his or her base period. Under this bill, the cost of benefits resulting from the current exception and the proposed exception is charged to the balancing account of the unemployment reserve fund, which is financed from contributions (taxes) of all employers that are subject to a requirement to pay contributions, unless the employee's employer or employers do not pay contributions, in which case the cost of benefits is generally chargeable to the employee's employer or employers.

***Charging of certain benefits paid after recall***

Currently, if an employee fails, without good cause, to return to work with a former employer that recalls the employee within 52 weeks after the employee last worked for the employer, the employee is ineligible to receive benefits for the next 4 full weeks and until the employee requalifies by earning a specified amount of wages in certain employment. Currently, the cost of benefits paid to an employee who fails, without good cause, to return to work with an employer after the employee requalifies is generally charged to the employer or employers that employed the employee during his or her base period. Under this bill, the cost of benefits that would otherwise be chargeable to the recalling employer is charged to the balancing account of the unemployment reserve fund, unless the employee's employer or employers do not pay contributions, in which case the cost of benefits is generally chargeable to the employee's employer or employers.

**TAX CHANGES*****Deferral of first quarter contribution liability***

Currently, if an employer is liable for the payment of contributions (taxes), the employer must make regular payments for the periods specified by the department of workforce development (DWD). This bill codifies the existing requirement that these payments be made on a quarterly basis. The bill also permits an employer that has a first quarter contribution liability of at least \$5,000 and that is not delinquent in making its contribution payments or in paying any interest, penalties or fees assessed against the employer for unemployment insurance purposes to defer payment of up to 60% of the contribution liability of the employer for the first quarter

of the year in which the liability accrues (normally payable by April 30) without payment of interest, if the employer pays at least 30% of that liability by the following July 31, an additional 20% of that liability by the following October 31 and any remaining liability by the following January 31. Under the bill, if an employer fails to make a deferred payment of contribution liability when due, the employer must pay interest on all contribution liability for the calendar year in which the liability accrues retroactive to April 30 of that year.

### ***Special assessments for information technology systems***

Currently, each employer that is subject to a contribution requirement must pay an annual special assessment for each year prior to 2002 in an amount that may not exceed the lesser of 0.01% of the employer's annual taxable payroll for unemployment insurance purposes or the employer's solvency contribution for that year for the purpose of financing the renovation and modernization of the unemployment insurance tax and accounting system. DWD must reduce the solvency rate that an employer must pay in each year prior to 2002 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 2002 and 2003. The bill also permits DWD to use the revenue generated by the assessments for the design, or development of, unemployment insurance information technology systems generally, including the tax and accounting system.

### **OTHER CHANGES**

### ***Coverage<sup>of</sup> and financing of benefits by Indian tribes and tribal units***

Currently, the unemployment insurance law of this state applies to Indian tribes so that the tribes or units are generally subject to the requirement to pay contributions (taxes) to this state on services performed for them and employees of the tribes are potentially eligible to claim benefits. However, under federal law, tribes that are recognized by the federal government are not generally subject to the jurisdiction of this state except as federal law permits or requires. On December 20, 2000, the federal government required this state to make Indian tribes subject to the unemployment insurance law of this state and to pay benefits to employees of the tribes to the same extent as other employers and employees generally.

This bill specifically applies the unemployment insurance law of this state to Indian tribes and their employees. However, in accordance with federal requirements, the bill accords Indian tribes, tribal units, or combinations of tribal units the privilege of financing the payment of benefits to their employees on a reimbursement basis after benefits are claimed in lieu of payment of regular contributions as is generally required of most other employers. The bill also prescribes procedures for and restrictions on the election of reimbursement financing by Indian tribes, tribal units, and combinations of tribal units.

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**Rule making**

The bill directs DWD to submit proposed rule changes to the legislative council staff no later than the first day of the 11th month beginning after the day the bill becomes law to:

1. Decrease the number of hours per week that a claimant must remain available for work in order to receive benefits from 35 to 32.

2. Establish a specified level of repeated absenteeism or repeated tardiness that will permit an employer to terminate an employee without being required to pay the cost of any benefits for which the employee may qualify resulting from the base period applicable to the date of termination, and that will preclude the employee from receiving benefits without requalifying by working for a specified period and receiving a specified amount. (Currently, the degree of absenteeism or tardiness that permits such action varies depending upon the facts of each case.)

3. Specify, in accordance with applicable administrative and judicial interpretations, what constitutes an "establishment" for purposes of a current disqualification from receipt of benefits because of a labor dispute in the establishment in which an employee is or was employed.

The bill also directs DWD to promulgate an emergency rule no later than the 90th day after the bill becomes law to extend the current deadline for filing an initial claim for benefits from the end of the initial week for which benefits are payable to the end of the following week. Currently, emergency rules are generally effective for no more than 150 days. Under the bill, this emergency rule is effective until the first day of the 11th month after the day on which the bill becomes law or the day on which a permanent rule relating to this subject matter becomes effective, whichever is sooner, and no finding of emergency is required to promulgate the emergency rule.

**Coverage of certain nonresident aliens**

Currently, the services of nonresident aliens who are lawfully admitted to the United States for certain purposes, as well as the services of their spouses and minor children who are admitted for the same purposes, are subject to contribution requirements (taxes) under the state unemployment insurance law, but the employees who perform these services are generally not eligible to claim benefits. This bill eliminates coverage of services performed by certain kinds of nonresident aliens who are lawfully admitted to the United States under certain specified visas, thereby eliminating contribution requirements for services performed by these individuals. The change does not affect coverage of services performed by spouses or minor children of these aliens if the spouses or children are not admitted to the United States for the same purposes as their spouses or parents. The change applies retroactively to January 1, 2001. 1999 ✓

**Contribution report format**

Currently, each employer that is subject to the unemployment insurance law must file with DWD periodic reports of contributions (taxes). This bill provides that, if an employer retains an agent to file contribution reports and the agent files contribution reports on behalf of 25 or more employers, the agent must file the contribution reports electronically. Under the bill, employer agents that are subject

to this requirement and that fail to file their reports electronically may be assessed a penalty of \$25 for each employer whose report is not filed electronically.

#### ***Temporary reserve appeal tribunals***

Currently, DWD employs individuals to serve as "appeal tribunals," who hear and decide appeals of initial determinations made by employees of DWD with respect to unemployment insurance matters. With limited exceptions, these individuals must be permanent employees of DWD. This bill permits DWD to employ an individual who formerly served as an appeal tribunal, and who retired from state service as a permanent employee, to serve as a temporary reserve appeal tribunal. The individual must be an attorney who is licensed to practice in this state. Currently, the rates of pay for limited term state employees are fixed under the state compensation plan. This bill provides that the compensation plan must include a provision specifying that, if an individual receives a limited term appointment as a temporary reserve appeal tribunal, DWD may compensate the individual at a rate not more than the base pay rate that the individual was paid at the time of his or her separation from DWD, plus any intervening adjustment made since that separation.

#### ***Treatment of employee leasing arrangements***

Currently, an employer is generally liable for contributions (taxes) or benefit reimbursements based on an individual's employment if the individual is subject to the employer's control or direction over the performance of the individual's services. However, if an individual performs services for a client or customer of an employee service company under contract, the employee service company is liable for the contributions (taxes) or benefit reimbursements based on those services under certain specified conditions. This bill discontinues the existing category of "employee service company" and replaces it with two new categories called "professional employer organization" and "temporary help company." Under the bill, a professional employer organization or a temporary help company is treated as the employer of individuals who perform services for the entities with whom the organizations or companies contract under certain specified conditions. Professional employer organizations generally engage individuals on a ~~permanent~~ basis to perform services for the entities with whom they contract, whereas temporary help companies engage individuals on a temporary basis to support or supplement the ~~permanent~~ workforce of the entities with whom they contract. an ongoing

#### ***Electronic submissions***

Under current state law, unless otherwise provided, any document that may be submitted in writing to a state agency and that requires a signature may, with the consent of the agency, be submitted in electronic format. Federal law may also require or permit state agencies to accept certain documents electronically. This bill specifically permits DWD to provide a secure means of electronic interchange between itself and employing units, claimants, and other persons which, upon request to and with prior approval by DWD, may be used for departmental transmission or receipt of any document that is related the administration of the unemployment insurance law in lieu of any other means of submission or receipt currently provided. The bill also provides that, if a due date is established by statute

for the receipt of any document that is submitted electronically to DWD, then that submission is timely only if the document is submitted by midnight of that due date.

***Liens for unpaid reimbursements and certain forfeitures***

Currently, if an employer owes any contributions (taxes), interest, or fees to DWD, DWD has a lien on the employer's real and personal property located in this state at the time that DWD issues any initial determinations of liability, unless the lien is temporarily barred or stayed under bankruptcy or other insolvency law. This bill provides that DWD has a lien under the same conditions for any unpaid civil penalties imposed by DWD under the unemployment insurance law and for unpaid reimbursements of benefits payable by an employer that has elected to reimburse the unemployment reserve fund for benefits paid on its behalf instead of making contributions to the fund.

***Administrative levies to collect certain liabilities***

Currently, a governmental or nonprofit employer is generally permitted to elect to finance benefit payments by reimbursing the unemployment reserve fund for the cost of benefits charged to its account rather than by paying regular contributions (taxes) to finance these benefits. If a reimbursement is not paid when due, DWD may collect the reimbursement by bringing a lawsuit against the debtor in circuit court. This bill permits DWD to administratively levy against any property other than realty of a person who fails to pay a reimbursement when due. Under the levy procedure, the person in possession of property that is subject to levy must surrender the property to DWD and DWD applies the property to offset the amount owed by the owner, plus the expenses of the levy.

Currently, DWD may proceed against any third party that has in its possession property that is subject to levy for payment of delinquent contributions or penalties administratively assessed by DWD, or for repayment of benefit overpayments. A third party is not liable for more than 25% of the debt owed by the original debtor. This bill permits DWD to use the levy procedure to recover property owed to DWD by third parties, subject to the current limitations, for unpaid contributions and penalties and benefit overpayments that have not been repaid, as well as for unpaid reimbursements.

The bill also permits DWD to administratively levy against the property of any person who fails to pay fees assessed by DWD under the unemployment insurance law.

***Partial successorship***

Currently, if at least 25% of a business is transferred from one employer to another employer and the transferee requests DWD to treat it as a successor to the transferor for purposes of unemployment insurance experience, including contribution and benefit liability, DWD must treat the transferee as a successor, instead of treating it as a new employer, under certain conditions. This bill precludes a transferee from requesting that it be treated as a successor to a transferor unless 100% of the transferor's business is transferred to a single transferee, except that the bill requires that a transferee be treated as a successor, under certain conditions, if 100% of the transferor's business is transferred to the transferee or if the transferor's unemployment insurance account is overdrawn on the date of the transfer.

***Fraud detection and prosecution***

This bill requires DWD to furnish annually to the council on unemployment insurance a report summarizing DWD's activities related to detection and prosecution of unemployment insurance fraud. Currently, no such report is required.

***Claimant eligibility reviews***

This bill directs DWD to conduct reviews of claimants for unemployment insurance benefits in the 2001-03 fiscal biennium to verify adherence to work search requirements and other conditions of eligibility.

***Funding and position changes***

This bill authorizes 15.0 federally funded project positions for DWD to carry out unemployment insurance information technology system redesign projects. The bill also appropriates \$250,000 from revenue received by DWD for interest, penalties, and fees for unemployment insurance purposes to be used to pay for employment service expenses that were disallowed as federally aided costs.

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:***

1           **SECTION 1.** 20.445 (1) (gh) (title) of the statutes is amended to read:

2           20.445 (1) (gh) (title) ~~*Unemployment tax and accounting system information*~~  
3           *technology systems; assessments.*

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

5           20.445 (1) (nb) (title) ~~*Unemployment tax and accounting system information*~~  
6           *technology systems; federal moneys.*

7           **SECTION 3.** 108.02 (10m) of the statutes is amended to read:

8           108.02 (10m) EDUCATIONAL SERVICE AGENCY. "Educational service agency"  
9           ~~*means a governmental entity or Indian tribal unit*~~ which is established and operated  
10          exclusively for the purpose of providing services to one or more educational  
11          institutions.



1           **SECTION 4.** 108.02 (12m) (intro.) of the statutes is renumbered 108.02 (24m)  
2 (intro.) and amended to read:

3           108.02 (24m) ~~EMPLOYEE SERVICE~~ TEMPORARY HELP COMPANY. (intro.) ~~“Employee~~  
4 ~~service~~ “Temporary help company” means ~~a leasing company or temporary help~~  
5 ~~service~~ an entity which contracts with ~~clients or customers~~ a client to supply  
6 individuals to perform services for the client ~~or customer~~ on a temporary basis to  
7 support or supplement the workforce of the client in situations such as personnel  
8 absences, temporary personnel shortages, and workload changes resulting from  
9 seasonal demands or special assignments or projects, and which, both under  
10 contract and in fact:

11           **SECTION 5.** 108.02 (12m) (a) and (b) of the statutes are renumbered 108.02  
12 (24m) (a) and (b) and amended to read:

13           108.02 (24m) (a) Negotiates with ~~clients or customers~~ for such matters as time,  
14 place, type of work, working conditions, quality, and price of the services;

15           (b) Determines assignments or reassignments of individuals to its ~~clients or~~  
16 ~~customers,~~ even if the individuals retain the right to refuse specific assignments;

17           **SECTION 6.** 108.02 (12m) (c) and (d) of the statutes are renumbered 108.02  
18 (24m) (c) and (d).

