



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-3682/P5

JTK:kmg:ch

Wanted FR: 10/5

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

(regenerate)

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) (k) 18. c., 108.02 (15) (k) 19. b., 108.02 (15) (n), 108.02 (22m), 108.04 (7) (h),  
6 108.04 (8) (c), 108.04 (13) (d) 4. (intro.), 108.04 (16) (b), 108.04 (17) (b), 108.04  
7 (17) (h), 108.05 (1) (L) (intro.), 108.05 (7) (a) 1., 108.05 (7) (f) 1., 108.065 (1),  
8 108.16 (6) (g), 108.16 (6m) (a), 108.16 (8) (b) (intro.), 108.16 (8) (b) 2., 108.16 (8)  
9 (b) 3., 108.16 (8) (c) 3., 108.16 (8) (e) 3., 108.16 (8) (f), 108.17 (2), 108.19 (1e) (a)  
10 and (d), 108.19 (1m), 108.20 (3), 108.22 (1) (am), 108.22 (1) (b), 108.22 (1) (e),  
11 108.22 (1m), 108.225 (1) (a) to (c) and 108.225 (16) (intro.); and *to create* 108.02  
12 (15) (gm), 108.02 (15) (j) 6., 108.02 (15) (k) 20., 108.02 (17m), 108.02 (20g),  
13 108.02 (21c), 108.02 (21e), 108.02 (23g), 108.02 (29), 108.05 (1) (m) and (n),  
14 108.065 (1m), 108.067, 108.09 (3) (a) 2., 108.14 (2e), 108.14 (19), 108.141 (7) (c),  
15 108.152, 108.16 (8) (c) 4., 108.16 (8) (e) 4., 108.16 (8) (L), 108.17 (2c), 108.17 (2g),

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108.22 (1) (ad) and 230.12 (1) (g) of the statutes; relating to: various changes in the unemployment insurance law, appointment of temporary reserve appeal tribunals, requiring the exercise 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.

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**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.

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**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 of 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.

***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 an employee of 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.

***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, 1999.

***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

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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.

*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

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employer organizations generally engage individuals on an ongoing 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 workforce of the entities with whom they contract.

#### ***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 to 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.

***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.*

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

2 20.445 (1) (nb) (title) *Unemployment tax and accounting system information*  
3 *technology systems; federal moneys.*

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

5 108.02 (10m) EDUCATIONAL SERVICE AGENCY. "Educational service agency"  
6 means a governmental entity or Indian tribal unit which is established and operated  
7 exclusively for the purpose of providing services to one or more educational  
8 institutions.

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

11 108.02 (24m) ~~EMPLOYEE SERVICE TEMPORARY HELP COMPANY.~~ (intro.) "Employee  
12 service "Temporary help company" means ~~a leasing company or temporary help~~  
13 ~~service~~ an entity which contracts with ~~clients or customers~~ a client to supply  
14 individuals to perform services for the client ~~or customer~~ on a temporary basis to  
15 support or supplement the workforce of the client in situations such as personnel  
16 absences, temporary personnel shortages, and workload changes resulting from  
17 seasonal demands or special assignments or projects, and which, both under  
18 contract and in fact:

19 SECTION 5. 108.02 (12m) (a) and (b) of the statutes are renumbered 108.02  
20 (24m) (a) and (b) and amended to read:

21 108.02 (24m) (a) Negotiates with clients ~~or customers~~ for such matters as time,  
22 place, type of work, working conditions, quality, and price of the services;

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

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1           **SECTION 6.** 108.02 (12m) (c) and (d) of the statutes are renumbered 108.02  
2 (24m) (c) and (d).

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

5           108.02 (24m) (e) Hires and terminates individuals who perform services for the  
6 clients ~~or customers~~.

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

8           108.02 (13) (a) “Employer” means every government unit and Indian tribe, and  
9 any person, association, corporation, whether domestic or foreign, or legal  
10 representative, debtor in possession or trustee in bankruptcy or receiver or trustee  
11 of a person, partnership, association, or corporation, or guardian of the estate of a  
12 person, or legal representative of a deceased person, any partnership or partnerships  
13 consisting of the same partners, except as provided in par. (L), any limited liability  
14 company or limited liability companies consisting of the same members, except as  
15 provided in par. (kL), and any fraternal benefit society as defined in s. 614.01 (1) (a),  
16 which is subject to this chapter under the statutes of 1975, or which has had  
17 employment in this state and becomes subject to this chapter under this subsection  
18 and, notwithstanding any other provisions of this section, any service insurance  
19 corporation organized or operating under ch. 613, except as provided in s. 108.152  
20 (6) (a) 3.

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

22           108.02 (15) (f) (intro.) “Employment” as applied to work for a government unit  
23 or Indian tribe, except as such unit or tribe duly elects otherwise with the  
24 department’s approval, does not include service:

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

1           108.02 (15) (g) (intro.) "Employment" as applied to work for a government unit,  
2           an Indian tribe, or a nonprofit organization, except as such unit, tribe, or  
3           organization duly elects otherwise with the department's approval, does not include  
4           service:

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

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

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

10           108.02 (15) (j) 4. In the employ of a hospital by a patient of such hospital; or  
11           5. In any quarter in the employ of any organization exempt from federal income  
12           tax under section 501 (a) of the internal revenue code, other than an organization  
13           described in section 401 (a) or 501 (c) (3) of such code, or under section 521 of the  
14           internal revenue code, if the remuneration for such service is less than \$50.; or

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

16           108.02 (15) (j) 6. By a nonresident alien for the period that he or she is  
17           temporarily present in the United States as a nonimmigrant under 8 USC 1101 (a)  
18           (15) (F), (J), (M), or (Q), if the service is performed to carry out the purpose for which  
19           the alien is admitted to the United States, as provided in 8 USC 1101 (a) (15) (F), (J),  
20           (M), or (Q), or by the spouse or minor child of such an alien if the spouse or child was  
21           also admitted to the United States under 8 USC 1101 (a) (15) (F), (J), (M), or (Q) for  
22           the same purpose.

23           **SECTION 14.** 108.02 (15) (k) 18. c. of the statutes is amended to read:

1 108.02 (15) (k) 18. c. The amount of the lease payment is not contingent upon  
2 the income generated through the use of the motor vehicle or equipment during the  
3 lease term; or

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

5 108.02 (15) (k) 19. b. The individual has been paid or is treated as having been  
6 paid wages or other remuneration of \$500 or more during his or her base period for  
7 services performed for at least one employer other than the seasonal employer which  
8 is subject to the unemployment insurance law of any state or the federal  
9 government; or

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

11 108.02 (15) (k) 20. Provided to a recipient of medical assistance under ch. 49  
12 by an individual who is not an employee of a home health agency, if the service is:

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

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

21 SECTION 17. 108.02 (15) (n) of the statutes is amended to read:

22 108.02 (15) (n) If any employment for a government unit, Indian tribe, or  
23 nonprofit organization excluded under other paragraphs of this subsection is  
24 required by the federal unemployment tax act, the social security act, or any other  
25 federal law, to be employment covered by this chapter as a condition for approval of

1 this chapter for full tax credit against the tax imposed by the federal unemployment  
2 tax act, such exclusion shall not apply under this chapter.

3 SECTION 18. 108.02 (17m) of the statutes is created to read:

4 108.02 (17m) "Indian tribe" has the meaning given in 25 USC 450b (e), and  
5 includes any subdivision, subsidiary, or business enterprise that is wholly owned by  
6 such an entity.

*, as defined by the department of health and family services under §.49.45 (10);*

7 SECTION 19. 108.02 (20g) of the statutes is created to read:

8 108.02 (20g) PART-TIME INTERMITTENT CARE. "Part-time intermittent care"

9 means skilled nursing service that is provided in the home of a recipient of medical

10 assistance under ch. 49 under a written plan of care that ~~requires less than 8 hours~~

11 ~~of skilled nursing service in a calendar day.~~

*specifies the medical necessity of the care*

12 SECTION 20. 108.02 (21c) of the statutes is created to read:

13 108.02 (21c) PRIVATE-DUTY NURSING SERVICE. "Private-duty nursing service"

14 means skilled nursing service under a written plan of care that specifies the medical

15 necessity of the care, which is provided to a recipient of medical assistance under ch.

16 49 whose medical condition requires more continuous skilled nursing service than

17 may be provided as part-time intermittent care.

18 SECTION 21. 108.02 (21e) of the statutes is created to read:

19 108.02 (21e) PROFESSIONAL EMPLOYER ORGANIZATION. "Professional employer

20 organization" means any person who contracts to provide the nontemporary, ongoing

21 employee workforce of a client under a written leasing contract and who under

22 contract and in fact:

23 (a) ~~With the consent of the client, hires and terminates~~ the employees who

24 perform services for the client and ~~reassigns~~ *to reassign* the employees to other clients;

25 (b) Sets the rate of pay of the employees, whether or not through negotiations;

1 (c) Has the obligation to and pays the employees from its own accounts;

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

6 (e) Assumes responsibility for the unemployment insurance coverage of the  
7 employees, files all required reports, pays all required contributions or  
8 reimbursements due on the wages of the employees, and otherwise complies with all  
9 of the provisions of this chapter that are applicable to employers on behalf of the  
10 client;

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

13 (g) Provides notice of the employee leasing arrangement to the employees.

14 **SECTION 22.** 108.02 (22m) of the statutes is amended to read:

15 108.02 (22m) SCHOOL YEAR EMPLOYEE. "School year employee" means an  
16 employee of an educational institution or an educational service agency, or an  
17 employee of a government unit, Indian tribe, or nonprofit organization which  
18 provides services to or on behalf of an educational institution, who performs services  
19 under an employment contract which does not require the performance of services  
20 on a year-round basis.

