

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3070/P2dn

JTK:cjs:rs

September 17, 2007

Dan LaRocque:

1. This draft contains changes that respond to the editor's questions and comments, which I believe are consistent with your intent.
2. The definition of "full-time work" in proposed s. 108.02 (15s) affects the usage of that term (currently undefined) in s. 108.04 (7) (cm), stats., which relates to an exception to the quit disqualification provided that an employee remains able and available for certain full-time work. I assume that the new definition is consistent with the current interpretation of this paragraph.
3. The editor correctly points out that the definition of "conceal" in proposed s. 108.04 (11) (f) likely does not quite achieve your intent structurally. Although I originally tried to track your language, I have now changed it to resolve this issue. Let me know if you see a problem with the change.
4. Concerning the failure of employers to provide information, the transfer of language from s. 108.04 (13) (g), stats., to s. 108.04 (13) (f), stats., means that under s. 108.22 (8) (c) 1. a., stats., the department must waive benefit recovery if an employer fails without good cause to provide certain information during a fact-finding investigation. I assume this is consistent with your intent.
5. Concerning the treatment of s. 108.205 (2), stats., which relates to wage reporting, the instructions specify that all new employers whose accounts are established beginning with the 3rd quarter of 2008 must file their wage reports using an electronic medium approved by the department. However, current law in the same subsection directs employers that become newly subject to the electronic reporting requirement to file their initial electronic reports for the 4th quarter beginning after the quarter in which the employers become subject to the electronic reporting requirement. The interplay of these provisions seems to create an anomaly. Under this draft, the anomaly is resolved beginning with the 3rd quarter of 2010. Can we simplify the treatment of this provision during the the two years preceding that date?
6. Concerning the initial applicability for the concealment changes under SECTION 58 (4), I know we have used this timing in the past, but pegging the phase in to determinations or appeals seems to potentially permit offenders who commit offenses on a later date to be punished more severely than similarly situated offenders who

commit their offenses on a later date. I am wondering if we would not be better off pegging the phase in to “acts of concealment”.

Jeffery T. Kuesel
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