19           **SECTION 7.** 108.02 (12m) (e) of the statutes is renumbered 108.02 (24m) (e) and  
20 amended to read:

21           108.02 (24m) (e) Hires and terminates individuals who perform services for the  
22 ~~clients or customers.~~

23           **SECTION 8.** 108.02 (13) (a) of the statutes is amended to read:

24           108.02 (13) (a) “Employer” means every government unit and Indian tribe, and  
25 any person, association, corporation, whether domestic or foreign, or legal

1 representative, debtor in possession or trustee in bankruptcy or receiver or trustee  
2 of a person, partnership, association, or corporation, or guardian of the estate of a  
3 person, or legal representative of a deceased person, any partnership or partnerships  
4 consisting of the same partners, except as provided in par. (L), any limited liability  
5 company or limited liability companies consisting of the same members, except as  
6 provided in par. (kL), and any fraternal benefit society as defined in s. 614.01 (1) (a),  
7 which is subject to this chapter under the statutes of 1975, or which has had  
8 employment in this state and becomes subject to this chapter under this subsection  
9 and, notwithstanding any other provisions of this section, any service insurance  
10 corporation organized or operating under ch. 613, except as provided in s. 108.152  
11 (6)(a) 3.

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

13 108.02 (15) (f) (intro.) “Employment” as applied to work for a government unit  
14 or Indian tribe, except as such unit or tribe duly elects otherwise with the  
15 department’s approval, does not include service:

16 **SECTION 10.** 108.02 (15) (g) (intro.) of the statutes is amended to read:

17 108.02 (15) (g) (intro.) “Employment” as applied to work for a government unit,  
18 an Indian tribe, or a nonprofit organization, except as such unit, tribe, or  
19 organization duly elects otherwise with the department’s approval, does not include  
20 service:

21 **SECTION 11.** 108.02 (15) (gm) of the statutes is created to read:

22 108.02 (15) (gm) “Employment,” as applied to work for an Indian tribe, does not  
23 include service performed after the department terminates application of this  
24 chapter to the tribe under s. 108.152 (6) (a) 3.

25 **SECTION 12.** 108.02 (15) (j) 4. and 5. of the statutes are amended to read:

1           108.02 (15) (j) 4. In the employ of a hospital by a patient of such hospital; or  
 2           5. In any quarter in the employ of any organization exempt from federal income  
 3 tax under section 501 (a) of the internal revenue code, other than an organization  
 4 described in section 401 (a) or 501 (c) (3) of such code, or under section 521 of the  
 5 internal revenue code, if the remuneration for such service is less than \$50.; or

6           **SECTION 13.** 108.02 (15) (j) 6. of the statutes is created to read:

7           108.02 (15) (j) 6. By a nonresident alien for the period that he or she is  
 8 temporarily present in the United States as a nonimmigrant under 8 USC 1101 (a)  
 9 (15) (F), (J), (M), or (Q), if the service is performed to carry out the purpose for which  
 10 the alien is admitted to the United States, as provided in 8 USC 1101 (a) (15) (F), (J),  
 11 (M), or (Q), or by the spouse or minor child of such an alien if the spouse or child was  
 12 also admitted to the United States under 8 USC 1101 (a) (15) (F), (J), (M), or (Q) for  
 13 the same purpose.

14           **SECTION 14.** 108.02 (15) (n) of the statutes is amended to read:

15           108.02 (15) (n) If any employment for a government unit, Indian tribe, or  
 16 nonprofit organization excluded under other paragraphs of this subsection is  
 17 required by the federal unemployment tax act, the social security act, or any other  
 18 federal law, to be employment covered by this chapter as a condition for approval of  
 19 this chapter for full tax credit against the tax imposed by the federal unemployment  
 20 tax act, such exclusion shall not apply under this chapter.

21           **SECTION 15.** 108.02 (17m) of the statutes is created to read:

22           108.02 (17m) "Indian tribe" has the meaning given in 25 USC 450b (e), and  
 23 includes any subdivision, subsidiary, or business enterprise that is wholly owned by  
 24 such an entity.

25           **SECTION 16.** 108.02 (21e) of the statutes is created to read:

*DWS*  
*11-13*  
*11-24*

1            108.02 (21e) PROFESSIONAL EMPLOYER ORGANIZATION. "Professional employer  
2 organization" means any person who contracts to provide the <sup>nontemporary, ongoing</sup> permanent employee  
3 workforce of a client under a written leasing contract and who under contract and  
4 in fact:

5            (a) <sup>with the consent of the client, hires</sup> ~~Hires~~ and terminates the permanent employees who perform services for  
6 the client; <sup>and reassigns the employees to other clients</sup>

7            (b) ~~Determines the job assignments of permanent employees and assigns them~~  
8 ~~on a permanent basis to perform service for the client;~~

9            (b) ~~Set~~ Sets the rate of pay of the permanent employees, whether or not through  
10 negotiations;

11            (c) ~~Has~~ Has the obligation to and pays the permanent employees from its own  
12 accounts;

13            (d) ~~Has~~ Has a general right of direction and control over the permanent employees,  
14 including corporate officers, which right may be shared with the client to the degree  
15 necessary to allow the client to conduct its business, meet any fiduciary  
16 responsibility, or comply with any applicable regulatory or statutory requirements;

17            (e) ~~Assumes~~ Assumes responsibility for the unemployment insurance coverage of the  
18 permanent employees, files all required reports, pays all required contributions or  
19 reimbursements due on the wages of the permanent employees, and otherwise  
20 complies with all of the provisions of this chapter that are applicable to employers  
21 on behalf of the client;

22            (f) (g) Has the obligation to establish, fund, and administer any employee benefit  
23 plans for the permanent employees; and

24            (g) ~~Provides~~ Provides notice of the employee leasing arrangement to the permanent  
25 employees; and

1 (i) Gives written notice to the department of any employee leasing agreement  
 2 in such manner as the department prescribes.

3 SECTION 17. 108.02 (22m) of the statutes is amended to read:

4 108.02 (22m) SCHOOL YEAR EMPLOYEE. "School year employee" means an  
 5 employee of an educational institution or an educational service agency, or an  
 6 employee of a government unit, Indian tribe, or nonprofit organization which  
 7 provides services to or on behalf of an educational institution, who performs services  
 8 under an employment contract which does not require the performance of services  
 9 on a year-round basis.

PWS  
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10 SECTION 18. 108.02 (29) of the statutes is created to read:

11 108.02 (29) WORKING DAY. "Working day" has the meaning given in s. 227.01  
 12 (14).

13 SECTION 19. 108.04 (7) (h) of the statutes is amended to read:

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

19 SECTION 20. 108.04 (8) (c) of the statutes is amended to read:

20 108.04 (8) (c) If an employee fails, without good cause, to return to work with  
 21 a former employer that recalls the employee within 52 weeks after the employee last  
 22 worked for that employer, the employee is ineligible to receive benefits until 4 weeks  
 23 have elapsed since the end of the week in which the failure occurs and the employee  
 24 earns wages after the week in which the failure occurs equal to at least 4 times the  
 25 employee's weekly benefit rate under s. 108.05 (1) in employment or other work

1 covered by the unemployment insurance law of any state or the federal government.  
2 For purposes of requalification, the employee's weekly benefit rate shall be that rate  
3 which would have been paid had the failure not occurred. This paragraph does not  
4 preclude an employee from establishing a benefit year during a period in which the  
5 employee is ineligible to receive benefits under this paragraph if the employee  
6 qualifies to establish a benefit year under s. 108.06 (2) (a). The department shall  
7 charge to the fund's balancing account any benefits otherwise chargeable to the  
8 account of any employer that is subject to the contribution requirements under ss.  
9 108.17 and 108.18 whenever an employee of that employer fails, without good cause,  
10 to return to work with that employer. If an employee receives actual notice of a recall  
11 to work, par. (a) applies in lieu of this paragraph.

12 SECTION 21. 108.04 (13) (d) 4. (intro.) of the statutes is amended to read:

13 108.04 (13) (d) 4. (intro.) To correct any erroneous payment not so adjusted from  
14 the account of an employer which is a government unit, an Indian tribe, or a nonprofit  
15 organization and which has elected reimbursement financing, the department shall:

16 SECTION 22. 108.04 (16) (b) of the statutes is amended to read:

17 108.04 (16) (b) The requalifying employment requirement under subs. (7) and  
18 (8) and the general qualifying requirements under sub. (2) do not apply to an  
19 individual as a result of the individual's enrollment in training or leaving unsuitable  
20 work to enter or continue training under 19 USC 2296 or a plan approved under 29  
21 USC 2822.

22 SECTION 23. 108.04 (17) (b) of the statutes is amended to read:

23 ~~108.04 (17) (b)~~ A school year employee of a government unit, Indian tribe, or  
24 nonprofit organization which provides services to or on behalf of an educational  
25 institution who performs services in an instructional, research, or principal

1 administrative capacity is ineligible for benefits based on such services for any week  
2 of unemployment which occurs:

3 1. During the period between 2 successive academic years or terms, if the school  
4 year employee performed such services for such a government unit, Indian tribe, or  
5 nonprofit organization in the first such year or term and if there is reasonable  
6 assurance that he or she will perform such services for such a government unit,  
7 Indian tribe, or nonprofit organization in the 2nd such year or term; or

8 2. During the period between 2 regular but not successive academic terms,  
9 when an agreement between an employer and a school year employee provides for  
10 such a period, if the school year employee performed such services for such a  
11 government unit, Indian tribe, or nonprofit organization in the first such term and  
12 if there is reasonable assurance that he or she will perform such services for such a  
13 government unit, Indian tribe, or nonprofit organization in the 2nd such term.

14 ~~SECTION 24. 108.04 (17) (h) of the statutes is amended to read:~~

15 108.04 (17) (h) A school year employee of a government unit, Indian tribe, or  
16 nonprofit organization which provides services to or on behalf of an educational  
17 institution who performs the services described in par. (b) or (e) is ineligible for  
18 ~~benefits based on such services for any week of unemployment which occurs during~~  
19 an established and customary vacation period or holiday recess if the school year  
20 employee performed such services for such a government unit, Indian tribe, or  
21 nonprofit organization in the period immediately before the vacation period or  
22 holiday recess, and there is reasonable assurance that the school year employee will  
23 perform the services described in par. (b) or (e) for such a government unit, Indian  
24 tribe, or nonprofit organization in the period immediately following the vacation  
25 period or holiday recess.

1           **SECTION 25.** 108.05 (1) (L) (intro.) of the statutes is amended to read:

2           108.05 (1) (L) (intro.) Each eligible employee shall be paid benefits for each  
3 week of total unemployment that commences on or after October 1, 2000, and before  
4 December 30, 2001, at the weekly benefit rate specified in this paragraph. Unless  
5 sub. (1m) applies, the weekly benefit rate shall equal 4% of the employee's base  
6 period wages that were paid during that quarter of the employee's base period in  
7 which the employee was paid the highest total wages, rounded down to the nearest  
8 whole dollar, except that, if that amount is less than the minimum amount shown  
9 in the following schedule, no benefits are payable to the employee and, if that amount  
10 is more than the maximum amount shown in the following schedule, the employee's  
11 weekly benefit rate shall be the maximum amount shown in the following schedule  
12 and except that, if the employee's benefits are exhausted during any week under s.  
13 108.06 (1), the employee shall be paid the remaining amount of benefits payable to  
14 the employee in lieu of the amount shown in the following schedule: [See Figure  
15 108.05 (1) (L) following]

16           **SECTION 26.** 108.05 (1) (m) and (n) of the statutes are created to read:

17           108.05 (1) (m) Each eligible employee shall be paid benefits for each week of  
18 total unemployment which commences on or after December 30, 2001, and before  
19 December 29, 2002, at the weekly benefit rate specified in this paragraph. Unless  
20 sub. (1m) applies, the weekly benefit rate shall equal 4% of the employee's base  
21 period wages which were paid during that quarter of the employee's base period in  
22 which the employee was paid the highest total wages, rounded down to the nearest  
23 whole dollar, except that, if that amount is less than the minimum amount shown  
24 in the following schedule, no benefits are payable to the employee and, if that amount  
25 is more than the maximum amount shown in the following schedule, the employee's



1 weekly benefit rate shall be the maximum amount shown in the following schedule  
 2 and except that, if the employee's benefits are exhausted during any week under s.  
 3 108.06 (1), the employee shall be paid the remaining amount of benefits payable to  
 4 the employee in lieu of the amount shown in the following schedule: [See Figure  
 5 108.05 (1) (m) following]