21 **SECTION 23.** 108.02 (23g) of the statutes is created to read:

22 108.02 (23g) SKILLED NURSING SERVICE. "Skilled nursing service" means  
23 professional nursing service that is provided under a physician's order, that requires  
24 the skills of a licensed registered nurse or licensed practical nurse, and that is  
25 provided directly by the licensed registered nurse or licensed practical nurse or

1 directly by the licensed practical nurse under the supervision of the licensed  
2 registered nurse.

3 **SECTION 24.** 108.02 (29) of the statutes is created to read:

4 108.02 (29) **WORKING DAY.** "Working day" has the meaning given in s. 227.01

5 (14).

6 **SECTION 25.** 108.04 (7) (h) of the statutes is amended to read:

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

12 **SECTION 26.** 108.04 (8) (c) of the statutes is amended to read:

13 108.04 (8) (c) If an employee fails, without good cause, to return to work with  
14 a former employer that recalls the employee within 52 weeks after the employee last  
15 worked for that employer, the employee is ineligible to receive benefits until 4 weeks  
16 have elapsed since the end of the week in which the failure occurs and the employee  
17 earns wages after the week in which the failure occurs equal to at least 4 times the  
18 employee's weekly benefit rate under s. 108.05 (1) in employment or other work  
19 covered by the unemployment insurance law of any state or the federal government.  
20 For purposes of requalification, the employee's weekly benefit rate shall be that rate  
21 which would have been paid had the failure not occurred. This paragraph does not  
22 preclude an employee from establishing a benefit year during a period in which the  
23 employee is ineligible to receive benefits under this paragraph if the employee  
24 qualifies to establish a benefit year under s. 108.06 (2) (a). The department shall  
25 charge to the fund's balancing account any benefits otherwise chargeable to the

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1 account of any employer that is subject to the contribution requirements under ss.  
2 108.17 and 108.18 whenever an employee of that employer fails, without good cause,  
3 to return to work with that employer. If an employee receives actual notice of a recall  
4 to work, par. (a) applies in lieu of this paragraph.

5 SECTION 27. 108.04 (13) (d) 4. (intro.) of the statutes is amended to read:

6 108.04 (13) (d) 4. (intro.) To correct any erroneous payment not so adjusted from  
7 the account of an employer which is a government unit, an Indian tribe, or a nonprofit  
8 organization and which has elected reimbursement financing, the department shall:

9 SECTION 28. 108.04 (16) (b) of the statutes is amended to read:

10 108.04 (16) (b) The requalifying employment requirement under subs. (7) and  
11 (8) and the general qualifying requirements under sub. (2) do not apply to an  
12 individual as a result of the individual's enrollment in training or leaving unsuitable  
13 work to enter or continue training under 19 USC 2296 or a plan approved under 29  
14 USC 2822.

15 SECTION 29. 108.04 (17) (b) of the statutes is amended to read:

16 108.04 (17) (b) A school year employee of a government unit, Indian tribe, or  
17 nonprofit organization which provides services to or on behalf of an educational  
18 institution who performs services in an instructional, research, or principal  
19 administrative capacity is ineligible for benefits based on such services for any week  
20 of unemployment which occurs:

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



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

7  
8           **SECTION 30.** 108.04 (17) (h) of the statutes is amended to read:

9           108.04 (17) (h) A school year employee of a government unit, Indian tribe, or  
10 nonprofit organization which provides services to or on behalf of an educational  
11 institution who performs the services described in par. (b) or (e) is ineligible for  
12 benefits based on such services for any week of unemployment which occurs during  
13 an established and customary vacation period or holiday recess if the school year  
14 employee performed such services for such a government unit, Indian tribe, or  
15 nonprofit organization in the period immediately before the vacation period or  
16 holiday recess, and there is reasonable assurance that the school year employee will  
17 perform the services described in par. (b) or (e) for such a government unit, Indian  
18 tribe, or nonprofit organization in the period immediately following the vacation  
19 period or holiday recess.

20           **SECTION 31.** 108.05 (1) (L) (intro.) of the statutes is amended to read:

21           108.05 (1) (L) (intro.) Each eligible employee shall be paid benefits for each  
22 week of total unemployment that commences on or after October 1, 2000, and before  
23 December 30, 2001, at the weekly benefit rate specified in this paragraph. Unless  
24 sub. (1m) applies, the weekly benefit rate shall equal 4% of the employee's base  
25 period wages that 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

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1 whole dollar, except that, if that amount is less than the minimum amount shown  
2 in the following schedule, no benefits are payable to the employee and, if that amount  
3 is more than the maximum amount shown in the following schedule, the employee's  
4 weekly benefit rate shall be the maximum amount shown in the following schedule  
5 and except that, if the employee's benefits are exhausted during any week under s.  
6 108.06 (1), the employee shall be paid the remaining amount of benefits payable to  
7 the employee in lieu of the amount shown in the following schedule: [See Figure  
8 108.05 (1) (L) following]

9 **SECTION 32.** 108.05 (1) (m) and (n) of the statutes are created to read:

10 108.05 (1) (m) Each eligible employee shall be paid benefits for each week of  
11 total unemployment which commences on or after December 30, 2001, and before  
12 December 29, 2002, at the weekly benefit rate specified in this paragraph. Unless  
13 sub. (1m) applies, the weekly benefit rate shall equal 4% of the employee's base  
14 period wages which were paid during that quarter of the employee's base period in  
15 which the employee was paid the highest total wages, rounded down to the nearest  
16 whole dollar, except that, if that amount is less than the minimum amount shown  
17 in the following schedule, no benefits are payable to the employee and, if that amount  
18 is more than the maximum amount shown in the following schedule, the employee's  
19 weekly benefit rate shall be the maximum amount shown in the following schedule  
20 and except that, if the employee's benefits are exhausted during any week under s.  
21 108.06 (1), the employee shall be paid the remaining amount of benefits payable to

1 the employee in lieu of the amount shown in the following schedule: [See Figure  
2 108.05 (1) (m) following]

3  
4 **Figure 108.05 (1) (m):**

Line	Highest Quarterly Wages Paid	Weekly Benefit Rate
10 1.	Under \$1,200.00	\$ 0
11 2.	1,200.00 to 1,224.99	48
12 3.	1,225.00 to 1,249.99	49
13 4.	1,250.00 to 1,274.99	50
14 5.	1,275.00 to 1,299.99	51
15 6.	1,300.00 to 1,324.99	52
16 <del>7.</del>	<del>1,325.00 to 1,349.99</del>	<del>53</del>
17 8.	1,350.00 to 1,374.99	54
18 9.	1,375.00 to 1,399.99	55
19 10.	1,400.00 to 1,424.99	56
20 11.	1,425.00 to 1,449.99	57
21 12.	1,450.00 to 1,474.99	58
22 <del>13.</del>	<del>1,475.00 to 1,499.99</del>	<del>59</del>
23 14.	1,500.00 to 1,524.99	60
24 <del>15.</del>	<del>1,525.00 to 1,549.99</del>	<del>61</del>
25 16.	1,550.00 to 1,574.99	62
26 17.	1,575.00 to 1,599.99	63

1	18.	1,600.00	to	1,624.99	64
2	19.	1,625.00	to	1,649.99	65
3	20.	1,650.00	to	1,674.99	66
4	21.	1,675.00	to	1,699.99	67
5	22.	1,700.00	to	1,724.99	68
6	23.	1,725.00	to	1,749.99	69
7	24.	1,750.00	to	1,774.99	70
8	25.	1,775.00	to	1,799.99	71
9	26.	1,800.00	to	1,824.99	72
10	27.	1,825.00	to	1,849.99	73
11	28.	1,850.00	to	1,874.99	74
12	29.	1,875.00	to	1,899.99	75
13	30.	1,900.00	to	1,924.99	76
14	31.	1,925.00	to	1,949.99	77
15	32.	1,950.00	to	1,974.99	78
16	33.	1,975.00	to	1,999.99	79
17	34.	2,000.00	to	2,024.99	80
18	35.	2,025.00	to	2,049.99	81
19	36.	2,050.00	to	2,074.99	82
20	37.	2,075.00	to	2,099.99	83
21	38.	2,100.00	to	2,124.99	84
22	39.	2,125.00	to	2,149.99	85
23	40.	2,150.00	to	2,174.99	86
24	41.	2,175.00	to	2,199.99	87

1	42.	.....	2,200.00	to	2,224.99	.....	88
2	43.	.....	2,225.00	to	2,249.99	.....	89
3	44.	.....	2,250.00	to	2,274.99	.....	90
4	45.	.....	2,275.00	to	2,299.99	.....	91
5	46.	.....	2,300.00	to	2,324.99	.....	92
6	47.	.....	2,325.00	to	2,349.99	.....	93
7	48.	.....	2,350.00	to	2,374.99	.....	94
8	49.	.....	2,375.00	to	2,399.99	.....	95
9	50.	.....	2,400.00	to	2,424.99	.....	96
10	51.	.....	2,425.00	to	2,449.99	.....	97
11	52.	.....	2,450.00	to	2,474.99	.....	98
12	53.	.....	2,475.00	to	2,499.99	.....	99
13	54.	.....	2,500.00	to	2,524.99	.....	100
14	55.	.....	2,525.00	to	2,549.99	.....	101
15	56.	.....	2,550.00	to	2,574.99	.....	102
16	57.	.....	2,575.00	to	2,599.99	.....	103
17	58.	.....	2,600.00	to	2,624.99	.....	104
18	59.	.....	2,625.00	to	2,649.99	.....	105
19	60.	.....	2,650.00	to	2,674.99	.....	106
20	61.	.....	2,675.00	to	2,699.99	.....	107
21	62.	.....	2,700.00	to	2,724.99	.....	108
22	63.	.....	2,725.00	to	2,749.99	.....	109
23	64.	.....	2,750.00	to	2,774.99	.....	110
24	65.	.....	2,775.00	to	2,799.99	.....	111

1	66.	.....	2,800.00	to	2,824.99	.....	112
2	67.	.....	2,825.00	to	2,849.99	.....	113
3	68.	.....	2,850.00	to	2,874.99	.....	114
4	69.	.....	2,875.00	to	2,899.99	.....	115
5	70.	.....	2,900.00	to	2,924.99	.....	116
6	71.	.....	2,925.00	to	2,949.99	.....	117
7	72.	.....	2,950.00	to	2,974.99	.....	118
8	73.	.....	2,975.00	to	2,999.99	.....	119
9	74.	.....	3,000.00	to	3,024.99	.....	120
10	75.	.....	3,025.00	to	3,049.99	.....	121
11	76.	.....	3,050.00	to	3,074.99	.....	122
12	77.	.....	3,075.00	to	3,099.99	.....	123
13	78.	.....	3,100.00	to	3,124.99	.....	124
14	79.	.....	3,125.00	to	3,149.99	.....	125
15	80.	.....	3,150.00	to	3,174.99	.....	126
16	81.	.....	3,175.00	to	3,199.99	.....	127
17	82.	.....	3,200.00	to	3,224.99	.....	128
18	83.	.....	3,225.00	to	3,249.99	.....	129
19	84.	.....	3,250.00	to	3,274.99	.....	130
20	85.	.....	3,275.00	to	3,299.99	.....	131
21	86.	.....	3,300.00	to	3,324.99	.....	132
22	87.	.....	3,325.00	to	3,349.99	.....	133
23	88.	.....	3,350.00	to	3,374.99	.....	134
24	89.	.....	3,375.00	to	3,399.99	.....	135

1	90.	3,400.00	to	3,424.99	136
2	91.	3,425.00	to	3,449.99	137
3	92.	3,450.00	to	3,474.99	138
4	93.	3,475.00	to	3,499.99	139
5	94.	3,500.00	to	3,524.99	140
6	95.	3,525.00	to	3,549.99	141
7	96.	3,550.00	to	3,574.99	142
8	97.	3,575.00	to	3,599.99	143
9	98.	3,600.00	to	3,624.99	144
10	99.	3,625.00	to	3,649.99	145
11	100.	3,650.00	to	3,674.99	146
12	101.	3,675.00	to	3,699.99	147
13	102.	3,700.00	to	3,724.99	148
14	103.	3,725.00	to	3,749.99	149
15	104.	3,750.00	to	3,774.99	150
16	105.	3,775.00	to	3,799.99	151
17	106.	3,800.00	to	3,824.99	152
18	107.	3,825.00	to	3,849.99	153
19	108.	3,850.00	to	3,874.99	154
20	109.	3,875.00	to	3,899.99	155
21	110.	3,900.00	to	3,924.99	156
22	111.	3,925.00	to	3,949.99	157
23	112.	3,950.00	to	3,974.99	158
24	113.	3,975.00	to	3,999.99	159

1	114.	4,000.00	to	4,024.99	160
2	115.	4,025.00	to	4,049.99	161
3	116.	4,050.00	to	4,074.99	162
4	117.	4,075.00	to	4,099.99	163
5	118.	4,100.00	to	4,124.99	164
6	119.	4,125.00	to	4,149.99	165
7	120.	4,150.00	to	4,174.99	166
8	121.	4,175.00	to	4,199.99	167
9	122.	4,200.00	to	4,224.99	168
10	123.	4,225.00	to	4,249.99	169
11	124.	4,250.00	to	4,274.99	170
12	125.	4,275.00	to	4,299.99	171
13	126.	4,300.00	to	4,324.99	172
14	127.	4,325.00	to	4,349.99	173
15	128.	4,350.00	to	4,374.99	174
16	129.	4,375.00	to	4,399.99	175
17	130.	4,400.00	to	4,424.99	176
18	131.	4,425.00	to	4,449.99	177
19	132.	4,450.00	to	4,474.99	178
20	133.	4,475.00	to	4,499.99	179
21	134.	4,500.00	to	4,524.99	180
22	135.	4,525.00	to	4,549.99	181
23	136.	4,550.00	to	4,574.99	182
24	137.	4,575.00	to	4,599.99	183



1	138.	4,600.00	to	4,624.99	184
2	139.	4,625.00	to	4,649.99	185
3	140.	4,650.00	to	4,674.99	186
4	141.	4,675.00	to	4,699.99	187
5	142.	4,700.00	to	4,724.99	188
6	143.	4,725.00	to	4,749.99	189
7	144.	4,750.00	to	4,774.99	190
8	145.	4,775.00	to	4,799.99	191
9	146.	4,800.00	to	4,824.99	192
10	147.	4,825.00	to	4,849.99	193
11	148.	4,850.00	to	4,874.99	194
12	149.	4,875.00	to	4,899.99	195
13	150.	4,900.00	to	4,924.99	196
14	151.	4,925.00	to	4,949.99	197
15	152.	4,950.00	to	4,974.99	198
16	153.	4,975.00	to	4,999.99	199
17	154.	5,000.00	to	5,024.99	200
18	155.	5,025.00	to	5,049.99	201
19	156.	5,050.00	to	5,074.99	202
20	157.	5,075.00	to	5,099.99	203
21	158.	5,100.00	to	5,124.99	204
22	159.	5,125.00	to	5,149.99	205
23	160.	5,150.00	to	5,174.99	206
24	161.	5,175.00	to	5,199.99	207

1	162.	5,200.00	to	5,224.99	208
2	163.	5,225.00	to	5,249.99	209
3	164.	5,250.00	to	5,274.99	210
4	165.	5,275.00	to	5,299.99	211
5	166.	5,300.00	to	5,324.99	212
6	167.	5,325.00	to	5,349.99	213
7	168.	5,350.00	to	5,374.99	214
8	169.	5,375.00	to	5,399.99	215
9	170.	5,400.00	to	5,424.99	216
10	171.	5,425.00	to	5,449.99	217
11	172.	5,450.00	to	5,474.99	218
12	173.	5,475.00	to	5,499.99	219
13	174.	5,500.00	to	5,524.99	220
14	175.	5,525.00	to	5,549.99	221
15	176.	5,550.00	to	5,574.99	222
16	177.	5,575.00	to	5,599.99	223
17	178.	5,600.00	to	5,624.99	224
18	179.	5,625.00	to	5,649.99	225
19	180.	5,650.00	to	5,674.99	226
20	181.	5,675.00	to	5,699.99	227
21	182.	5,700.00	to	5,724.99	228
22	183.	5,725.00	to	5,749.99	229
23	184.	5,750.00	to	5,774.99	230
24	185.	5,775.00	to	5,799.99	231

1	186.	5,800.00	to	5,824.99	232
2	187.	5,825.00	to	5,849.99	233
3	188.	5,850.00	to	5,874.99	234
4	189.	5,875.00	to	5,899.99	235
5	190.	5,900.00	to	5,924.99	236
6	191.	5,925.00	to	5,949.99	237
7	192.	5,950.00	to	5,974.99	238
8	193.	5,975.00	to	5,999.99	239
9	194.	6,000.00	to	6,024.99	240
10	195.	6,025.00	to	6,049.99	241
11	196.	6,050.00	to	6,074.99	242
12	197.	6,075.00	to	6,099.99	243
13	198.	6,100.00	to	6,124.99	244
14	199.	6,125.00	to	6,149.99	245
15	200.	6,150.00	to	6,174.99	246
16	201.	6,175.00	to	6,199.99	247
17	202.	6,200.00	to	6,224.99	248
18	203.	6,225.00	to	6,249.99	249
19	204.	6,250.00	to	6,274.99	250
20	205.	6,275.00	to	6,299.99	251
21	206.	6,300.00	to	6,324.99	252
22	207.	6,325.00	to	6,349.99	253
23	208.	6,350.00	to	6,374.99	254
24	209.	6,375.00	to	6,399.99	255

1	210.	6,400.00	to	6,424.99	256
2	211.	6,425.00	to	6,449.99	257
3	212.	6,450.00	to	6,474.99	258
4	213.	6,475.00	to	6,499.99	259
5	214.	6,500.00	to	6,524.99	260
6	215.	6,525.00	to	6,549.99	261
7	216.	6,550.00	to	6,574.99	262
8	217.	6,575.00	to	6,599.99	263
9	218.	6,600.00	to	6,624.99	264
10	219.	6,625.00	to	6,649.99	265
11	220.	6,650.00	to	6,674.99	266
12	221.	6,675.00	to	6,699.99	267
13	222.	6,700.00	to	6,724.99	268
14	223.	6,725.00	to	6,749.99	269
15	224.	6,750.00	to	6,774.99	270
16	225.	6,775.00	to	6,799.99	271
17	226.	6,800.00	to	6,824.99	272
18	227.	6,825.00	to	6,849.99	273
19	228.	6,850.00	to	6,874.99	274
20	229.	6,875.00	to	6,899.99	275
21	230.	6,900.00	to	6,924.99	276
22	231.	6,925.00	to	6,949.99	277
23	232.	6,950.00	to	6,974.99	278
24	233.	6,975.00	to	6,999.99	279