6  
 7 **Figure 108.05 (1) (m):**

Line	Highest Quarterly Wages Paid	Weekly Benefit Rate
13	1. .... Under \$1,200.00 .....	\$ 0
14	2. .... 1,200.00 to 1,224.99 .....	48
15	3. .... 1,225.00 to 1,249.99 .....	49
16	4. .... 1,250.00 to 1,274.99 .....	50
17	5. .... 1,275.00 to 1,299.99 .....	51
18	6. .... 1,300.00 to 1,324.99 .....	52
19	7. .... 1,325.00 to 1,349.99 .....	53
20	8. .... 1,350.00 to 1,374.99 .....	54
21	9. .... 1,375.00 to 1,399.99 .....	55
22	10. .... 1,400.00 to 1,424.99 .....	56
23	11. .... 1,425.00 to 1,449.99 .....	57
24	12. .... 1,450.00 to 1,474.99 .....	58
25	13. .... 1,475.00 to 1,499.99 .....	59
26	14. .... 1,500.00 to 1,524.99 .....	60

1	15.	.....	1,525.00	to	1,549.99	.....	61
2	16.	.....	1,550.00	to	1,574.99	.....	62
3	17.	.....	1,575.00	to	1,599.99	.....	63
4	18.	.....	1,600.00	to	1,624.99	.....	64
5	19.	.....	1,625.00	to	1,649.99	.....	65
6	20.	.....	1,650.00	to	1,674.99	.....	66
7	21.	.....	1,675.00	to	1,699.99	.....	67
8	22.	.....	1,700.00	to	1,724.99	.....	68
9	23.	.....	1,725.00	to	1,749.99	.....	69
10	24.	.....	1,750.00	to	1,774.99	.....	70
11	25.	.....	1,775.00	to	1,799.99	.....	71
12	26.	.....	1,800.00	to	1,824.99	.....	72
13	27.	.....	1,825.00	to	1,849.99	.....	73
14	28.	.....	1,850.00	to	1,874.99	.....	74
15	29.	.....	1,875.00	to	1,899.99	.....	75
16	30.	.....	1,900.00	to	1,924.99	.....	76
17	31.	.....	1,925.00	to	1,949.99	.....	77
18	32.	.....	1,950.00	to	1,974.99	.....	78
19	33.	.....	1,975.00	to	1,999.99	.....	79
20	34.	.....	2,000.00	to	2,024.99	.....	80
21	35.	.....	2,025.00	to	2,049.99	.....	81
22	36.	.....	2,050.00	to	2,074.99	.....	82
23	37.	.....	2,075.00	to	2,099.99	.....	83
24	38.	.....	2,100.00	to	2,124.99	.....	84

1	39.	.....	2,125.00	to	2,149.99	.....	85
2	40.	.....	2,150.00	to	2,174.99	.....	86
3	41.	.....	2,175.00	to	2,199.99	.....	87
4	42.	.....	2,200.00	to	2,224.99	.....	88
5	43.	.....	2,225.00	to	2,249.99	.....	89
6	44.	.....	2,250.00	to	2,274.99	.....	90
7	45.	.....	2,275.00	to	2,299.99	.....	91
8	46.	.....	2,300.00	to	2,324.99	.....	92
9	47.	.....	2,325.00	to	2,349.99	.....	93
10	48.	.....	2,350.00	to	2,374.99	.....	94
11	49.	.....	2,375.00	to	2,399.99	.....	95
12	50.	.....	2,400.00	to	2,424.99	.....	96
13	51.	.....	2,425.00	to	2,449.99	.....	97
14	52.	.....	2,450.00	to	2,474.99	.....	98
15	53.	.....	2,475.00	to	2,499.99	.....	99
16	54.	.....	2,500.00	to	2,524.99	.....	100
17	55.	.....	2,525.00	to	2,549.99	.....	101
18	56.	.....	2,550.00	to	2,574.99	.....	102
19	57.	.....	2,575.00	to	2,599.99	.....	103
20	58.	.....	2,600.00	to	2,624.99	.....	104
21	59.	.....	2,625.00	to	2,649.99	.....	105
22	60.	.....	2,650.00	to	2,674.99	.....	106
23	61.	.....	2,675.00	to	2,699.99	.....	107
24	62.	.....	2,700.00	to	2,724.99	.....	108

1	63.	.....	2,725.00	to	2,749.99	.....	109
2	64.	.....	2,750.00	to	2,774.99	.....	110
3	65.	.....	2,775.00	to	2,799.99	.....	111
4	66.	.....	2,800.00	to	2,824.99	.....	112
5	67.	.....	2,825.00	to	2,849.99	.....	113
6	68.	.....	2,850.00	to	2,874.99	.....	114
7	69.	.....	2,875.00	to	2,899.99	.....	115
8	70.	.....	2,900.00	to	2,924.99	.....	116
9	71.	.....	2,925.00	to	2,949.99	.....	117
10	72.	.....	2,950.00	to	2,974.99	.....	118
11	73.	.....	2,975.00	to	2,999.99	.....	119
12	74.	.....	3,000.00	to	3,024.99	.....	120
13	75.	.....	3,025.00	to	3,049.99	.....	121
14	76.	.....	3,050.00	to	3,074.99	.....	122
15	77.	.....	3,075.00	to	3,099.99	.....	123
16	78.	.....	3,100.00	to	3,124.99	.....	124
17	79.	.....	3,125.00	to	3,149.99	.....	125
18	80.	.....	3,150.00	to	3,174.99	.....	126
19	81.	.....	3,175.00	to	3,199.99	.....	127
20	82.	.....	3,200.00	to	3,224.99	.....	128
21	83.	.....	3,225.00	to	3,249.99	.....	129
22	84.	.....	3,250.00	to	3,274.99	.....	130
23	85.	.....	3,275.00	to	3,299.99	.....	131
24	86.	.....	3,300.00	to	3,324.99	.....	132

1	87.	3,325.00	to	3,349.99	133
2	88.	3,350.00	to	3,374.99	134
3	89.	3,375.00	to	3,399.99	135
4	90.	3,400.00	to	3,424.99	136
5	91.	3,425.00	to	3,449.99	137
6	92.	3,450.00	to	3,474.99	138
7	93.	3,475.00	to	3,499.99	139
8	94.	3,500.00	to	3,524.99	140
9	95.	3,525.00	to	3,549.99	141
10	96.	3,550.00	to	3,574.99	142
11	97.	3,575.00	to	3,599.99	143
12	98.	3,600.00	to	3,624.99	144
13	99.	3,625.00	to	3,649.99	145
14	100.	3,650.00	to	3,674.99	146
15	101.	3,675.00	to	3,699.99	147
16	102.	3,700.00	to	3,724.99	148
17	103.	3,725.00	to	3,749.99	149
18	104.	3,750.00	to	3,774.99	150
19	105.	3,775.00	to	3,799.99	151
20	106.	3,800.00	to	3,824.99	152
21	107.	3,825.00	to	3,849.99	153
22	108.	3,850.00	to	3,874.99	154
23	109.	3,875.00	to	3,899.99	155
24	110.	3,900.00	to	3,924.99	156

1	111.	3,925.00	to	3,949.99	157
2	112.	3,950.00	to	3,974.99	158
3	113.	3,975.00	to	3,999.99	159
4	114.	4,000.00	to	4,024.99	160
5	115.	4,025.00	to	4,049.99	161
6	116.	4,050.00	to	4,074.99	162
7	117.	4,075.00	to	4,099.99	163
8	118.	4,100.00	to	4,124.99	164
9	119.	4,125.00	to	4,149.99	165
10	120.	4,150.00	to	4,174.99	166
11	121.	4,175.00	to	4,199.99	167
12	122.	4,200.00	to	4,224.99	168
13	123.	4,225.00	to	4,249.99	169
14	124.	4,250.00	to	4,274.99	170
15	125.	4,275.00	to	4,299.99	171
16	126.	4,300.00	to	4,324.99	172
17	127.	4,325.00	to	4,349.99	173
18	128.	4,350.00	to	4,374.99	174
19	129.	4,375.00	to	4,399.99	175
20	130.	4,400.00	to	4,424.99	176
21	131.	4,425.00	to	4,449.99	177
22	132.	4,450.00	to	4,474.99	178
23	133.	4,475.00	to	4,499.99	179
24	134.	4,500.00	to	4,524.99	180

1	135.	4,525.00	to	4,549.99	181
2	136.	4,550.00	to	4,574.99	182
3	137.	4,575.00	to	4,599.99	183
4	138.	4,600.00	to	4,624.99	184
5	139.	4,625.00	to	4,649.99	185
6	140.	4,650.00	to	4,674.99	186
7	141.	4,675.00	to	4,699.99	187
8	142.	4,700.00	to	4,724.99	188
9	143.	4,725.00	to	4,749.99	189
10	144.	4,750.00	to	4,774.99	190
11	145.	4,775.00	to	4,799.99	191
12	146.	4,800.00	to	4,824.99	192
13	147.	4,825.00	to	4,849.99	193
14	<del>148.</del>	<del>4,850.00</del>	<del>to</del>	<del>4,874.99</del>	194
15	149.	4,875.00	to	4,899.99	195
16	150.	4,900.00	to	4,924.99	196
17	151.	4,925.00	to	4,949.99	197
18	152.	4,950.00	to	4,974.99	198
19	153.	4,975.00	to	4,999.99	199
20	154.	5,000.00	to	5,024.99	200
21	155.	5,025.00	to	5,049.99	201
22	<del>156.</del>	<del>5,050.00</del>	<del>to</del>	<del>5,074.99</del>	202
23	157.	5,075.00	to	5,099.99	203
24	158.	5,100.00	to	5,124.99	204

1	159. ....	5,125.00	to	5,149.99	.....	205
2	160. ....	5,150.00	to	5,174.99	.....	206
3	161. ....	5,175.00	to	5,199.99	.....	207
4	162. ....	5,200.00	to	5,224.99	.....	208
5	163. ....	5,225.00	to	5,249.99	.....	209
6	164. ....	5,250.00	to	5,274.99	.....	210
7	165. ....	5,275.00	to	5,299.99	.....	211
8	166. ....	5,300.00	to	5,324.99	.....	212
9	167. ....	5,325.00	to	5,349.99	.....	213
10	168. ....	5,350.00	to	5,374.99	.....	214
11	169. ....	5,375.00	to	5,399.99	.....	215
12	170. ....	5,400.00	to	5,424.99	.....	216
13	171. ....	5,425.00	to	5,449.99	.....	217
14	172. ....	5,450.00	to	5,474.99	.....	218
15	173. ....	5,475.00	to	5,499.99	.....	219
16	174. ....	5,500.00	to	5,524.99	.....	220
17	175. ....	5,525.00	to	5,549.99	.....	221
18	176. ....	5,550.00	to	5,574.99	.....	222
19	177. ....	5,575.00	to	5,599.99	.....	223
20	178. ....	5,600.00	to	5,624.99	.....	224
21	179. ....	5,625.00	to	5,649.99	.....	225
22	180. ....	5,650.00	to	5,674.99	.....	226
23	181. ....	5,675.00	to	5,699.99	.....	227
24	182. ....	5,700.00	to	5,724.99	.....	228



1	183.	5,725.00	to	5,749.99	229
2	184.	5,750.00	to	5,774.99	230
3	185.	5,775.00	to	5,799.99	231
4	186.	5,800.00	to	5,824.99	232
5	187.	5,825.00	to	5,849.99	233
6	188.	5,850.00	to	5,874.99	234
7	189.	5,875.00	to	5,899.99	235
8	190.	5,900.00	to	5,924.99	236
9	191.	5,925.00	to	5,949.99	237
10	192.	5,950.00	to	5,974.99	238
11	193.	5,975.00	to	5,999.99	239
12	194.	6,000.00	to	6,024.99	240
13	195.	6,025.00	to	6,049.99	241
14	196.	6,050.00	to	6,074.99	242
15	197.	6,075.00	to	6,099.99	243
16	198.	6,100.00	to	6,124.99	244
17	199.	6,125.00	to	6,149.99	245
18	200.	6,150.00	to	6,174.99	246
19	201.	6,175.00	to	6,199.99	247
20	202.	6,200.00	to	6,224.99	248
21	203.	6,225.00	to	6,249.99	249
22	204.	6,250.00	to	6,274.99	250
23	205.	6,275.00	to	6,299.99	251
24	206.	6,300.00	to	6,324.99	252

1	207. ....	6,325.00	to	6,349.99	.....	253
2	208. ....	6,350.00	to	6,374.99	.....	254
3	209. ....	6,375.00	to	6,399.99	.....	255
4	210. ....	6,400.00	to	6,424.99	.....	256
5	211. ....	6,425.00	to	6,449.99	.....	257
6	212. ....	6,450.00	to	6,474.99	.....	258
7	213. ....	6,475.00	to	6,499.99	.....	259
8	214. ....	6,500.00	to	6,524.99	.....	260
9	215. ....	6,525.00	to	6,549.99	.....	261
10	216. ....	6,550.00	to	6,574.99	.....	262
11	217. ....	6,575.00	to	6,599.99	.....	263
12	218. ....	6,600.00	to	6,624.99	.....	264
13	219. ....	6,625.00	to	6,649.99	.....	265
14	220. ....	6,650.00	to	6,674.99	.....	266
15	221. ....	6,675.00	to	6,699.99	.....	267
16	222. ....	6,700.00	to	6,724.99	.....	268
17	223. ....	6,725.00	to	6,749.99	.....	269
18	224. ....	6,750.00	to	6,774.99	.....	270
19	225. ....	6,775.00	to	6,799.99	.....	271
20	226. ....	6,800.00	to	6,824.99	.....	272
21	227. ....	6,825.00	to	6,849.99	.....	273
22	228. ....	6,850.00	to	6,874.99	.....	274
23	229. ....	6,875.00	to	6,899.99	.....	275
24	230. ....	6,900.00	to	6,924.99	.....	276

1	231.	6,925.00	to	6,949.99	277
2	232.	6,950.00	to	6,974.99	278
3	233.	6,975.00	to	6,999.99	279
4	234.	7,000.00	to	7,024.99	280
5	235.	7,025.00	to	7,049.99	281
6	236.	7,050.00	to	7,074.99	282
7	237.	7,075.00	to	7,099.99	283
8	238.	7,100.00	to	7,124.99	284
9	239.	7,125.00	to	7,149.99	285
10	240.	7,150.00	to	7,174.99	286
11	241.	7,175.00	to	7,199.99	287
12	242.	7,200.00	to	7,224.99	288
13	243.	7,225.00	to	7,249.99	289
14	244.	7,250.00	to	7,274.99	290
15	245.	7,275.00	to	7,299.99	291
16	246.	7,300.00	to	7,324.99	292
17	247.	7,325.00	to	7,349.99	293
18	248.	7,350.00	to	7,374.99	294
19	249.	7,375.00	to	7,399.99	295
20	250.	7,400.00	to	7,424.99	296
21	251.	7,425.00	to	7,449.99	297
22	252.	7,450.00	to	7,474.99	298
23	253.	7,475.00	to	7,499.99	299
24	254.	7,500.00	to	7,524.99	300

1	255. ....	7,525.00	to	7,549.99	.....	301
2	256. ....	7,550.00	to	7,574.99	.....	302
3	257. ....	7,575.00	to	7,599.99	.....	303
4	258. ....	7,600.00	to	7,624.99	.....	304
5	259. ....	7,625.00	to	7,649.99	.....	305
6	260. ....	7,650.00	to	7,674.99	.....	306
7	261. ....	7,675.00	to	7,699.99	.....	307
8	262. ....	7,700.00	to	7,724.99	.....	308
9	263. ....	7,725.00	to	7,749.99	.....	309
10	264. ....	7,750.00	to	7,774.99	.....	310
11	265. ....	7,775.00	to	7,799.99	.....	311
12	266. ....	7,800.00	to	7,824.99	.....	312
13	267. ....	7,825.00	to	7,849.99	.....	313
14	268. ....	7,850.00	to	7,874.99	.....	314
15	269. ....	7,875.00	to	7,899.99	.....	315
16	270. ....	7,900.00	to	7,924.99	.....	316
17	271. ....	7,925.00	to	7,949.99	.....	317
18	272. ....	7,950.00	to	7,974.99	.....	318
19	273. ....	7,975.00	to	7,999.99	.....	319
20	274. ....	8,000.00	to	8,024.99	.....	320
21	275. ....	8,025.00	to	8,049.99	.....	321
22	276. ....	8,050.00	to	8,074.99	.....	322

1	277. ....	8,075.00	to	8,099.99 .....	323
2	278. ....	8,100.00		and over .....	324

(n) Each eligible employee shall be paid benefits for each week of total unemployment which commences on or after December 29, 2002, 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) (n) following]

**Figure 108.05 (1) (n):**

Line	Highest Quarterly Wages Paid	Weekly Benefit Rate
1. ....	Under \$1,225.00 .....	\$ 0
2. ....	1,225.00 to 1,249.99 .....	49
3. ....	1,250.00 to 1,274.99 .....	50

1	4.	.....	1,275.00	to	1,299.99	.....	51
2	5.	.....	1,300.00	to	1,324.99	.....	52
3	6.	.....	1,325.00	to	1,349.99	.....	53
4	7.	.....	1,350.00	to	1,374.99	.....	54
5	8.	.....	1,375.00	to	1,399.99	.....	55
6	9.	.....	1,400.00	to	1,424.99	.....	56
7	10.	.....	1,425.00	to	1,449.99	.....	57
8	11.	.....	1,450.00	to	1,474.99	.....	58
9	12.	.....	1,475.00	to	1,499.99	.....	59
10	13.	.....	1,500.00	to	1,524.99	.....	60
11	14.	.....	1,525.00	to	1,549.99	.....	61
12	15.	.....	1,550.00	to	1,574.99	.....	62
13	16.	.....	1,575.00	to	1,599.99	.....	63
14	17.	.....	1,600.00	to	1,624.99	.....	64
15	18.	.....	1,625.00	to	1,649.99	.....	65
16	19.	.....	1,650.00	to	1,674.99	.....	66
17	20.	.....	1,675.00	to	1,699.99	.....	67
18	21.	.....	1,700.00	to	1,724.99	.....	68
19	22.	.....	1,725.00	to	1,749.99	.....	69
20	23.	.....	1,750.00	to	1,774.99	.....	70
21	24.	.....	1,775.00	to	1,799.99	.....	71
22	25.	.....	1,800.00	to	1,824.99	.....	72
23	26.	.....	1,825.00	to	1,849.99	.....	73
24	27.	.....	1,850.00	to	1,874.99	.....	74

1	28.	1,875.00	to	1,899.99	75
2	29.	1,900.00	to	1,924.99	76
3	30.	1,925.00	to	1,949.99	77
4	31.	1,950.00	to	1,974.99	78
5	32.	1,975.00	to	1,999.99	79
6	33.	2,000.00	to	2,024.99	80
7	34.	2,025.00	to	2,049.99	81
8	35.	2,050.00	to	2,074.99	82
9	36.	2,075.00	to	2,099.99	83
10	37.	2,100.00	to	2,124.99	84
11	38.	2,125.00	to	2,149.99	85
12	39.	2,150.00	to	2,174.99	86
13	40.	2,175.00	to	2,199.99	87
14	<del>41.</del>	<del>2,200.00</del>	<del>to</del>	<del>2,224.99</del>	<del>88</del>
15	42.	2,225.00	to	2,249.99	89
16	43.	2,250.00	to	2,274.99	90
17	44.	2,275.00	to	2,299.99	91
18	45.	2,300.00	to	2,324.99	92
19	46.	2,325.00	to	2,349.99	93
20	47.	2,350.00	to	2,374.99	94
21	48.	2,375.00	to	2,399.99	95
22	<del>49.</del>	<del>2,400.00</del>	<del>to</del>	<del>2,424.99</del>	<del>96</del>
23	50.	2,425.00	to	2,449.99	97
24	51.	2,450.00	to	2,474.99	98

1	52.	.....	2,475.00	to	2,499.99	.....	99
2	53.	.....	2,500.00	to	2,524.99	.....	100
3	54.	.....	2,525.00	to	2,549.99	.....	101
4	55.	.....	2,550.00	to	2,574.99	.....	102
5	56.	.....	2,575.00	to	2,599.99	.....	103
6	57.	.....	2,600.00	to	2,624.99	.....	104
7	58.	.....	2,625.00	to	2,649.99	.....	105
8	59.	.....	2,650.00	to	2,674.99	.....	106
9	60.	.....	2,675.00	to	2,699.99	.....	107
10	61.	.....	2,700.00	to	2,724.99	.....	108
11	62.	.....	2,725.00	to	2,749.99	.....	109
12	63.	.....	2,750.00	to	2,774.99	.....	110
13	64.	.....	2,775.00	to	2,799.99	.....	111
14	65.	.....	2,800.00	to	2,824.99	.....	112
15	66.	.....	2,825.00	to	2,849.99	.....	113
16	67.	.....	2,850.00	to	2,874.99	.....	114
17	68.	.....	2,875.00	to	2,899.99	.....	115
18	69.	.....	2,900.00	to	2,924.99	.....	116
19	70.	.....	2,925.00	to	2,949.99	.....	117
20	71.	.....	2,950.00	to	2,974.99	.....	118
21	72.	.....	2,975.00	to	2,999.99	.....	119
22	73.	.....	3,000.00	to	3,024.99	.....	120
23	74.	.....	3,025.00	to	3,049.99	.....	121
24	75.	.....	3,050.00	to	3,074.99	.....	122



1	76.	3,075.00	to	3,099.99	123
2	77.	3,100.00	to	3,124.99	124
3	78.	3,125.00	to	3,149.99	125
4	79.	3,150.00	to	3,174.99	126
5	80.	3,175.00	to	3,199.99	127
6	81.	3,200.00	to	3,224.99	128
7	82.	3,225.00	to	3,249.99	129
8	83.	3,250.00	to	3,274.99	130
9	84.	3,275.00	to	3,299.99	131
10	85.	3,300.00	to	3,324.99	132
11	86.	3,325.00	to	3,349.99	133
12	87.	3,350.00	to	3,374.99	134
13	88.	3,375.00	to	3,399.99	135
14	89.	3,400.00	to	3,424.99	136
15	90.	3,425.00	to	3,449.99	137
16	91.	3,450.00	to	3,474.99	138
17	92.	3,475.00	to	3,499.99	139
18	93.	3,500.00	to	3,524.99	140
19	94.	3,525.00	to	3,549.99	141
20	95.	3,550.00	to	3,574.99	142
21	96.	3,575.00	to	3,599.99	143
22	97.	3,600.00	to	3,624.99	144
23	98.	3,625.00	to	3,649.99	145
24	99.	3,650.00	to	3,674.99	146

1	100. ....	3,675.00	to	3,699.99	.....	147
2	101. ....	3,700.00	to	3,724.99	.....	148
3	102. ....	3,725.00	to	3,749.99	.....	149
4	103. ....	3,750.00	to	3,774.99	.....	150
5	104. ....	3,775.00	to	3,799.99	.....	151
6	105. ....	3,800.00	to	3,824.99	.....	152
7	106. ....	3,825.00	to	3,849.99	.....	153
8	107. ....	3,850.00	to	3,874.99	.....	154
9	108. ....	3,875.00	to	3,899.99	.....	155
10	109. ....	3,900.00	to	3,924.99	.....	156
11	110. ....	3,925.00	to	3,949.99	.....	157
12	111. ....	3,950.00	to	3,974.99	.....	158
13	112. ....	3,975.00	to	3,999.99	.....	159
14	113. ....	4,000.00	to	4,024.99	.....	160
15	114. ....	4,025.00	to	4,049.99	.....	161
16	115. ....	4,050.00	to	4,074.99	.....	162
17	116. ....	4,075.00	to	4,099.99	.....	163
18	117. ....	4,100.00	to	4,124.99	.....	164
19	118. ....	4,125.00	to	4,149.99	.....	165
20	119. ....	4,150.00	to	4,174.99	.....	166
21	120. ....	4,175.00	to	4,199.99	.....	167
22	121. ....	4,200.00	to	4,224.99	.....	168
23	122. ....	4,225.00	to	4,249.99	.....	169
24	123. ....	4,250.00	to	4,274.99	.....	170

1	124. ....	4,275.00	to	4,299.99	.....	171
2	125. ....	4,300.00	to	4,324.99	.....	172
3	126. ....	4,325.00	to	4,349.99	.....	173
4	127. ....	4,350.00	to	4,374.99	.....	174
5	128. ....	4,375.00	to	4,399.99	.....	175
6	129. ....	4,400.00	to	4,424.99	.....	176
7	130. ....	4,425.00	to	4,449.99	.....	177
8	131. ....	4,450.00	to	4,474.99	.....	178
9	132. ....	4,475.00	to	4,499.99	.....	179
10	133. ....	4,500.00	to	4,524.99	.....	180
11	134. ....	4,525.00	to	4,549.99	.....	181
12	135. ....	4,550.00	to	4,574.99	.....	182
13	136. ....	4,575.00	to	4,599.99	.....	183
14	137. ....	4,600.00	to	4,624.99	.....	184
15	138. ....	4,625.00	to	4,649.99	.....	185
16	139. ....	4,650.00	to	4,674.99	.....	186
17	140. ....	4,675.00	to	4,699.99	.....	187
18	141. ....	4,700.00	to	4,724.99	.....	188
19	142. ....	4,725.00	to	4,749.99	.....	189
20	143. ....	4,750.00	to	4,774.99	.....	190
21	144. ....	4,775.00	to	4,799.99	.....	191
22	145. ....	4,800.00	to	4,824.99	.....	192
23	146. ....	4,825.00	to	4,849.99	.....	193
24	147. ....	4,850.00	to	4,874.99	.....	194