1	234. ....	7,000.00	to	7,024.99	.....	280
2	235. ....	7,025.00	to	7,049.99	.....	281
3	236. ....	7,050.00	to	7,074.99	.....	282
4	237. ....	7,075.00	to	7,099.99	.....	283
5	238. ....	7,100.00	to	7,124.99	.....	284
6	239. ....	7,125.00	to	7,149.99	.....	285
7	240. ....	7,150.00	to	7,174.99	.....	286
8	241. ....	7,175.00	to	7,199.99	.....	287
9	242. ....	7,200.00	to	7,224.99	.....	288
10	243. ....	7,225.00	to	7,249.99	.....	289
11	244. ....	7,250.00	to	7,274.99	.....	290
12	245. ....	7,275.00	to	7,299.99	.....	291
13	246. ....	7,300.00	to	7,324.99	.....	292
14	247. ....	7,325.00	to	7,349.99	.....	293
15	248. ....	7,350.00	to	7,374.99	.....	294
16	249. ....	7,375.00	to	7,399.99	.....	295
17	250. ....	7,400.00	to	7,424.99	.....	296
18	251. ....	7,425.00	to	7,449.99	.....	297
19	252. ....	7,450.00	to	7,474.99	.....	298
20	253. ....	7,475.00	to	7,499.99	.....	299
21	254. ....	7,500.00	to	7,524.99	.....	300
22	255. ....	7,525.00	to	7,549.99	.....	301
23	256. ....	7,550.00	to	7,574.99	.....	302
24	257. ....	7,575.00	to	7,599.99	.....	303

1	258.	7,600.00	to	7,624.99	304
2	259.	7,625.00	to	7,649.99	305
3	260.	7,650.00	to	7,674.99	306
4	261.	7,675.00	to	7,699.99	307
5	262.	7,700.00	to	7,724.99	308
6	263.	7,725.00	to	7,749.99	309
7	264.	7,750.00	to	7,774.99	310
8	265.	7,775.00	to	7,799.99	311
9	266.	7,800.00	to	7,824.99	312
10	267.	7,825.00	to	7,849.99	313
11	268.	7,850.00	to	7,874.99	314
12	269.	7,875.00	to	7,899.99	315
13	270.	7,900.00	to	7,924.99	316
14	271.	7,925.00	to	7,949.99	317
15	272.	7,950.00	to	7,974.99	318
16	273.	7,975.00	to	7,999.99	319
17	274.	8,000.00	to	8,024.99	320
18	275.	8,025.00	to	8,049.99	321
19	276.	8,050.00	to	8,074.99	322
20	277.	8,075.00	to	8,099.99	323
21	278.	8,100.00	and over		324

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25

(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

1 rate shall equal 4% of the employee's base period wages which were paid during that  
 2 quarter of the employee's base period in which the employee was paid the highest  
 3 total wages, rounded down to the nearest whole dollar, except that, if that amount  
 4 is less than the minimum amount shown in the following schedule, no benefits are  
 5 payable to the employee and, if that amount is more than the maximum amount  
 6 shown in the following schedule, the employee's weekly benefit rate shall be the  
 7 maximum amount shown in the following schedule and except that, if the employee's  
 8 benefits are exhausted during any week under s. 108.06 (1), the employee shall be  
 9 paid the remaining amount of benefits payable to the employee in lieu of the amount  
 10 shown in the following schedule: [See Figure 108.05 (1) (n) following]

11 \_\_\_\_\_  
 12 **Figure 108.05 (1) (n):**

Line	Highest Quarterly Wages Paid	Weekly Benefit Rate
18	1. .... Under \$1,225.00 .....	\$ 0
19	2. .... 1,225.00 to 1,249.99 .....	49
20	3. .... 1,250.00 to 1,274.99 .....	50
21	4. .... 1,275.00 to 1,299.99 .....	51
22	5. .... 1,300.00 to 1,324.99 .....	52
23	6. .... 1,325.00 to 1,349.99 .....	53
24	7. .... 1,350.00 to 1,374.99 .....	54
25	8. .... 1,375.00 to 1,399.99 .....	55
26	9. .... 1,400.00 to 1,424.99 .....	56

1	10.	1,425.00	to	1,449.99	57
2	11.	1,450.00	to	1,474.99	58
3	12.	1,475.00	to	1,499.99	59
4	13.	1,500.00	to	1,524.99	60
5	14.	1,525.00	to	1,549.99	61
6	15.	1,550.00	to	1,574.99	62
7	16.	1,575.00	to	1,599.99	63
8	17.	1,600.00	to	1,624.99	64
9	18.	1,625.00	to	1,649.99	65
10	19.	1,650.00	to	1,674.99	66
11	20.	1,675.00	to	1,699.99	67
12	21.	1,700.00	to	1,724.99	68
13	22.	1,725.00	to	1,749.99	69
14	23.	1,750.00	to	1,774.99	70
15	24.	1,775.00	to	1,799.99	71
16	25.	1,800.00	to	1,824.99	72
17	26.	1,825.00	to	1,849.99	73
18	27.	1,850.00	to	1,874.99	74
19	28.	1,875.00	to	1,899.99	75
20	29.	1,900.00	to	1,924.99	76
21	30.	1,925.00	to	1,949.99	77
22	31.	1,950.00	to	1,974.99	78
23	32.	1,975.00	to	1,999.99	79
24	33.	2,000.00	to	2,024.99	80



1	34.	2,025.00	to	2,049.99	81
2	35.	2,050.00	to	2,074.99	82
3	36.	2,075.00	to	2,099.99	83
4	37.	2,100.00	to	2,124.99	84
5	38.	2,125.00	to	2,149.99	85
6	39.	2,150.00	to	2,174.99	86
7	40.	2,175.00	to	2,199.99	87
8	41.	2,200.00	to	2,224.99	88
9	42.	2,225.00	to	2,249.99	89
10	43.	2,250.00	to	2,274.99	90
11	44.	2,275.00	to	2,299.99	91
12	45.	2,300.00	to	2,324.99	92
13	46.	2,325.00	to	2,349.99	93
14	47.	2,350.00	to	2,374.99	94
15	48.	2,375.00	to	2,399.99	95
16	49.	2,400.00	to	2,424.99	96
17	50.	2,425.00	to	2,449.99	97
18	51.	2,450.00	to	2,474.99	98
19	52.	2,475.00	to	2,499.99	99
20	53.	2,500.00	to	2,524.99	100
21	54.	2,525.00	to	2,549.99	101
22	55.	2,550.00	to	2,574.99	102
23	56.	2,575.00	to	2,599.99	103
24	57.	2,600.00	to	2,624.99	104

1	58.	.....	2,625.00	to	2,649.99	.....	105
2	59.	.....	2,650.00	to	2,674.99	.....	106
3	60.	.....	2,675.00	to	2,699.99	.....	107
4	61.	.....	2,700.00	to	2,724.99	.....	108
5	62.	.....	2,725.00	to	2,749.99	.....	109
6	63.	.....	2,750.00	to	2,774.99	.....	110
7	64.	.....	2,775.00	to	2,799.99	.....	111
8	65.	.....	2,800.00	to	2,824.99	.....	112
9	66.	.....	2,825.00	to	2,849.99	.....	113
10	67.	.....	2,850.00	to	2,874.99	.....	114
11	68.	.....	2,875.00	to	2,899.99	.....	115
12	69.	.....	2,900.00	to	2,924.99	.....	116
13	70.	.....	2,925.00	to	2,949.99	.....	117
14	71.	.....	2,950.00	to	2,974.99	.....	118
15	72.	.....	2,975.00	to	2,999.99	.....	119
16	73.	.....	3,000.00	to	3,024.99	.....	120
17	74.	.....	3,025.00	to	3,049.99	.....	121
18	75.	.....	3,050.00	to	3,074.99	.....	122
19	76.	.....	3,075.00	to	3,099.99	.....	123
20	77.	.....	3,100.00	to	3,124.99	.....	124
21	78.	.....	3,125.00	to	3,149.99	.....	125
22	79.	.....	3,150.00	to	3,174.99	.....	126
23	80.	.....	3,175.00	to	3,199.99	.....	127
24	81.	.....	3,200.00	to	3,224.99	.....	128

1	82.	.....	3,225.00	to	3,249.99	.....	129
2	83.	.....	3,250.00	to	3,274.99	.....	130
3	84.	.....	3,275.00	to	3,299.99	.....	131
4	85.	.....	3,300.00	to	3,324.99	.....	132
5	86.	.....	3,325.00	to	3,349.99	.....	133
6	87.	.....	3,350.00	to	3,374.99	.....	134
7	88.	.....	3,375.00	to	3,399.99	.....	135
8	89.	.....	3,400.00	to	3,424.99	.....	136
9	90.	.....	3,425.00	to	3,449.99	.....	137
10	91.	.....	3,450.00	to	3,474.99	.....	138
11	92.	.....	3,475.00	to	3,499.99	.....	139
12	93.	.....	3,500.00	to	3,524.99	.....	140
13	94.	.....	3,525.00	to	3,549.99	.....	141
14	95.	.....	3,550.00	to	3,574.99	.....	142
15	96.	.....	3,575.00	to	3,599.99	.....	143
16	97.	.....	3,600.00	to	3,624.99	.....	144
17	98.	.....	3,625.00	to	3,649.99	.....	145
18	99.	.....	3,650.00	to	3,674.99	.....	146
19	100.	.....	3,675.00	to	3,699.99	.....	147
20	101.	.....	3,700.00	to	3,724.99	.....	148
21	102.	.....	3,725.00	to	3,749.99	.....	149
22	103.	.....	3,750.00	to	3,774.99	.....	150
23	104.	.....	3,775.00	to	3,799.99	.....	151
24	105.	.....	3,800.00	to	3,824.99	.....	152