1	148.	4,875.00	to	4,899.99	195
2	149.	4,900.00	to	4,924.99	196
3	150.	4,925.00	to	4,949.99	197
4	151.	4,950.00	to	4,974.99	198
5	152.	4,975.00	to	4,999.99	199
6	153.	5,000.00	to	5,024.99	200
7	154.	5,025.00	to	5,049.99	201
8	155.	5,050.00	to	5,074.99	202
9	156.	5,075.00	to	5,099.99	203
10	157.	5,100.00	to	5,124.99	204
11	158.	5,125.00	to	5,149.99	205
12	159.	5,150.00	to	5,174.99	206
13	160.	5,175.00	to	5,199.99	207
14	161.	5,200.00	to	5,224.99	208
15	162.	5,225.00	to	5,249.99	209
16	163.	5,250.00	to	5,274.99	210
17	164.	5,275.00	to	5,299.99	211
18	165.	5,300.00	to	5,324.99	212
19	166.	5,325.00	to	5,349.99	213
20	167.	5,350.00	to	5,374.99	214
21	168.	5,375.00	to	5,399.99	215
22	169.	5,400.00	to	5,424.99	216
23	170.	5,425.00	to	5,449.99	217
24	171.	5,450.00	to	5,474.99	218

1	172.	5,475.00	to	5,499.99	219
2	173.	5,500.00	to	5,524.99	220
3	174.	5,525.00	to	5,549.99	221
4	175.	5,550.00	to	5,574.99	222
5	176.	5,575.00	to	5,599.99	223
6	177.	5,600.00	to	5,624.99	224
7	178.	5,625.00	to	5,649.99	225
8	179.	5,650.00	to	5,674.99	226
9	180.	5,675.00	to	5,699.99	227
10	181.	5,700.00	to	5,724.99	228
11	182.	5,725.00	to	5,749.99	229
12	183.	5,750.00	to	5,774.99	230
13	184.	5,775.00	to	5,799.99	231
14	185.	5,800.00	to	5,824.99	232
15	186.	5,825.00	to	5,849.99	233
16	187.	5,850.00	to	5,874.99	234
17	188.	5,875.00	to	5,899.99	235
18	189.	5,900.00	to	5,924.99	236
19	190.	5,925.00	to	5,949.99	237
20	191.	5,950.00	to	5,974.99	238
21	192.	5,975.00	to	5,999.99	239
22	193.	6,000.00	to	6,024.99	240
23	194.	6,025.00	to	6,049.99	241
24	195.	6,050.00	to	6,074.99	242

1	196. ....	6,075.00	to	6,099.99	.....	243
2	197. ....	6,100.00	to	6,124.99	.....	244
3	198. ....	6,125.00	to	6,149.99	.....	245
4	299. ....	6,150.00	to	6,174.99	.....	246
5	200. ....	6,175.00	to	6,199.99	.....	247
6	201. ....	6,200.00	to	6,224.99	.....	248
7	202. ....	6,225.00	to	6,249.99	.....	249
8	203. ....	6,250.00	to	6,274.99	.....	250
9	204. ....	6,275.00	to	6,299.99	.....	251
10	205. ....	6,300.00	to	6,324.99	.....	252
11	206. ....	6,325.00	to	6,349.99	.....	253
12	207. ....	6,350.00	to	6,374.99	.....	254
13	208. ....	6,375.00	to	6,399.99	.....	255
14	209. ....	6,400.00	to	6,424.99	.....	256
15	210. ....	6,425.00	to	6,449.99	.....	257
16	211. ....	6,450.00	to	6,474.99	.....	258
17	212. ....	6,475.00	to	6,499.99	.....	259
18	213. ....	6,500.00	to	6,524.99	.....	260
19	214. ....	6,525.00	to	6,549.99	.....	261
20	215. ....	6,550.00	to	6,574.99	.....	262
21	216. ....	6,575.00	to	6,599.99	.....	263
22	217. ....	6,600.00	to	6,624.99	.....	264
23	218. ....	6,625.00	to	6,649.99	.....	265
24	219. ....	6,650.00	to	6,674.99	.....	266

1	220.	6,675.00	to	6,699.99	267
2	221.	6,700.00	to	6,724.99	268
3	222.	6,725.00	to	6,749.99	269
4	223.	6,750.00	to	6,774.99	270
5	224.	6,775.00	to	6,799.99	271
6	225.	6,800.00	to	6,824.99	272
7	226.	6,825.00	to	6,849.99	273
8	227.	6,850.00	to	6,874.99	274
9	228.	6,875.00	to	6,899.99	275
10	229.	6,900.00	to	6,924.99	276
11	230.	6,925.00	to	6,949.99	277
12	231.	6,950.00	to	6,974.99	278
13	232.	6,975.00	to	6,999.99	279
14	233.	7,000.00	to	7,024.99	280
15	234.	7,025.00	to	7,049.99	281
16	235.	7,050.00	to	7,074.99	282
17	236.	7,075.00	to	7,099.99	283
18	237.	7,100.00	to	7,124.99	284
19	238.	7,125.00	to	7,149.99	285
20	239.	7,150.00	to	7,174.99	286
21	240.	7,175.00	to	7,199.99	287
22	241.	7,200.00	to	7,224.99	288
23	242.	7,225.00	to	7,249.99	289
24	243.	7,250.00	to	7,274.99	290

1	244.	7,275.00	to	7,299.99	291
2	245.	7,300.00	to	7,324.99	292
3	246.	7,325.00	to	7,349.99	293
4	247.	7,350.00	to	7,374.99	294
5	248.	7,375.00	to	7,399.99	295
6	249.	7,400.00	to	7,424.99	296
7	250.	7,425.00	to	7,449.99	297
8	251.	7,450.00	to	7,474.99	298
9	252.	7,475.00	to	7,499.99	299
10	253.	7,500.00	to	7,524.99	300
11	254.	7,525.00	to	7,549.99	301
12	255.	7,550.00	to	7,574.99	302
13	256.	7,575.00	to	7,599.99	303
14	257.	7,600.00	to	7,624.99	304
15	258.	7,625.00	to	7,649.99	305
16	259.	7,650.00	to	7,674.99	306
17	260.	7,675.00	to	7,699.99	307
18	261.	7,700.00	to	7,724.99	308
19	262.	7,725.00	to	7,749.99	309
20	263.	7,750.00	to	7,774.99	310
21	264.	7,775.00	to	7,799.99	311
22	265.	7,800.00	to	7,824.99	312
23	266.	7,825.00	to	7,849.99	313
24	267.	7,850.00	to	7,874.99	314



1	268. ....	7,875.00	to	7,899.99	.....	315
2	269. ....	7,900.00	to	7,924.99	.....	316
3	270. ....	7,925.00	to	7,949.99	.....	317
4	271. ....	7,950.00	to	7,974.99	.....	318
5	272. ....	7,975.00	to	7,999.99	.....	319
6	273. ....	8,000.00	to	8,024.99	.....	320
7	274. ....	8,025.00	to	8,049.99	.....	321
8	275. ....	8,050.00	to	8,074.99	.....	322
9	276. ....	8,075.00	to	8,099.99	.....	323
10	277. ....	8,100.00	to	8,124.99	.....	324
11	278. ....	8,125.00	to	8,149.99	.....	325
12	279. ....	8,150.00	to	8,174.99	.....	326
13	280. ....	8,175.00	to	8,199.99	.....	327
14	281. ....	8,200.00	to	8,224.99	.....	328
15	282. ....	8,225.00	and over	.....		329

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**SECTION 27.** 108.05 (7) (a) 1. of the statutes is amended to read:

108.05 (7) (a) 1. "Pension payment" means a pension, retirement, annuity, or other similar payment made to a claimant, based on the previous work of that claimant, whether or not payable on a periodic basis, from a governmental or other retirement system maintained or contributed to by an employer from which that claimant has base period wages, other than a payment received under the federal Social Security Act (42 USC 301 et seq.).

**SECTION 28.** 108.05 (7) (f) 1. of the statutes is amended to read:

1           108.05 (7) (f) 1. If the pension payment is received under the ~~social security act~~  
2           (42 USC 301 et seq.) or railroad retirement act (45 USC 231 et seq.), the department  
3           shall reduce the weekly benefits payable for a week of partial or total unemployment  
4           by 50% of the weekly pension amount.

5           **SECTION 29.** 108.065 (1) of the statutes is amended to read:

6           108.065 (1) ~~An employee service~~ A temporary help company is the employer  
7           of an individual who the company engages in employment to perform services for a  
8           client or customer of the company.

9           **SECTION 30.** 108.065 (1m) of the statutes is created to read:

10          108.065 (1m) A professional employer organization is the employer of the  
11          ~~permanent~~ employees who it engages to perform services for its client, including a  
12          corporate officer if the officer's position is included in the employee leasing  
13          agreement with the client.

14          **SECTION 31.** 108.067 of the statutes is created to read:

15          **108.067 Professional employer organizations and leasing agreements.**

16          (1) Each professional employer organization <sup>that enters into an employee leasing agreement with a client</sup> shall submit ~~annually~~ <sup>during</sup> to the  
17          department, <sup>the due date for the report under s. 108.17 (2) relating to that quarter</sup> no later than ~~March 31~~ <sup>any</sup>, in the form prescribed by the department, a  
18          report <sup>disclosing the identity of that client</sup> ~~containing a list of all clients with which the organization has employee~~  
19          ~~leasing agreements as of the preceding December 31~~ and such other information as  
20          the department prescribes.

21          (2) If a professional employer organization and client terminate an employee  
22          leasing agreement, the professional employer organization and client shall notify the  
23          department within 10 working days of the termination.

24          (3) Notwithstanding s. 108.02 (13) (i), if an employer that is a client of a  
25          professional employer organization enters into an employee leasing agreement with

1 the organization that results in the discontinuance of all employees of the employer  
2 who are engaged in employment, the department shall maintain the employer  
3 account of the client for a period of 5 full calendar years after the beginning of the  
4 agreement. If the employee leasing agreement is terminated prior to the end of the  
5 5-year period, the client shall so notify the department and resume all  
6 responsibilities as the employer of its employees under this chapter as of the date of  
7 termination. Section 108.02 (13) (i) applies if the employee leasing agreement is  
8 terminated before the end of the 5-year period and the conditions for termination of  
9 coverage set forth in <sup>S. 108.02(13)(i)</sup> ~~the agreement~~ exist.

10 SECTION 32. 108.09 (3) (a) of the statutes is renumbered 108.09 (3) (a) 1. and  
11 amended to read:

12 108.09 (3) (a) 1. To hear and decide disputed claims, the department shall  
13 establish appeal tribunals. Except as authorized in this paragraph, each of which  
14 tribunal shall consist of an individual who is a permanent employee of the  
15 department.

16 3. Upon request of a party to an appeal or upon its own motion, the department  
17 may appoint an individual who is not a permanent employee of the department to  
18 hear an appeal in which the department or an employee or former employee of the  
19 department is an interested party. No individual may hear any appeal in which the  
20 individual is a directly interested party.

21 SECTION 33. 108.09 (3) (a) 2. of the statutes is created to read:

22 108.09 (3) (a) 2. The department may appoint an individual who is not a  
23 permanent employee of the department to serve as a temporary reserve appeal  
24 tribunal if the individual formerly served as an appeal tribunal while employed by  
25 the department and retired from state service as a permanent employee. An

1 individual who is appointed to serve as a temporary reserve appeal tribunal shall be  
2 an attorney who is licensed to practice in this state.

3 **SECTION 34.** 108.14 (2e) of the statutes is created to read:

4 108.14 (2e) The department may provide a secure means of electronic  
5 interchange between itself and employing units, claimants, and other persons  
6 which, upon request to and with prior approval by the department, may be used for  
7 departmental transmission or receipt of any document specified by the department  
8 that is related to the administration of this chapter in lieu of any other means of  
9 submission or receipt specified in this chapter. If a due date is established by statute  
10 for the receipt of any document that is submitted electronically to the department  
11 under this subsection, then that submission is timely only if the document is  
12 submitted by midnight of the statutory due date.

13 **SECTION 35.** 108.14 (19) of the statutes is created to read:

14 108.14 (19) On or about February 15 annually, the department shall prepare  
15 and furnish to the council on unemployment insurance a report summarizing the  
16 department's activities related to detection and prosecution of unemployment  
17 insurance fraud in the preceding year.

18 **SECTION 36.** 108.141 (7) (c) of the statutes is created to read:

19 108.141 (7) (c) The department shall charge the full amount of extended  
20 benefits based upon employment for an Indian tribe to the account of the Indian  
21 tribe.

22 **SECTION 37.** 108.152 of the statutes is created to read:

23 **108.152 Financing benefits for employees of Indian tribes. (1) ELECTION**  
24 **OF REIMBURSEMENT FINANCING.** Each Indian tribe which is an employer may, in lieu  
25 of paying contributions under ss. 108.17 and 108.18, elect reimbursement financing

1 for itself as a whole or for any tribal units or combinations of tribal units which are  
2 wholly owned subdivisions, subsidiaries or business enterprises, as of the beginning  
3 of any calendar year, subject to the following conditions:

4 (a) The Indian tribe or tribal unit shall file a written notice of the election with  
5 the department before the beginning of that year except that, if the Indian tribe or  
6 tribal unit became an employer as of the beginning of that year, it shall file the notice  
7 within 30 days after the date of the determination that it is an employer.