1	106.	3,825.00	to	3,849.99	153
2	107.	3,850.00	to	3,874.99	154
3	108.	3,875.00	to	3,899.99	155
4	109.	3,900.00	to	3,924.99	156
5	110.	3,925.00	to	3,949.99	157
6	111.	3,950.00	to	3,974.99	158
7	112.	3,975.00	to	3,999.99	159
8	113.	4,000.00	to	4,024.99	160
9	114.	4,025.00	to	4,049.99	161
10	115.	4,050.00	to	4,074.99	162
11	116.	4,075.00	to	4,099.99	163
12	117.	4,100.00	to	4,124.99	164
13	118.	4,125.00	to	4,149.99	165
14	119.	4,150.00	to	4,174.99	166
15	120.	4,175.00	to	4,199.99	167
16	121.	4,200.00	to	4,224.99	168
17	122.	4,225.00	to	4,249.99	169
18	123.	4,250.00	to	4,274.99	170
19	124.	4,275.00	to	4,299.99	171
20	125.	4,300.00	to	4,324.99	172
21	126.	4,325.00	to	4,349.99	173
22	127.	4,350.00	to	4,374.99	174
23	128.	4,375.00	to	4,399.99	175
24	129.	4,400.00	to	4,424.99	176

1	130.	4,425.00	to	4,449.99	177
2	131.	4,450.00	to	4,474.99	178
3	132.	4,475.00	to	4,499.99	179
4	133.	4,500.00	to	4,524.99	180
5	134.	4,525.00	to	4,549.99	181
6	135.	4,550.00	to	4,574.99	182
7	136.	4,575.00	to	4,599.99	183
8	137.	4,600.00	to	4,624.99	184
9	138.	4,625.00	to	4,649.99	185
10	139.	4,650.00	to	4,674.99	186
11	140.	4,675.00	to	4,699.99	187
12	141.	4,700.00	to	4,724.99	188
13	142.	4,725.00	to	4,749.99	189
14	143.	4,750.00	to	4,774.99	190
15	144.	4,775.00	to	4,799.99	191
16	145.	4,800.00	to	4,824.99	192
17	146.	4,825.00	to	4,849.99	193
18	147.	4,850.00	to	4,874.99	194
19	148.	4,875.00	to	4,899.99	195
20	149.	4,900.00	to	4,924.99	196
21	150.	4,925.00	to	4,949.99	197
22	151.	4,950.00	to	4,974.99	198
23	152.	4,975.00	to	4,999.99	199
24	153.	5,000.00	to	5,024.99	200

1	154.	5,025.00	to	5,049.99	201
2	155.	5,050.00	to	5,074.99	202
3	156.	5,075.00	to	5,099.99	203
4	157.	5,100.00	to	5,124.99	204
5	158.	5,125.00	to	5,149.99	205
6	159.	5,150.00	to	5,174.99	206
7	160.	5,175.00	to	5,199.99	207
8	161.	5,200.00	to	5,224.99	208
9	162.	5,225.00	to	5,249.99	209
10	163.	5,250.00	to	5,274.99	210
11	164.	5,275.00	to	5,299.99	211
12	165.	5,300.00	to	5,324.99	212
13	166.	5,325.00	to	5,349.99	213
14	167.	5,350.00	to	5,374.99	214
15	168.	5,375.00	to	5,399.99	215
16	169.	5,400.00	to	5,424.99	216
17	170.	5,425.00	to	5,449.99	217
18	171.	5,450.00	to	5,474.99	218
19	172.	5,475.00	to	5,499.99	219
20	173.	5,500.00	to	5,524.99	220
21	174.	5,525.00	to	5,549.99	221
22	175.	5,550.00	to	5,574.99	222
23	176.	5,575.00	to	5,599.99	223
24	177.	5,600.00	to	5,624.99	224

1	178.	5,625.00	to	5,649.99	225
2	179.	5,650.00	to	5,674.99	226
3	180.	5,675.00	to	5,699.99	227
4	181.	5,700.00	to	5,724.99	228
5	182.	5,725.00	to	5,749.99	229
6	183.	5,750.00	to	5,774.99	230
7	184.	5,775.00	to	5,799.99	231
8	185.	5,800.00	to	5,824.99	232
9	186.	5,825.00	to	5,849.99	233
10	187.	5,850.00	to	5,874.99	234
11	188.	5,875.00	to	5,899.99	235
12	189.	5,900.00	to	5,924.99	236
13	190.	5,925.00	to	5,949.99	237
14	<del>191.</del>	<del>5,950.00</del>	<del>to</del>	<del>5,974.99</del>	238
15	192.	5,975.00	to	5,999.99	239
16	193.	6,000.00	to	6,024.99	240
17	194.	6,025.00	to	6,049.99	241
18	195.	6,050.00	to	6,074.99	242
19	196.	6,075.00	to	6,099.99	243
20	<del>197.</del>	<del>6,100.00</del>	<del>to</del>	<del>6,124.99</del>	244
21	198.	6,125.00	to	6,149.99	245
22	✓ 299-199	6,150.00	to	6,174.99	246
23	200.	6,175.00	to	6,199.99	247
24	201.	6,200.00	to	6,224.99	248

1	202. ....	6,225.00	to	6,249.99	.....	249
2	203. ....	6,250.00	to	6,274.99	.....	250
3	204. ....	6,275.00	to	6,299.99	.....	251
4	205. ....	6,300.00	to	6,324.99	.....	252
5	206. ....	6,325.00	to	6,349.99	.....	253
6	207. ....	6,350.00	to	6,374.99	.....	254
7	208. ....	6,375.00	to	6,399.99	.....	255
8	209. ....	6,400.00	to	6,424.99	.....	256
9	210. ....	6,425.00	to	6,449.99	.....	257
10	211. ....	6,450.00	to	6,474.99	.....	258
11	212. ....	6,475.00	to	6,499.99	.....	259
12	213. ....	6,500.00	to	6,524.99	.....	260
13	214. ....	6,525.00	to	6,549.99	.....	261
14	215. ....	6,550.00	to	6,574.99	.....	262
15	216. ....	6,575.00	to	6,599.99	.....	263
16	217. ....	6,600.00	to	6,624.99	.....	264
17	218. ....	6,625.00	to	6,649.99	.....	265
18	219. ....	6,650.00	to	6,674.99	.....	266
19	220. ....	6,675.00	to	6,699.99	.....	267
20	221. ....	6,700.00	to	6,724.99	.....	268
21	222. ....	6,725.00	to	6,749.99	.....	269
22	223. ....	6,750.00	to	6,774.99	.....	270
23	224. ....	6,775.00	to	6,799.99	.....	271
24	225. ....	6,800.00	to	6,824.99	.....	272



1	226. ....	6,825.00	to	6,849.99	.....	273
2	227. ....	6,850.00	to	6,874.99	.....	274
3	228. ....	6,875.00	to	6,899.99	.....	275
4	229. ....	6,900.00	to	6,924.99	.....	276
5	230. ....	6,925.00	to	6,949.99	.....	277
6	231. ....	6,950.00	to	6,974.99	.....	278
7	232. ....	6,975.00	to	6,999.99	.....	279
8	233. ....	7,000.00	to	7,024.99	.....	280
9	234. ....	7,025.00	to	7,049.99	.....	281
10	235. ....	7,050.00	to	7,074.99	.....	282
11	236. ....	7,075.00	to	7,099.99	.....	283
12	237. ....	7,100.00	to	7,124.99	.....	284
13	238. ....	7,125.00	to	7,149.99	.....	285
14	239. ....	7,150.00	to	7,174.99	.....	286
15	240. ....	7,175.00	to	7,199.99	.....	287
16	241. ....	7,200.00	to	7,224.99	.....	288
17	242. ....	7,225.00	to	7,249.99	.....	289
18	243. ....	7,250.00	to	7,274.99	.....	290
19	244. ....	7,275.00	to	7,299.99	.....	291
20	245. ....	7,300.00	to	7,324.99	.....	292
21	246. ....	7,325.00	to	7,349.99	.....	293
22	247. ....	7,350.00	to	7,374.99	.....	294
23	248. ....	7,375.00	to	7,399.99	.....	295
24	249. ....	7,400.00	to	7,424.99	.....	296

1	250.	7,425.00	to	7,449.99	297
2	251.	7,450.00	to	7,474.99	298
3	252.	7,475.00	to	7,499.99	299
4	253.	7,500.00	to	7,524.99	300
5	254.	7,525.00	to	7,549.99	301
6	255.	7,550.00	to	7,574.99	302
7	256.	7,575.00	to	7,599.99	303
8	257.	7,600.00	to	7,624.99	304
9	258.	7,625.00	to	7,649.99	305
10	259.	7,650.00	to	7,674.99	306
11	260.	7,675.00	to	7,699.99	307
12	261.	7,700.00	to	7,724.99	308
13	262.	7,725.00	to	7,749.99	309
14	263.	7,750.00	to	7,774.99	310
15	264.	7,775.00	to	7,799.99	311
16	265.	7,800.00	to	7,824.99	312
17	266.	7,825.00	to	7,849.99	313
18	267.	7,850.00	to	7,874.99	314
19	268.	7,875.00	to	7,899.99	315
20	269.	7,900.00	to	7,924.99	316
21	270.	7,925.00	to	7,949.99	317
22	271.	7,950.00	to	7,974.99	318
23	272.	7,975.00	to	7,999.99	319
24	273.	8,000.00	to	8,024.99	320

1	274. ....	8,025.00	to	8,049.99	.....	321
2	275. ....	8,050.00	to	8,074.99	.....	322
3	276. ....	8,075.00	to	8,099.99	.....	323
4	277. ....	8,100.00	to	8,124.99	.....	324
5	278. ....	8,125.00	to	8,149.99	.....	325
6	279. ....	8,150.00	to	8,174.99	.....	326
7	280. ....	8,175.00	to	8,199.99	.....	327
8	281. ....	8,200.00	to	8,224.99	.....	328
9	282. ....	8,225.00		and over	.....	329

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**SECTION 33.** 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 34.** 108.05 (7) (f) 1. of the statutes is amended to read:

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

**SECTION 35.** 108.065 (1) of the statutes is amended to read:

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

4           **SECTION 36.** 108.065 (1m) of the statutes is created to read:

5           108.065 (1m) A professional employer organization is the employer of the  
6 employees who it engages to perform services for its client, including a corporate  
7 officer if the officer's position is included in the employee leasing agreement with the  
8 client.