8 (b) An Indian tribe or tribal unit whose election of reimbursement financing is  
9 terminated under sub. (2) (a) may not thereafter reelect reimbursement financing  
10 unless it has been subject to the contribution requirements of ss. 108.17 and 108.18  
11 for at least 3 calendar years thereafter and is not, at the time of filing such reelection,  
12 delinquent under s. 108.22.

13 (c) No election of reimbursement financing is valid unless the Indian tribe or  
14 tribal unit has satisfied the requirements of sub. (3) within 60 days after it files the  
15 notice of election.

16 (d) If the Indian tribe or tribal unit is an employer prior to the effective date  
17 of an election, ss. 108.17 and 108.18 shall apply to all employment prior to the  
18 effective date of the election, but after all benefits based on prior employment have  
19 been charged to any account that it has had under s. 108.16 (2), the department shall  
20 transfer any positive balance or charge any negative balance remaining therein to  
21 the balancing account as if s. 108.16 (6) (c) and (6m) (d) applied.

22 (2) TERMINATION OF ELECTION. (a) An Indian tribe or tribal unit that elected  
23 reimbursement financing may terminate its election as of the close of the <sup>2nd</sup> ~~1st~~  
24 calendar year to which the election applies, or at the close of any subsequent calendar

1 year, by filing a written notice of termination with the department before the close  
2 of that year.

3 (b) If an Indian tribe or tribal unit terminates an election under this subsection,  
4 the employer's contribution rate is 2.7% on its payroll for each of the next 3 calendar  
5 years.

6 (3) ASSURANCE OF REIMBURSEMENT. An Indian tribe or tribal unit electing  
7 reimbursement financing under sub. (1) shall file assurance of reimbursement in the  
8 same manner and subject to the conditions provided for other employers under s.  
9 108.151 (4).

10 (4) REIMBURSEMENT ACCOUNT. The department shall maintain a reimbursement  
11 account, as a subaccount of the fund's balancing account, for each Indian tribe, tribal  
12 unit, or combination of tribal units in accordance with any valid election made under  
13 subs. (1) and (5) and subject to the procedures and conditions provided for other  
14 employers under s. 108.151 (5).

15 (5) GROUP REIMBURSEMENT ACCOUNT. An Indian tribe that has elected  
16 reimbursement financing for tribal units or one or more combinations of tribal units  
17 may request to have specified tribal units treated as one employer for purposes of this  
18 chapter. The department shall approve any such request subject to the following  
19 conditions:

20 (a) The tribal units shall be so treated for a period of at least the 3 calendar  
21 years following their request, unless their election of reimbursement financing is  
22 terminated under sub. (2) or (6), but the Indian tribe may discontinue the treatment  
23 as of the beginning of any calendar year following that period by filing notice with  
24 the department prior to the beginning of that calendar year.

1 (b) The tribal units shall be jointly and severally liable for any required  
2 reimbursements, together with any interest thereon and any penalties or tardy filing  
3 fees.

4 (c) The Indian tribe shall designate one or more individuals to act as an agent  
5 for all members of the group for all fiscal and reporting purposes under this chapter.

6 **(6) FAILURE TO MAKE REQUIRED PAYMENTS OR FILE ASSURANCE OF REIMBURSEMENT.**

7 (a) If an Indian tribe or tribal unit fails to pay required contributions,  
8 reimbursements in lieu of contributions, penalties, interest, or fees within 90 days  
9 of the time that the department transmits to the tribe a final notice of delinquency,  
10 or fails to file or maintain the required assurance of reimbursement as provided in  
11 subs. (1) (c) and (3):

12 1. The department shall immediately notify the federal internal revenue  
13 service and the federal department of labor of that failure.

14 ~~2. Any valid election of reimbursement financing is terminated as of the end~~  
15 ~~of the current calendar year and any pending election that fails to meet the~~  
16 ~~requirement to file an assurance of reimbursement under sub. (1) (c) is terminated~~  
17 ~~immediately.~~

18 ~~3. The department may consider the Indian tribe not to be an employer and may~~  
19 ~~consider services performed for the tribe not to be employment for purposes of this~~  
20 ~~chapter.~~

21 (b) An Indian tribe whose prior election of reimbursement financing has been  
22 terminated under par. (a) may not thereafter reelect reimbursement financing  
23 unless it has been subject to the contribution requirements of ss. 108.17 and 108.18  
24 for at least one calendar year thereafter and is not delinquent under s. 108.22 at the  
25 time that it files a request for reelection.

1 (c) The final notice of delinquency specified in par. (a) shall include information  
2 that failure to make full payment within the prescribed time will cause the Indian  
3 tribe to be liable for taxes under the federal Unemployment Tax Act (26 USC 3301,  
4 et seq.), will cause the tribe to be precluded from electing reimbursement financing,  
5 and may cause the department to determine that the tribe is not an employer and  
6 that services performed for the tribe are not employment for purposes of this chapter.

7 SECTION 38. 108.16 (6) (g) of the statutes is amended to read:

8 108.16 (6) (g) Any payment received for the balancing account under s. 108.15  
9 or 108.152.

10 SECTION 39. 108.16 (6m) (a) of the statutes is amended to read:

11 108.16 (6m) (a) The benefits thus chargeable under s. 108.04 (1) (f), (5), (7) (h),  
12 (8) (a), or (13) (c) or (d), 108.07 (3), (3r), (5) (b), (5m), (6), or (8), 108.14 (8n) (e), 108.141  
13 or 108.151, or 108.152 or sub. (6) (e) or (7) (a) and (b).

14 SECTION 40. 108.16 (8) (b) (intro.) of the statutes is amended to read:

15 108.16 (8) (b) (intro.) If the business of any employer is transferred to a single  
16 transferee, the transferee is deemed a successor for purposes of this chapter, if the  
17 department determines that all of the following conditions have been satisfied:

18 SECTION 41. 108.16 (8) (b) 2. of the statutes is amended to read:

19 108.16 (8) (b) 2. The transfer included ~~at least 25%~~ 100% of the transferor's  
20 total business ~~as measured by comparing the payroll experience assignable to the~~  
21 ~~portion of the business transferred with the transferor's total payroll experience for~~  
22 ~~the last 4 completed quarters immediately preceding on~~ the date of the transfer.

23 SECTION 42. 108.16 (8) (b) 3. of the statutes is amended to read:



1           108.16 (8) (b) 3. The same financing provisions under s. 108.15, 108.151,  
2           108.152, or 108.18 apply to the transferee as applied to the transferor on the date of  
3           the transfer.

4           **SECTION 43.** 108.16 (8) (c) 3. of the statutes is amended to read:

5           108.16 (8) (c) 3. The same financing provisions under s. 108.15, 108.151,  
6           108.152, or 108.18 apply to the transferee as applied to the transferor on the date of  
7           transfer.

8           **SECTION 44.** 108.16 (8) (c) 4. of the statutes is created to read:

9           108.16 (8) (c) 4. The transferor transfers 100% of the transferor's total business  
10          on the date of the transfer or the transferor's account was overdrawn on the date of  
11          the transfer.

12          **SECTION 45.** 108.16 (8) (e) 3. of the statutes is amended to read:

13          108.16 (8) (e) 3. The same financing provisions under s. 108.15, 108.151,  
14          108.152, or 108.18 apply to the transferee as applied to the transferor on the date of  
15          the transfer.

16          **SECTION 46.** 108.16 (8) (e) 4. of the statutes is created to read:

17          108.16 (8) (e) 4. The transferor transfers 100% of the transferor's total business  
18          on the date of the transfer or the transferor's account was overdrawn on the date of  
19          the transfer.

20          **SECTION 47.** 108.16 (8) (f) of the statutes is amended to read:

21          108.16 (8) (f) The successor shall take over and continue the transferor's  
22          account, including its positive or negative balance and all other aspects of its  
23          experience under this chapter, If the transfer included less than 100% of the  
24          transferor's total assets on the date of the transfer, the department shall allocate the  
25          transferor's experience to the successor in proportion to the payroll assignable to the

1 transferred business. ~~The~~ and the liability of the successor shall be proportioned to  
2 the extent of the transferred business. The transferor and the successor shall be  
3 jointly and severally liable for any amounts owed by the transferor to the fund and  
4 to the administrative account at the time of the transfer, but a successor under par.  
5 (c) is not liable for the debts of the transferor except in the case of fraud or  
6 malfeasance.

7 **SECTION 48.** 108.16 (8) (L) of the statutes is created to read:

8 108.16 (8) (L) A professional employer organization is not considered to be the  
9 successor to the employer account of its client under this section by virtue of engaging  
10 the prior employees of the client to perform services for the client under an employee  
11 leasing agreement.

12 **SECTION 49.** 108.17 (2) of the statutes is amended to read:

13 108.17 (2) Every employer that is subject to a contribution requirement shall  
14 file quarterly reports of contributions required under this chapter with the  
15 department, and pay contributions to the department, ~~for such periods and in such~~  
16 manner as the department prescribes. Each contribution report and payment is due  
17 at the close of the month next following the end of the applicable ~~reporting period~~  
18 calendar quarter, except as authorized in sub. (2c) or as the department may assign  
19 a later due date pursuant to sub. (1m) or general department rules.

20 **SECTION 50.** 108.17 (2c) of the statutes is created to read:

21 108.17 (2c) (a) Except as provided in pars. (d) and (e), an employer that has a  
22 first quarter contribution liability of \$5,000 or more may defer payment to later due  
23 dates beyond the due date established under sub. (1m) or (2) of not more than 60%  
24 of its first quarter contribution liability, without payment of interest, as follows:

1           1. The employer shall pay at least 30% of the first quarter contribution liability  
2 on or before July 31 of the year in which the liability accrues.

3           2. The employer shall pay at least an additional 20% of the first quarter  
4 contribution liability on or before October 31 of the year in which the liability accrues.

5           3. The employer shall pay any remaining balance of the first quarter  
6 contribution liability on or before January 31 of the year after the year in which the  
7 liability accrues.

8           (b) An employer that elects to defer a payment under par. (a) may pay more than  
9 the specified minimum deferred amount or all of the deferred amount at any time  
10 before the due date under par. (a).

11           (c) If an employer fails to pay at least the specified minimum deferred amount  
12 by a specified due date, then all unpaid contribution liability of that employer for the  
13 first quarter is delinquent under s. 108.22 and interest thereon is payable from April  
14 30 of the year in which the liability accrues.

15           (d) If an employer fails to pay at least 40% of its first quarter contribution  
16 liability on or before April 30 of the year in which the liability accrues, the employer  
17 is not permitted to defer the balance of the liability under this subsection.

18           (e) An employer is not permitted to defer its first quarter contribution liability  
19 under this subsection for any year unless the employer pays all delinquent  
20 contributions, together with any interest, penalties, and fees assessed under this  
21 chapter, prior to April 30 of the year in which the liability accrues.

22           **SECTION 51.** 108.17 (2g) of the statutes is created to read:

23           **108.17 (2g)** An employer agent that files reports under sub. (2) on behalf of 25  
24 or more employers shall file those reports using an electronic medium and format  
25 approved by the department. An employer agent that becomes subject to the

1 reporting requirement under this subsection shall file its initial reports under this  
2 subsection for the 4th quarter beginning after the quarter in which the employer  
3 agent becomes subject to the reporting requirement. Once an employer agent  
4 becomes subject to the reporting requirement under this subsection, the employer  
5 agent shall continue to file its reports under this subsection unless that requirement  
6 is waived by the department.

7 SECTION 52. 108.19 (1e) (a) and (d) of the statutes are amended to read:

8 108.19 (1e) (a) Except as provided in par. (b), each employer, other than an  
9 employer ~~which that~~ finances benefits by reimbursement in lieu of contributions  
10 under s. 108.15 or, 108.151, or 108.152 shall, in addition to other contributions  
11 payable under s. 108.18 and this section, pay an assessment to the administrative  
12 account for each year prior to the year ~~2002~~ 2004 equal to the lesser of 0.01% of its  
13 payroll for that year or the solvency contribution that would otherwise be payable  
14 by the employer under s. 108.18 (9) for that year.

15 (d) The department may expend the moneys received from assessments levied  
16 under this subsection for the renovation and modernization of ~~the~~ unemployment  
17 insurance information technology systems, including the tax and accounting system,  
18 and specifically including development and implementation of a new system and  
19 reengineering of automated processes and manual business functions.

20 SECTION 53. 108.19 (1m) of the statutes is amended to read:

21 108.19 (1m) Each employer subject to this chapter as of the date a rate is  
22 established under this subsection shall pay an assessment to the administrative  
23 account at a rate established by the department sufficient to pay interest due on  
24 advances from the federal unemployment account under title XII of the social  
25 security act (42 USC 1321 to 1324). The rate established by the department for

1 employers who finance benefits under s. 108.15 (2) ~~or~~, 108.151 (2), or 108.152 (1) shall  
2 be 75% of the rate established for other employers. The amount of any employer's  
3 assessment shall be the product of the rate established for that employer multiplied  
4 by the employer's payroll of the previous calendar year as taken from quarterly  
5 contribution reports filed by the employer or, in the absence of the filing of such  
6 reports, estimates made by the department. Each assessment made under this  
7 subsection is due on the 30th day commencing after the date on which notice of the  
8 assessment is mailed by the department. If the amounts collected under this  
9 subsection are in excess of the amounts needed to pay interest due, the amounts shall  
10 be retained in the administrative account and utilized for the purposes specified in  
11 s. 108.20 (2m).