9           **SECTION 37.** 108.067 of the statutes is created to read:

10           **108.067 Professional employer organizations and leasing agreements.**

11           (1) Each professional employer organization that enters into an employee leasing  
12 agreement with a client during any calendar quarter shall submit to the department,  
13 no later than the due date for the report under s. 108.17 (2) relating to that quarter,  
14 in the form prescribed by the department, a report disclosing the identity of that  
15 client and such other information as the department prescribes.

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

19           (3) Notwithstanding s. 108.02 (13) (i), if an employer that is a client of a  
20 professional employer organization enters into an employee leasing agreement with  
21 the organization that results in the discontinuance of all employees of the employer  
22 who are engaged in employment, the department shall maintain the employer  
23 account of the client for a period of 5 full calendar years after the beginning of the  
24 agreement. If the employee leasing agreement is terminated prior to the end of the  
25 5-year period, the client shall so notify the department and resume all

1 responsibilities as the employer of its employees under this chapter as of the date of  
2 termination. Section 108.02 (13) (i) applies if the employee leasing agreement is  
3 terminated before the end of the 5-year period and the conditions for termination of  
4 coverage set forth in s. 108.02 (13) (i) exist.

5 **SECTION 38.** 108.09 (3) (a) of the statutes is renumbered 108.09 (3) (a) 1. and  
6 amended to read:

7 108.09 (3) (a) 1. To hear and decide disputed claims, the department shall  
8 establish appeal tribunals. Except as authorized in this paragraph, each of which  
9 tribunal shall consist of an individual who is a permanent employee of the  
10 department.

11 3. Upon request of a party to an appeal or upon its own motion, the department  
12 may appoint an individual who is not a permanent employee of the department to  
13 hear an appeal in which the department or an employee or former employee of the  
14 department is an interested party. No individual may hear any appeal in which the  
15 individual is a directly interested party.

16 **SECTION 39.** 108.09 (3) (a) 2. of the statutes is created to read:

17 108.09 (3) (a) 2. The department may appoint an individual who is not a  
18 permanent employee of the department to serve as a temporary reserve appeal  
19 tribunal if the individual formerly served as an appeal tribunal while employed by  
20 the department and retired from state service as a permanent employee. An  
21 individual who is appointed to serve as a temporary reserve appeal tribunal shall be  
22 an attorney who is licensed to practice in this state.

23 **SECTION 40.** 108.14 (2e) of the statutes is created to read:

24 108.14 (2e) The department may provide a secure means of electronic  
25 interchange between itself and employing units, claimants, and other persons

1 which, upon request to and with prior approval by the department, may be used for  
2 departmental transmission or receipt of any document specified by the department  
3 that is related to the administration of this chapter in lieu of any other means of  
4 submission or receipt specified in this chapter. If a due date is established by statute  
5 for the receipt of any document that is submitted electronically to the department  
6 under this subsection, then that submission is timely only if the document is  
7 submitted by midnight of the statutory due date.

8 **SECTION 41.** 108.14 (19) of the statutes is created to read:

9 108.14 (19) On or about February 15 annually, the department shall prepare  
10 and furnish to the council on unemployment insurance a report summarizing the  
11 department's activities related to detection and prosecution of unemployment  
12 insurance fraud in the preceding year.

13 **SECTION 42.** 108.141 (7) (c) of the statutes is created to read:

14 108.141 (7) (c) The department shall charge the full amount of extended  
15 benefits based upon employment for an Indian tribe to the account of the Indian  
16 tribe.

17 **SECTION 43.** 108.152 of the statutes is created to read:

18 **108.152 Financing benefits for employees of Indian tribes. (1) ELECTION**  
19 **OF REIMBURSEMENT FINANCING.** Each Indian tribe which is an employer may, in lieu  
20 of paying contributions under ss. 108.17 and 108.18, elect reimbursement financing  
21 for itself as a whole or for any tribal units or combinations of tribal units which are  
22 wholly owned subdivisions, subsidiaries or business enterprises, as of the beginning  
23 of any calendar year, subject to the following conditions:

24 (a) The Indian tribe or tribal unit shall file a written notice of the election with  
25 the department before the beginning of that year except that, if the Indian tribe or

1 tribal unit became an employer as of the beginning of that year, it shall file the notice  
2 within 30 days after the date of the determination that it is an employer.

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

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

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

17 (2) TERMINATION OF ELECTION. (a) An Indian tribe or tribal unit that elected  
18 reimbursement financing may terminate its election as of the close of the 2nd  
19 calendar year to which the election applies, or at the close of any subsequent calendar  
20 year, by filing a written notice of termination with the department before the close  
21 of that year.

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

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

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

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

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

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

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



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

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

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

9           2. Any valid election of reimbursement financing is terminated as of the end  
10 of the current calendar year and any pending election that fails to meet the  
11 requirement to file an assurance of reimbursement under sub. (1) (c) is terminated  
12 immediately.

13           3. The department may consider the Indian tribe not to be an employer and may  
14 consider services performed for the tribe not to be employment for purposes of this  
15 chapter.

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

21           (c) The final notice of delinquency specified in par. (a) shall include information  
22 that failure to make full payment within the prescribed time will cause the Indian  
23 tribe to be liable for taxes under the federal Unemployment Tax Act (26 USC 3301,  
24 et seq.), will cause the tribe to be precluded from electing reimbursement financing,

1 and may cause the department to determine that the tribe is not an employer and  
2 that services performed for the tribe are not employment for purposes of this chapter.

3 SECTION 44. 108.16 (6) (g) of the statutes is amended to read:

4 108.16 (6) (g) Any payment received for the balancing account under s. 108.15  
5 or 108.152.

6 SECTION 45. 108.16 (6m) (a) of the statutes is amended to read:

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

10 SECTION 46. 108.16 (8) (b) (intro.) of the statutes is amended to read:

11 108.16 (8) (b) (intro.) If the business of any employer is transferred to a single  
12 transferee, the transferee is deemed a successor for purposes of this chapter, if the  
13 department determines that all of the following conditions have been satisfied:

14 SECTION 47. 108.16 (8) (b) 2. of the statutes is amended to read:

15 108.16 (8) (b) 2. The transfer included ~~at least 25%~~ 100% of the transferor's  
16 total business ~~as measured by comparing the payroll experience assignable to the~~  
17 ~~portion of the business transferred with the transferor's total payroll experience for~~  
18 ~~the last 4 completed quarters immediately preceding~~ on the date of the transfer.

19 SECTION 48. 108.16 (8) (b) 3. of the statutes is amended to read:

20 108.16 (8) (b) 3. The same financing provisions under s. 108.15, 108.151,  
21 108.152, or 108.18 apply to the transferee as applied to the transferor on the date of  
22 the transfer.

23 SECTION 49. 108.16 (8) (c) 3. of the statutes is amended to read:

1           108.16 (8) (c) 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           transfer.

4           **SECTION 50.** 108.16 (8) (c) 4. of the statutes is created to read:

5           108.16 (8) (c) 4. The transferor transfers 100% of the transferor's total business  
6           on the date of the transfer or the transferor's account was overdrawn on the date of  
7           the transfer.

8           **SECTION 51.** 108.16 (8) (e) 3. of the statutes is amended to read:

9           108.16 (8) (e) 3. The same financing provisions under s. 108.15, 108.151,  
10          108.152, or 108.18 apply to the transferee as applied to the transferor on the date of  
11          the transfer.

12          **SECTION 52.** 108.16 (8) (e) 4. of the statutes is created to read:

13          108.16 (8) (e) 4. The transferor transfers 100% of the transferor's total business  
14          on the date of the transfer or the transferor's account was overdrawn on the date of  
15          the transfer.

16          **SECTION 53.** 108.16 (8) (f) of the statutes is amended to read:

17          108.16 (8) (f) The successor shall take over and continue the transferor's  
18          account, including its positive or negative balance and all other aspects of its  
19          experience under this chapter, If the transfer included less than 100% of the  
20          transferor's total assets on the date of the transfer, the department shall allocate the  
21          transferor's experience to the successor in proportion to the payroll assignable to the  
22          transferred business. ~~The and the liability~~ of the successor shall be proportioned to  
23          the extent of the transferred business. The transferor and the successor shall be  
24          jointly and severally liable for any amounts owed by the transferor to the fund and  
25          to the administrative account at the time of the transfer, but a successor under par.

1 (c) is not liable for the debts of the transferor except in the case of fraud or  
2 malfeasance.

3 SECTION 54. 108.16 (8) (L) of the statutes is created to read:

4 108.16 (8) (L) A professional employer organization is not considered to be the  
5 successor to the employer account of its client under this section by virtue of engaging  
6 the prior employees of the client to perform services for the client under an employee  
7 leasing agreement.

8 SECTION 55. 108.17 (2) of the statutes is amended to read:

9 108.17 (2) Every employer that is subject to a contribution requirement shall  
10 file quarterly reports of contributions required under this chapter with the  
11 department, and pay contributions to the department, ~~for such periods and in such~~  
12 manner as the department prescribes. Each contribution report and payment is due  
13 at the close of the month next following the end of the applicable ~~reporting period~~  
14 calendar quarter, except as authorized in sub. (2c) or as the department may assign  
15 a later due date pursuant to sub. (1m) or general department rules.

16 SECTION 56. 108.17 (2c) of the statutes is created to read:

17 108.17 (2c) (a) Except as provided in pars. (d) and (e), an employer that has a  
18 first quarter contribution liability of \$5,000 or more may defer payment to later due  
19 dates beyond the due date established under sub. (1m) or (2) of not more than 60%  
20 of its first quarter contribution liability, without payment of interest, as follows:

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

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

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

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

7           (c) If an employer fails to pay at least the specified minimum deferred amount  
8 *(for the first quarter, together with the full amount of contributions payable*  
9 first quarter is delinquent under s. 108.22 and interest thereon is payable from April *for*  
10 30 of the year in which the liability accrues. *any*  
*subsequent*  
*quarter*

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

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

18           **SECTION 57.** 108.17 (2g) of the statutes is created to read:

19           108.17 (2g) An employer agent that files reports under sub. (2) on behalf of 25  
20 or more employers shall file those reports using an electronic medium and format  
21 approved by the department. An employer agent that becomes subject to the  
22 reporting requirement under this subsection shall file its initial reports under this  
23 subsection for the 4th quarter beginning after the quarter in which the employer  
24 agent becomes subject to the reporting requirement. Once an employer agent  
25 becomes subject to the reporting requirement under this subsection, the employer

1 agent shall continue to file its reports under this subsection unless that requirement  
2 is waived by the department.

3 **SECTION 58.** 108.19 (1e) (a) and (d) of the statutes are amended to read:

4 108.19 (1e) (a) Except as provided in par. (b), each employer, other than an  
5 employer which that finances benefits by reimbursement in lieu of contributions  
6 under s. 108.15 ~~or~~, 108.151, or 108.152 shall, in addition to other contributions  
7 payable under s. 108.18 and this section, pay an assessment to the administrative  
8 account for each year prior to the year 2002 ~~2004~~ equal to the lesser of 0.01% of its  
9 payroll for that year or the solvency contribution that would otherwise be payable  
10 by the employer under s. 108.18 (9) for that year.

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

16 **SECTION 59.** 108.19 (1m) of the statutes is amended to read:

17 108.19 (1m) Each employer subject to this chapter as of the date a rate is  
18 established under this subsection shall pay an assessment to the administrative  
19 account at a rate established by the department sufficient to pay interest due on  
20 advances from the federal unemployment account under title XII of the social  
21 security act (42 USC 1321 to 1324). The rate established by the department for  
22 employers who finance benefits under s. 108.15 (2) ~~or~~, 108.151 (2), or 108.152 (1) shall  
23 be 75% of the rate established for other employers. The amount of any employer's  
24 assessment shall be the product of the rate established for that employer multiplied  
25 by the employer's payroll of the previous calendar year as taken from quarterly

1 contribution reports filed by the employer or, in the absence of the filing of such  
2 reports, estimates made by the department. Each assessment made under this  
3 subsection is due on the 30th day commencing after the date on which notice of the  
4 assessment is mailed by the department. If the amounts collected under this  
5 subsection are in excess of the amounts needed to pay interest due, the amounts shall  
6 be retained in the administrative account and utilized for the purposes specified in  
7 s. 108.20 (2m).

8 **SECTION 60.** 108.20 (3) of the statutes is amended to read:

9 108.20 (3) There shall be included in the moneys governed by sub. (2m) any  
10 amounts collected by the department under ss. 108.04 (11) (c) and (cm) and 108.22  
11 (1) (a) ~~and~~, (ac), and (ad) as tardy filing fees, forfeitures, interest on delinquent  
12 payments, or other penalties and any excess moneys collected under s. 108.19 (1m).

13 **SECTION 61.** 108.22 (1) (ad) of the statutes is created to read:

14 108.22 (1) (ad) An employer agent that is subject to the reporting requirements  
15 under s. 108.17 (2g) and that fails to file a contribution report in accordance with s.  
16 108.17 (2g) may be assessed a penalty by the department in the amount of \$25 for  
17 each employer whose report is not filed using an electronic format and medium  
18 approved by the department.

19 **SECTION 62.** 108.22 (1) (am) of the statutes is amended to read:

20 108.22 (1) (am) The interest, penalties, and the tardy filing fees levied under  
21 par. (a), (ac), and (ad) shall be paid to the department and credited to the  
22 administrative account.

23 **SECTION 63.** 108.22 (1) (b) of the statutes is amended to read:

24 108.22 (1) (b) If the due date of a report or payment under s. 108.15 (5) (b),  
25 108.151 (5) (f), 108.16 (8), 108.17 (2), or 108.205 would otherwise be a Saturday,

1 Sunday, or legal holiday under state or federal law, the due date is the next following  
2 day which is not a Saturday, Sunday, or legal holiday under state or federal law.

3 **SECTION 64.** 108.22 (1) (e) of the statutes is amended to read:

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

9 **SECTION 65.** 108.22 (1m) of the statutes is amended to read:

10 108.22 (1m) If an employer owes any contributions, reimbursements under s.  
11 108.15 or 108.151, interest ~~or~~, fees, or payments for forfeitures or other penalties to  
12 the department under this chapter and fails to pay the amount owed, the department  
13 has a perfected lien upon the employer's right, title, and interest in all of its real and  
14 ~~personal property located in this state in the amount finally determined to be owed,~~  
15 plus costs. Except where creation of a lien is barred or stayed by bankruptcy or other  
16 insolvency law, the lien is effective when the department issues a determination of  
17 the amount owed under s. 108.10 (1) and shall continue until the amount owed, plus  
18 costs and interest to the date of payment, is paid. If a lien is initially barred or stayed  
19 ~~by bankruptcy or other insolvency law, it shall become effective immediately upon~~  
20 ~~expiration or removal of such bar or stay.~~ The perfected lien does not give the  
21 department priority over lienholders, mortgagees, purchasers for value, judgment  
22 ~~creditors, and pledges whose interests have been recorded before the department's~~  
23 lien is recorded.

24 **SECTION 66.** 108.225 (1) (a) to (c) of the statutes are amended to read:



1           108.225 (1) (a) ~~“Contributions” include~~ “Contribution” includes a  
2 reimbursement under s. 108.15, 108.151, or 108.152, interest for a nontimely  
3 payment, fees, and any penalties payment due for a forfeiture imposed upon an  
4 employing unit under s. 108.04 (11) (c) or other penalty assessed by the department  
5 under this chapter.

6           (b) “Debt” means a delinquent contribution or repayment of a benefit  
7 overpayment, or any liability of a 3rd party for failure to surrender to the department  
8 property or rights to property subject to levy after proceedings under sub. (4) (b) and  
9 s. 108.10 to determine that liability.

10           (c) “Debtor” means a person who owes the department ~~delinquent contributions~~  
11 ~~or a benefit overpayment~~ a debt.

12           **SECTION 67.** 108.225 (16) (intro.) of the statutes is amended to read:

13           108.225 (16) **WAGES EXEMPT FROM LEVY.** (intro.) In the case of benefit  
14 overpayments, the and forfeitures imposed upon an employing unit under s. 108.04  
15 (11) (c), an individual debtor is entitled to an exemption from levy of the greater of  
16 the following:

17           ~~**SECTION 68.** 230.12 (1) (g) of the statutes is created to read:~~

18           ~~230.12 (1) (g) *Temporary reserve appeal tribunal.*~~ The compensation plan shall  
19 include a provision authorizing the department of workforce development to pay any  
20 ~~individual who was previously employed by the department of workforce~~  
21 ~~development and who is appointed to limited term employment as a temporary~~  
22 ~~reserve appeal tribunal under s. 108.09 (3) (a) 2. not more than the base pay rate that~~  
23 ~~the individual was paid at the time of his or her separation from the department of~~  
24 ~~workforce development, plus any across-the-board and discretionary intervening~~  
25 ~~adjustments that were made under the compensation plan or applicable collective~~

1 bargaining agreement to the base pay rate for the position that was previously filled  
2 by the individual during the time between the individual's separation from the  
3 department of workforce development and the individual's appointment as a  
4 temporary reserve tribunal. For the purpose of calculating the amount of any  
5 discretionary intervening adjustment, the amount shall be limited to the amount  
6 that would have been generated by the employee.

7 **SECTION 69. Nonstatutory provisions.**

8 (1) **OFFSET OF SOCIAL SECURITY BENEFITS.**

9 (a) In this SECTION:

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

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

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

19 (2) **RULE MAKING.**

20 (a) The department of workforce development shall submit in proposed form  
21 rule changes to the legislative council staff under section 227.15 (1) of the statutes  
22 no later than the first day of the 11th month beginning after the effective date of this  
23 paragraph:

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

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

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

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

23           (3) INITIAL ELECTION OF REIMBURSEMENT FINANCING BY INDIAN TRIBES AND TRIBAL  
24 UNITS. Notwithstanding section 108.152 (1) (a) of the statutes, as created by this act,  
25 an Indian tribe or tribal unit may file a written notice of election of reimbursement

1 financing for unemployment insurance benefits under that paragraph for the 2002  
2 calendar year no later than March 31, 2002.

3 (4) INITIAL REPORTS BY PROFESSIONAL EMPLOYER ORGANIZATIONS. Notwithstanding  
4 section 108.067 (1) of the statutes, as created by this act, each professional employer  
5 organization that has entered into an employee leasing agreement with any client  
6 that is in effect on March 31, 2002, shall disclose in its initial report under section  
7 108.067 (1) of the statutes, as created by this act, the identity of each client with  
8 whom the organization has an employee leasing agreement on that date.

9 (5) DEFERRAL OF FIRST QUARTER CONTRIBUTION LIABILITY. Notwithstanding  
10 section 71 (9) of this act, if the secretary of workforce development determines that  
11 the necessary programming enhancements for the unemployment insurance tax and  
12 accounting system have not been completed in time to permit implementation of the  
13 treatment of sections 108.17 (2) and (2c) and 108.22 (1) (b) of the statutes by this act  
14 with respect to contributions payable for the first quarter of the 2003 calendar year,  
15 the secretary may order implementation of that treatment to occur with respect to  
16 contributions payable for the first quarter of the 2004 calendar year.