12 **SECTION 54.** 108.20 (3) of the statutes is amended to read:

13 108.20 (3) There shall be included in the moneys governed by sub. (2m) any  
14 amounts collected by the department under ss. 108.04 (11) (c) and (cm) and 108.22  
15 (1) (a) ~~and~~, (ac), and (ad) as tardy filing fees, forfeitures, interest on delinquent  
16 payments, or other penalties and any excess moneys collected under s. 108.19 (1m).

17 **SECTION 55.** 108.22 (1) (ad) of the statutes is created to read:

18 108.22 (1) (ad) An employer agent that is subject to the reporting requirements  
19 under s. 108.17 (2g) and that fails to file a contribution report in accordance with s.  
20 108.17 (2g) may be assessed a penalty by the department in the amount of \$25 for  
21 each employer whose report is not filed using an electronic format and medium  
22 approved by the department.

23 **SECTION 56.** 108.22 (1) (am) of the statutes is amended to read:

1           108.22 (1) (am) The interest, penalties, and the tardy filing fees levied under  
2 ~~par. pars.~~ (a), (ac), and (ad) shall be paid to the department and credited to the  
3 administrative account.

4           **SECTION 57.** 108.22 (1) (b) of the statutes is amended to read:

5           108.22 (1) (b) If the due date of a report or payment under s. 108.15 (5) (b),  
6 108.151 (5) (f), 108.16 (8), 108.17 ~~(2)~~, or 108.205 would otherwise be a Saturday,  
7 Sunday, or legal holiday under state or federal law, the due date is the next following  
8 day which is not a Saturday, Sunday, or legal holiday under state or federal law.

9           **SECTION 58.** 108.22 (1) (e) of the statutes is amended to read:

10           108.22 (1) (e) Any notice filed under s. 108.15 (3) (a) or (b) ~~or~~, 108.151 (3) (a),  
11 or 108.152 (2) (a) or assurance filed under s. 108.151 (2) (a) or (4) (a) 2. is timely if  
12 it is received by the department by December 31 or, if mailed, is either postmarked  
13 no later than that due date or is received by the department no later than 3 days after  
14 that due date.

15           **SECTION 59.** 108.22 (1m) of the statutes is amended to read:

16           108.22 (1m) If an employer owes any contributions, reimbursements under s.  
17 108.15 or 108.151, interest ~~or~~, fees, or payments for forfeitures or other penalties to  
18 the department under this chapter and fails to pay the amount owed, the department  
19 has a perfected lien upon the employer's right, title, and interest in all of its real and  
20 personal property located in this state in the amount finally determined to be owed,  
21 plus costs. Except where creation of a lien is barred or stayed by bankruptcy or other  
22 insolvency law, the lien is effective when the department issues a determination of  
23 the amount owed under s. 108.10 (1) and shall continue until the amount owed, plus  
24 costs and interest to the date of payment, is paid. If a lien is initially barred or stayed  
25 by bankruptcy or other insolvency law, it shall become effective immediately upon

1 expiration or removal of such bar or stay. The perfected lien does not give the  
2 department priority over lienholders, mortgagees, purchasers for value, judgment  
3 creditors, and pledges whose interests have been recorded before the department's  
4 lien is recorded.

5 SECTION 60. 108.225 (1) (a) to (c) of the statutes are amended to read:

6 108.225 (1) (a) ~~"Contributions" include~~ "Contribution" includes a  
7 reimbursement under s. 108.15, 108.151, or 108.152, interest for a nontimely  
8 payment, fees, and any penalties payment due for a forfeiture <sup>imposed upon an employing</sup> or other penalty  
9 assessed by the department under this chapter. <sub>unit</sub>  
<sub>under</sub>

10 (b) "Debt" means a delinquent contribution or repayment of a benefit  
11 overpayment, or any liability of a 3rd party for failure to surrender to the department  
12 property or rights to property subject to levy after proceedings under sub. (4) (b) and  
13 s. 108.10 to determine that liability. <sub>s.</sub>  
<sub>108.04</sub>  
<sub>(1) (c)</sub>

14 (c) ~~"Debtor" means a person who owes the department delinquent contributions~~  
15 ~~or a benefit overpayment a debt.~~

16 SECTION 61. 108.225 (16) (intro.) of the statutes is amended to read:

17 108.225 (16) ~~WAGES EXEMPT FROM LEVY.~~ (intro.) In the case of benefit  
18 ~~overpayments, the~~ and forfeitures imposed upon an employing unit under s. 108.04  
19 (11) (c), an individual debtor is entitled to an exemption from levy of the greater of  
20 the following:

21 SECTION 62. 230.12 (1) (g) of the statutes is created to read:

22 230.12 (1) (g) *Temporary reserve appeal tribunal.* The compensation plan shall  
23 include a provision authorizing the department of workforce development to pay any  
24 individual who was previously employed by the department of workforce  
25 development and who is appointed to limited term employment as a temporary

1 reserve appeal tribunal under s. 108.09 (3) (a) 2. not more than the base pay rate that  
2 the individual was paid at the time of his or her separation from the department of  
3 workforce development, plus any across-the-board and discretionary intervening  
4 adjustments that were made under the compensation plan or applicable collective  
5 bargaining agreement to the base pay rate for the position that was previously filled  
6 by the individual during the time between the individual's separation from the  
7 department of workforce development and the individual's appointment as a  
8 temporary reserve tribunal. For the purpose of calculating the amount of any  
9 discretionary intervening adjustment, the amount shall be limited to the amount  
10 that would have been generated by the employee.

11 **SECTION 63. Nonstatutory provisions.**

12 (1) OFFSET OF SOCIAL SECURITY BENEFITS.

13 (a) In this SECTION:

14 1. "Base period wages" has the meaning given in section 108.02 (4m) of the  
15 statutes.

16 2. "Employer" has the meaning given in section 108.02 (13) of the statutes.

17 ~~(b) Notwithstanding section 108.04 (7), 1999 stats., for each week of~~  
18 unemployment beginning in 2002, if a claimant receives a payment under the federal  
19 Social Security Act (42 USC 301, et seq.) that is contributed to by an employer from  
20 which the claimant has base period wages, the reduction that applies to the benefits  
21 payable to the claimant for that week is 50% of the amount that would otherwise  
22 apply for that week under section 108.04 (7), 1999 stats.

23 (2) RULE MAKING.

24 (a) The department of workforce development shall submit in proposed form  
25 rule changes to the legislative council staff under section 227.15 (1) of the statutes



1 no later than the first day of the 11th month beginning after the effective date of this  
2 paragraph:

3 1. To amend section DWD 100.02 (28), Wisconsin Administrative Code, for the  
4 purpose of decreasing the number of hours per week, for work to be considered full  
5 time, to 32.

6 2. To establish a specified level of repeated absenteeism or repeated tardiness  
7 that constitutes misconduct for purposes of section 108.04 (5) of the statutes.

8 3. To specify, in accordance with applicable administrative and judicial  
9 interpretations, what constitutes an "establishment" for purposes of the  
10 disqualification from receipt of unemployment insurance benefits because of a labor  
11 dispute in an establishment in which an employee is or was employed under section  
12 108.04 (10) of the statutes.

13 (b) The department of workforce development shall promulgate an emergency  
14 rule under section 227.24 of the statutes to amend section DWD 129.01 (1), Wisconsin  
15 Administrative Code, for the purpose of extending the deadline for filing an initial  
16 claim for unemployment insurance benefits by 7 days. Notwithstanding section  
17 227.24 (1) (c) and (2) of the statutes, the emergency rule may remain in effect until  
18 the first day of the 11th month beginning after the effective date of this paragraph  
19 or until the date on which a permanent rule relating to the same subject matter takes  
20 effect, whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the  
21 statutes, the department is not required to provide evidence that promulgating a rule  
22 under this paragraph as an emergency rule is necessary for the preservation of the  
23 public peace, health, safety, or welfare and is not required to provide a finding of  
24 emergency for a rule promulgated under this paragraph.

1 (3) INITIAL ELECTION OF REIMBURSEMENT FINANCING BY INDIAN TRIBES AND TRIBAL  
2 UNITS. Notwithstanding section 108.152 (1) (a) of the statutes, as created by this act,  
3 an Indian tribe or tribal unit may file a written notice of election of reimbursement  
4 financing for unemployment insurance benefits under that paragraph for the 2002  
5 calendar year no later than March 31, 2002.

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~~(#)~~ DEFERRAL OF FIRST QUARTER CONTRIBUTION LIABILITY. Notwithstanding  
section 65 (9) of this act, if the secretary of workforce development determines that  
the necessary programming enhancements for the unemployment insurance tax and  
accounting system have not been completed in time to permit implementation of the  
treatment of sections 108.17 (2) and (2c) and 108.22 (1) (b) of the statutes by this act  
with respect to contributions payable for the first quarter of the 2003 calendar year,  
the secretary may order implementation of that treatment to occur with respect to  
contributions payable for the first quarter of the 2004 calendar year.

~~(#)~~ (5) CLAIMANT ELIGIBILITY REVIEWS. The department of workforce development  
shall, through reallocation of existing resources of the department, conduct review  
of claimants for unemployment compensation benefits in the 2001-03 fiscal  
biennium to verify adherence to work search requirements and other conditions of  
eligibility.

~~(#)~~ (6) POSITION AUTHORIZATIONS. The authorized FTE positions for the department  
of workforce development are increased by 15.0 FED positions for the period ending  
on June 30, 2004, to be funded from the appropriation under section 20.445 (1) (n)  
of the statutes, for the purpose of assisting with unemployment insurance  
information technology projects.

**SECTION 64. Appropriation changes.**

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) (gf) of the  
3 statutes, as affected by the acts of 2001, the dollar amount is increased by \$250,000  
4 for fiscal year 2001-02 to pay employment service costs for which federal aid was  
5 disallowed.

6 **SECTION 65. Initial applicability.**

7 (1) The treatment of sections 108.02 (10m), (13) (a), (15) (f) (intro.), (g) (intro.),  
8 (gm), and (n), (17m), and (22m), 108.04 (13) (d) 4. (intro.) and (17) (b) and (h), 108.141  
9 (7) (c), 108.152, 108.16 (6) (g), (6m) (a) and (8) (b) 3, (c) 3., and (e) 3., 108.19 (1e) (a)  
10 (with respect to reimbursement financing by Indian tribes and tribal units) and (1m)  
11 and 108.22 (1) (e) of the statutes first applies with respect to employment after  
12 December 31, 2001.

13 (2) The treatment of sections 108.02 (12m) (intro.), (a), (b), (c), (d), and (e), (21e),  
14 and (29), 108.065 (1) and (1m), ~~108.067~~ and 108.16 (8) (L) of the statutes first applies  
15 with respect to determinations issued under sections 108.09 and 108.10 of the  
16 statutes in the first week beginning in January 2002 or, in relation to determinations  
17 that are appealed, to decisions issued under sections 108.09 and 108.10 of the  
18 statutes in the first week beginning in January 2002.

19 (3) The treatment of section 108.02 (15) (j) 4., 5., and 6. of the statutes first  
20 applies to services performed after December 31, ~~2000~~ 1998.

21 (4) The treatment of section 108.04 (7) (h) and (8) (c) of the statutes first applies  
22 with respect to determinations issued under section 108.09 or 108.10 of the statutes  
23 on December 30, 2001.

JWS

59-20

(#)

1 (5) The treatment of section 108.04 (16) (b) of the statutes first applies with  
 2 respect to determinations issued under section 108.09 or 108.10 of the statutes on  
 3 December 30, 2001.

4 (6) The treatment of section 108.05 (7) (a) 1. and (f) 1. of the statutes first  
 5 applies to weeks of unemployment beginning on January 5, 2003.

6 (7) The treatment of sections 108.17 (2g), 108.20 (3), and 108.22 (1) (ad) and  
 7 (am) of the statutes first applies with respect to reports due for the reporting period  
 8 or calendar quarter that includes March 31, 2003.

9 (8) The treatment of section 108.16 (8) (b) (intro.) and 2., (c) 4., (e) 4., and (f) first  
 10 applies to partial transfers of businesses occurring after December 31, 2001, and to  
 11 transfers of businesses of which the department of workforce development receives  
 12 notice after January 31, 2002.

13 (9) The treatment of sections 108.17 (2) and (2c) and 108.22 (1) (b) of the  
 14 statutes first applies with respect to contributions payable for the first quarter of the  
 15 2003 calendar year.

16 (10) The treatment of section 108.22 (1m) of the statutes first applies with  
 17 respect to liabilities that accrue on the effective date of this subsection.