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

22 (7) POSITION AUTHORIZATIONS. The authorized FTE positions for the department  
23 of workforce development are increased by 15.0 FED positions for the period ending  
24 on June 30, 2004, to be funded from the appropriation under section 20.445 (1) (n)

1 of the statutes, for the purpose of assisting with unemployment insurance  
2 information technology projects.

3 **SECTION 70. Appropriation changes.**

4 (1) In the schedule under section 20.005 (3) of the statutes for the appropriation  
5 to the department of workforce development under section 20.445 (1) (gf) of the  
6 statutes, as affected by the acts of 2001, the dollar amount is increased by \$250,000  
7 for fiscal year 2001-02 to pay employment service costs for which federal aid was  
8 disallowed.

9 **SECTION 71. Initial applicability.**

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

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

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

✓

1 (4) The treatment of section 108.02 (15) (k) 18. c., 19. b., and 20., (20g), (21c),  
2 and (23g) of the statutes first applies to with respect to employment after December  
3 31, 2001.

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

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

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

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

16 (9) The treatment of sections 108.17 (2) and (2c) and 108.22 (1) (b) of the  
17 statutes first applies with respect to contributions payable for the first quarter of the  
18 2003 calendar year.

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

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

24 **SECTION 72. Effective dates.** This act takes effect on the first Sunday after  
25 publication, except as follows:

1

(1) The treatment of section 108.067<sup>(1)</sup> of the statutes takes effect on April 1, 2002.

2

(2) The treatment of section 108.067(2) of the statutes takes effect on  
(END) January 1, 2002.

INSERT 9-3 ✓

Section #. 49.45 (10) of the statutes is amended to read:

~~AND DUTIES~~

AND DUTIES

49.45 (10) ~~RULE-MAKING POWERS~~. The department is authorized to promulgate such rules as are consistent with its duties in administering medical assistance.

History: 1971 c. 40 s. 93; 1971 c. 42, 125; 1971 c. 213 s. 5; 1971 c. 215, 217, 307; 1973 c. 62, 90, 147; 1973 c. 333 ss. 106g, 106h, 106j, 201w; 1975 c. 39; 1975 c. 223 s. 28; 1975 c. 224 ss. 54h, 56 to 59m; 1975 c. 383 s. 4; 1975 c. 411; 1977 c. 29, 418; 1979 c. 34 ss. 837f to 838, 2102 (20) (a); 1979 c. 102, 177, 221, 355; 1981 c. 20 ss. 839 to 854, 2202 (20) (r); 1981 c. 93, 317; 1983 a. 27 ss. 1046 to 1062m, 2200 (42); 1983 a. 245, 447, 527; 1985 a. 29 ss. 1026m to 1031d, 3200 (23), (56), 3202 (27); 1985 a. 120, 176, 269; 1985 a. 332 ss. 91, 251 (5), 253; 1985 a. 340; 1987 a. 27 ss. 989r to 1000s, 2247, 3202 (24); 1987 a. 186, 307, 339, 399; 1987 a. 403 s. 256; 1987 a. 413; 1989 a. 6; 1989 a. 31 ss. 1402 to 1452g, 2909g, 2909i; 1989 a. 107, 173, 310, 336, 351, 359; 1991 a. 22, 39, 80, 250, 269, 315, 316; 1993 a. 16 ss. 1362g to 1403, 3883; 1993 a. 27, 107, 112, 183, 212, 246, 269, 335, 356, 437, 446, 469; 1995 a. 20; 1995 a. 27 ss. 2947 to 3002r, 7299, 9126 (19), 9130 (4), 9145 (1); 1995 a. 191, 216, 225, 289, 303, 398, 417, 457; 1997 a. 3, 13, 27, 114, 175, 191, 237, 252, 293; 1999 a. 9, 63, 103, 180, 185.

The department shall promulgate a rule defining the term "part-time intermittent care" for the purposes of s. 49.46.



2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3682/linsJTK  
.....

INS 3A: ✓

*the department  
of workforce  
development*

***Search for work***

Currently, during the 104-week period that began on January 2, 2000, in order to receive benefits for a week in which a claimant earns no wages, the claimant must conduct a reasonable search for suitable work during that week, unless otherwise permitted by (DWD) by rule. The search must include at least two actions each week that constitute a reasonable search as prescribed by DWD by rule. After this period, a claimant must simply seek suitable work in order to remain eligible for benefits, but there are no specific statutory requirements concerning what constitutes a reasonable search. This bill extends this period during which the specific statutory requirements apply to 156 weeks, and also directs DWD, by rule, to require claimants to conduct a reasonable search for work after this 156-week period, and to prescribe, by rule, standards for the search to be considered reasonable.

INS 15-5: ✓

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

108.04 (2) (a) 3. The individual is seeking suitable work during that week or, during the ~~104-week~~ 156-week period beginning on January 2, 2000, the individual conducts a reasonable search for suitable work during that week. The work reasonable search required under during the period specified in this subdivision must include 2 actions that constitute a reasonable search as prescribed by rule of the department. The department shall, by rule, require claimants to conduct a reasonable search for suitable work during the period beginning after the 156-week period specified in this subdivision and shall, by rule, prescribe standards for the search to be considered reasonable.

History: 1971 c. 40, 42, 53, 211; 1973 c. 247; 1975 c. 24, 343; 1977 c. 127, 133, 286, 418; 1979 c. 52, 176; 1981 c. 28, 36, 315, 391; 1983 a. 8, 27, 99, 168; 1983 a. 189 s. 329 (28); 1983 a. 337, 384, 468, 538; 1985 a. 17, 29, 40; 1987 a. 38 ss. 23 to 59, 107, 136; 1987 a. 255, 287, 403; 1989 a. 77; 1991 a. 89; 1993 a. 112, 122, 373, 492; 1995 a. 118, 417, 448; 1997 a. 35, 39; 1999 a. 9, 15, 83.

INS 17-6: ✓

**SECTION 2.** 108.04 (17) (e) of the statutes is amended to read:

108.04 (17) (e) A school year employee of a government unit, Indian tribe or nonprofit organization which provides services to or on behalf of an educational institution who performs services other than in an instructional, research or principal administrative capacity is ineligible for benefits based on such services for any week of unemployment which occurs during a period between 2 successive academic years or terms if the school year employee performed such services for such a government unit or nonprofit organization in the first such year or term and there is reasonable assurance that he or she will perform such services for such a government unit, Indian tribe or nonprofit organization in the 2nd such year or term.

**History:** 1971 c. 40, 42, 53, 211; 1973 c. 247; 1975 c. 24, 343; 1977 c. 127, 133, 286, 418; 1979 c. 52, 176; 1981 c. 28, 36, 315, 391; 1983 a. 8, 27, 99, 168; 1983 a. 189 s. 329 (28); 1983 a. 337, 384, 468, 538; 1985 a. 17, 29, 40; 1987 a. 38 ss. 23 to 59, 107, 136; 1987 a. 255, 287, 403; 1989 a. 77; 1991 a. 89; 1993 a. 112, 122, 373, 492; 1995 a. 118, 417, 448; 1997 a. 35, 39; 1999 a. 9, 15, 83.

**Basford, Sarah**

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**From:** Kho, Michelle  
**Sent:** Monday, October 08, 2001 9:50 AM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB-3682/1 Topic: Unemployment insurance - various changes

It has been requested by <Kho, Michelle> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB-3682/1 Topic: Unemployment insurance - various changes

**Barman, Mike**

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**From:** Kho, Michelle  
**Sent:** Tuesday, October 09, 2001 9:48 AM  
**To:** Barman, Mike  
**Cc:** Rostan, Jason  
**Subject:** UI Jacketed Bill to Rep. Hundertmark

Mike, could you please send the jacketed version of LRB 3682/1 to Representative Hundertmark's office? Pls. call me if there are any problems. Thanks.

Michelle Kho  
UI Attorney  
266-6684

# Memo

To: → Michelle Kho at DWD  
& Rep. Hundertmark (The Bill's Requestor)

Attached is a fiscal estimate prepared for your 2001 draft that has not yet been introduced.

LRB Number: LRB - 3682

Version: " / 1 "

Entered In Computer And Copy Sent To Requestor Via E-Mail: 10 / 09 / 2001

Fiscal Estimate Prepared By: (agency abbr.) DWD

If you have questions about the attached fiscal estimate, you may contact the agency/ individual who prepared the fiscal estimate. If you disagree with the enclosed fiscal estimate, please contact the LRB drafter of your proposal to discuss your options under the fiscal estimate procedure.

\* \* \* \* \*

To: LRB – Legal Section PA's

Subject: Fiscal Estimate Received For A Un-Introduced Draft

- If this is **re-drafted** to a new version please attach this early fiscal estimate to the back of the draft's file between the old version and the new version.
- If this draft gets **introduced** ... and the version of the attached fiscal estimate is correct ... please write the drafts intro. number below and give this fiscal estimate to Mike (or Lynn) to process.

**THIS DRAFT WAS INTRODUCED AS:** 2001 \_\_\_\_\_

- If this draft gets **introduced** ... and the version of the attached fiscal estimate is for a previous version ... please attach this early fiscal estimate to the back of the draft's file between the old version and the new version. Have Mike (or Lynn) get the ball rolling on getting a fiscal estimate prepared for the introduced version.

**Barman, Mike**

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**From:** Barman, Mike  
**Sent:** Tuesday, October 09, 2001 12:46 PM  
**To:** Kho, Michelle; Rep.Hundertmark  
**Subject:** LRB-3682/1 (FE by DWD - attached - for your review)



FE-3682\_DWD.pdf

FE-3682\_DWD.pdf