18 (11) The treatment of section 108.225 (1) (a) to (c) and (16) (intro.) of the statutes  
 19 first applies with respect to determinations issued under section 108.10 of the  
 20 statutes on the effective date of this subsection.

21 **SECTION 66. Effective dates**

22 This act takes effect on the first Sunday after publication, except as follows:

23 (1) The treatment of section 108.067 of the statutes takes effect on April 1, 2002.

(END)

Fix  
 COMPS.  
 21  
 22

INS 5A:

***Coverage of certain services provided to medical assistance recipients***

Currently, under the medical assistance (MA) program administered by the department of health and family services (DHFS), this state provides assistance to finance certain health care costs of needy individuals. Private-duty nursing service or part-time intermittent care provided to an MA recipient by an individual who is certified by DHFS as a nurse in independent practice or an independent nurse practitioner and respiratory care service provided to an MA recipient by an individual who is certified by DHFS as a provider of respiratory care services in independent practice are generally subject to contribution requirements (taxation) under the state unemployment insurance law and the individuals who perform these services are potentially eligible to claim benefits. This bill eliminates coverage of these services under the state unemployment insurance law if they are provided by an individual who is not a home health agency (an organization licensed by DHFS that provides skilled nursing and other therapeutic services). Under the bill, the recipients of these services are no longer subject to contribution requirements and claimants are no longer eligible to claim benefits based on the performance of these services.

an employee of a

2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3682/P5ins  
JTK:...:pg

*INS 11-13: [initials]*

INSERT-DAK

1 SECTION 1. 108.02 (15) (k) 18. c. of the statutes is amended to read:

2 108.02 (15) (k) 18. c. The amount of the lease payment is not contingent upon  
3 the income generated through the use of the motor vehicle or equipment during the  
4 lease term; or

History: 1971 c. 53; 1971 c. 213 s. 5; 1973 c. 247; 1975 c. 223, 343; 1975 c. 373 s. 40; 1977 c. 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; 1999 a. 15, 82, 83.

5 SECTION 2. 108.02 (15) (k) 19. b. of the statutes is amended to read:

6 108.02 (15) (k) 19. b. The individual has been paid or is treated as having been  
7 paid wages or other remuneration of \$500 or more during his or her base period for  
8 services performed for at least one employer other than the seasonal employer which  
9 is subject to the unemployment insurance law of any state or the federal government.

10

*delete space  
; or*

History: 1971 c. 53; 1971 c. 213 s. 5; 1973 c. 247; 1975 c. 223, 343; 1975 c. 373 s. 40; 1977 c. 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; 1999 a. 15, 82, 83.

11 SECTION 3. 108.02 (15) (k) 20. of the statutes is created to read:

12 108.02 (15) (k) 20. Provided to a recipient of medical assistance under ch. 49  
13 by an individual *who is not an employee of* ~~other than~~ a home health agency, if the service is:

14 a. Private duty nursing service or part-time intermittent care provided by an  
15 individual who is certified by the department of health and family services under s.  
16 49.45 (2) (a) 11. <sup>✓</sup> as a nurse in independent practice or as an independent nurse  
17 practitioner; or

19

18 b. Respiratory care service for ventilator-dependent individuals authorized  
19 under s. 49.46 (2) (b) *6m.* <sup>stet</sup> provided by an individual who is certified by the  
20 department of health and family services under s. 49.45 (2) (a) 11. <sup>✓</sup> as a provider of  
21 respiratory care services in independent practice.

JWS 11-24

1 SECTION 4. 108.02 (20g) of the statutes is created to read:

2 108.02 (20g) PART-TIME INTERMITTENT CARE. "Part-time intermittent care"  
3 means skilled nursing service that is provided in the home of a recipient of medical  
4 assistance under ch. 49 under a written plan of care that requires less than 8 hours  
5 of skilled nursing service in a calendar day.

6 SECTION 5. 108.02 (21c) of the statutes is created to read:

7 108.02 (21c) PRIVATE-DUTY NURSING SERVICE. "Private-duty nursing service"  
8 means skilled nursing service under a written plan of care that specifies the medical  
9 necessity of the care, which is provided to a recipient of medical assistance under ch.  
10 49 whose medical condition requires more continuous skilled nursing service than  
11 may be provided as part-time intermittent care.

12 SECTION 6. 108.02 (23g) of the statutes is created to read:

13 108.02 (23g) SKILLED NURSING SERVICE. "Skilled nursing service" means  
14 professional nursing service that is provided under a physician's order, that requires  
15 the skills of a licensed registered nurse or licensed practical nurse, and that is  
16 provided directly by the licensed registered nurse or licensed practical nurse or  
17 directly by the licensed practical nurse under the supervision of the licensed  
18 registered nurse.

JWS  
13-9

2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3682/P5ins1  
JTK.....

INS 58-5:

(#) INITIAL REPORTS BY PROFESSIONAL EMPLOYER ORGANIZATIONS. Notwithstanding section 108.067 (1) of the statutes, as created by this act, each professional employer organization that has entered into an employee leasing agreement with any client that is in effect on March 31, 2002, shall disclose in its initial report under section 108.067 (1) of the statutes, as created by this act, the identity of each client with whom the organization has an employee leasing agreement on that date.

INS 59-20:

(#) The treatment of sections 108.02 (15) (k) 18. c., 19. b., and 20., (20g), (21c) and (23g) of the statutes first applies to with respect to employment after December 31, 2001.



Nikepts Chouse request sheet

- 3682/85

e mail to  
Thos Edw. Smith

DCUD - UI

## Almost Final Revisions to UI Bill Draft

SECTION 16. 108.02 (15) (k) 20. of the statutes is created to read:

108.02 (15) (k) 20. Provided to a recipient of medical assistance under ch. 49 by an individual who is not an employee of a home health agency, if the service is:

a. Private duty nursing service or part-time intermittent ~~care~~nursing service provided by an individual who is certified by the department of health and family services under s. 49.45 (2) (a) 11. as a nurse in independent practice or as an independent nurse practitioner; or

b. Respiratory care service for ventilator-dependent individuals authorized under s. 49.46 (2) (b) 6m. provided by an individual who is certified by the department of health and family services under s. 49.45 (2) (a) 11. as a provider of respiratory care services in independent practice.

108.02 (20g) PART-TIME INTERMITTENT ~~CARE~~NURSING SERVICE. "Part-time intermittent ~~care~~nursing service" means skilled nursing service that is provided in the home of a recipient of medical assistance under ch. 49 under a written plan of care that requires less than 8 hours of skilled nursing service in a calendar day.

108.02 (21e) PROFESSIONAL EMPLOYER ORGANIZATION. "Professional employer organization" means any person who contracts to provide the nontemporary, ongoing employee workforce of a client under a written leasing contract and who under contract and in fact:

(a) ~~With the consent of the client,~~Retains the right to hire and terminates the employees who perform services for the client and to reassigns the employees to other clients;

(f) Has the obligation to establish, fund, and administer ~~any~~ employee benefit plans for the employees; and

In section 32, line 22, the first number should be 199, not 299.

**Kuesel, Jeffery**

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**From:** Smith, Thomas E - DWD UI  
**Sent:** Wednesday, October 03, 2001 12:01 PM  
**To:** Kuesel, Jeffery; Kennedy, Debora  
**Subject:** FW: UI Nursing Exclusion

I am forwarding an e-mail I received from HFS attorney Eric Wendorff regarding the draft of the the Medicaid nursing exclusion. I am primarily concerned about the comments in red. Please review and advise if there is a problem.

-----Original Message-----

**From:** Wendorff, Eric  
**Sent:** Wednesday, October 03, 2001 9:15 AM  
**To:** Smith, Thomas E - DWD UI  
**Subject:** RE: UI Nursing Exclusion

Thanks, Tom. I am sorry I did not get my comments to you earlier.

>>> Smith, Thomas E - DWD UI 10/03/01 09:09AM >>>  
Hi Eric,

Just reviewed this after being gone yesterday. The UI advisory council is meeting at 9:30 this morning to vote on the latest bill draft. I will get back to you after the meeting and after I have had a chance to discuss your message with LRB folks. At first glance, I don't think there are any serious issues that would jeopardize this exclusion.

-----Original Message-----

**From:** Wendorff, Eric  
**Sent:** Tuesday, October 02, 2001 8:45 AM  
**To:** Smith, Thomas E - DWD UI  
**Cc:** Cruz, Marlaine; Evans, Barb; Siroky, Jeanne; White, Alan  
**Subject:** Re: UI Nursing Exclusion

Tom,

I have copied immediately below the concerns expressed by Barb Evans, a Medicaid program nurse who has dealt with this issue. My comments follow in bold.

Eric, These are my concerns.

Page 1, Line 14, I would substitute nursing service for the word care so that it would read a. Private duty nursing service or part-time intermittent nursing service provided by an..

Page 2, 108.02 (21c) PRIVATE DUTY NURSING SERVICE, line 7 and 8 includes the following "that specifies the medical necessity of the care" while PART TIME INTERMITTENT CARE 108.02 (20g) does not. Both must meet the definition of medically necessary per HFS 101.03 (96m). Since this language is in administrative code I would suggest "that specifies the medical necessity" be deleted from 108.02 (21c) or that it be included in 108.02 (20g) so that they are consistent in this respect.

My other general concern is that Medicaid has currently defined in HFS 107 Private duty nursing as a benefit level that requires 8 or more hours of skilled care. If the administrative code language is ever rewritten and we wanted to redefine this benefit I assume we would not be able to do so without changes to the this language. Would we be wiser to say Part Time Intermittent Care means skilled nursing service as described in HFS administrative code which is provided in the home of a recipient of medical assistance under ch 49

under a written plan of care.

Regarding Barb's first point, the LRB draft may use "part-time intermittent care," which it subsequently defines as a subclass of "skilled nursing service," instead of "part-time intermittent nursing service" because HFS 107.11(6), defines "part time intermittent care" in the same manner. If "part-time intermittent care" is defined in the statute as a subclass of skilled nursing services, the limitation is clear. However, although HFS 107.11(6) defines "part-time intermittent care" as "skilled nursing services" (subject to time and place of service limitations), it then identifies the covered service as "part-time, intermittent nursing care." I am not sure the LRB draft gains precision and conciseness by not referring to "part-time intermittent nursing services."

You question the need for a definition of "skilled nursing service." I think the purpose probably is to distinguish skilled nursing services from home health aide type services, which are covered by Medicaid only if provided by home health agencies under HFS 107.11. The definition also provides the general category of services that includes private duty nursing and part-time intermittent nursing care.

Regarding Barb's comment that both private duty nursing and intermittent care must be medically necessary, I suppose the LRB draft included this requirement only for private duty nursing because HFS 107.12(1)(a) states that private duty nursing requires a written plan of care that specifies the medical necessity of this type of service, whereas there is no comparable language regarding intermittent care in HFS 107.11. However, HFS 107.11 [as well as HFS 101.03(96m), which Barb cites] does indicate that part-time intermittent skilled nursing services must be medically necessary. For example, such services must meet prior authorization requirements. HFS 107.11(6)(c). For prior authorization (applicable after the first visit), medical necessity must be shown. HFS 107.11(3). HFS 107.11(2) refers to intermittent skilled nursing services as "medically necessary."

You question whether the LRB definition excludes only those not working for a home health agency. The language intended to effect the limitation is "provided by an individual who is certified as a nurse in independent practice or an independent nurse practitioner . . . or as a provider of respiratory care services in independent practice." I suppose there are individuals who are Medicaid certified as nurses in independent practice, independent nurse practitioners, or providers of respiratory care services in independent practice, who provide services as employees of home health agencies. Such situations could result in the problem you noted. Perhaps my colleagues in the Division of Health Care Financing can verify whether such situations occur. I suppose that the response in support of the LRB draft would be that, when such services are provided by a certified individual who is providing the services in question, not as an independent, but as an employee of an agency, the services are not provided by an individual in independent practice. I think the language is tight enough, but I'm not sure.

I am somewhat concerned that the LRB draft does not specify the limitations on coverage that are set out in the administrative code, for example at HFS 107.12(4) or HFS 107.11(6)(b). My question is whether the references to chap. 49 and sec. 49.45, Stats., incorporate the coverage limitations specified in the administrative code. I think our draft incorporated these limitations by referring to "covered" services, i.e. services that meet MA requirements and are, therefore, reimbursable.

I also think that line 14 should reference sec. 49.46(2)(b)6g so that it parallels the reference to s. 49.46(2)(b)6m at line 19.

>>> Smith, Thomas E - DWD UI 09/28/01 11:45AM >>>  
Eric - Here is the latest draft language for our exclusion. The drafter is

Debra Kennedy at LRB. My two issues are: 1) Why is there a definition for "skilled nursing service"? and 2) does the new language exclude only those not working for a home health agency?

>>> Smith, Thomas E - DWD UI 09/28/01 11:45AM >>>

Eric - Here is the latest draft language for our exclusion. The drafter is Debra Kennedy at LRB. My two issues are: 1) Why is there a definition for "skilled nursing service"? and 2) does the new language exclude only those not working for a home health agency?