



2011 SENATE BILL 352

December 27, 2011 – Introduced by Senators WANGGAARD, GALLOWAY, HOLPERIN, LASSA, MOULTON and SCHULTZ, cosponsored by Representatives HONADEL, KUGLITSCH, PETERSEN, KRUG, SINICKI, JACQUE, BERNIER, PETROWSKI, WYNN, KNODL, TAUCHEN, PETRYK, LITJENS, KLENKE, MURSAU, BROOKS, STEINEKE, A. OTT, MARKLEIN, SPANBAUER, STRACHOTA, STASKUNAS, TOLES, BIES, ZEPNICK and ENDSLEY. Referred to Committee on Labor, Public Safety, and Urban Affairs.

1 **AN ACT** *to repeal* 20.445 (1) (fw), 102.07 (19), 102.29 (12) and 108.04 (16m); and
2 *to create* 20.445 (1) (fw), 102.07 (19), 102.29 (12) and 108.04 (16m) of the
3 statutes; **relating to:** participation in certain training by unemployment
4 insurance claimants, granting rule-making authority, and making an
5 appropriation.

Analysis by the Legislative Reference Bureau

Currently, unemployment insurance (UI) benefits may not be denied to an otherwise eligible individual because the individual is enrolled in a vocational training course or a basic education course that is a prerequisite to such training (“approved training”) under certain conditions. Current law also permits a claimant who has exhausted all rights to benefits and is enrolled in an approved training course that meets certain qualifications to potentially qualify to receive up to 26 weeks of additional benefits while enrolled in that training (“extended training”). A claimant who is enrolled in approved or extended training is not subject to certain benefit denials or reductions that would otherwise preclude the claimant from claiming benefits while enrolled in approved or extended training.

This bill creates a pilot program of special occupational training that is not approved training. The bill directs the Department of Workforce Development (DWD) to designate three areas served by local workforce development boards in which the program shall be offered. Under the bill, DWD must offer the program throughout each designated area. Under the bill, the training consists of voluntary

SENATE BILL 352

six-week placements of UI claimants for 20 to 24 hours per week with employers who elect to offer the training directly. A trainee may not be an employee of the employer offering the training. The bill directs DWD to accept applications from employers who wish to offer the training and to place claimants who wish to participate in available openings. On the application, an employer must affirm that it currently has one job opening for each training participant that it seeks in a position that a successful participant would potentially qualify to fill. Under the bill, no claimant may receive more than two placements during a benefit year (period during which benefits are payable). In addition, no claimant may receive a placement for any week beginning after the end of the first 26 weeks of the claimant's benefit year. The bill provides that a claimant who receives special occupational training is not disqualified from receiving UI benefits solely as a result of participating in the training. The bill requires each claimant to maintain eligibility for UI benefits while participating in the training. Under the bill, a claimant who participates in special occupational training receives a stipend of \$75 from DWD for each week in which the claimant participates in the training. The bill appropriates general purpose revenue to make the payments. The bill also provides that a claimant who is participating in special occupational training is considered an employee of the state for purposes of worker's compensation benefits and prohibits such a claimant from making a claim or bringing on action in tort against the employer that provided the special occupational training. The program created by the bill does not apply after June 30, 2015.

The bill directs DWD to report to the legislature no later than December 31, 2014, concerning the effectiveness of the program and DWD's recommendations for extension of the program or changes to the program to enhance its effectiveness.

For further information see the *state* 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) (fw) of the statutes is created to read:
- 2 20.445 (1) (fw) *Unemployment insurance claimant training stipends.* A sum
- 3 sufficient to be used to pay stipends to participants in special occupational training
- 4 under s. 108.04 (16m).
- 5 **SECTION 2.** 20.445 (1) (fw) of the statutes, as created by 2011 Wisconsin Act
- 6 (this act), is repealed.
- 7 **SECTION 3.** 102.07 (19) of the statutes is created to read:

SENATE BILL 352

1 102.07 **(19)** A person participating in special occupational training under s.
2 108.04 (16m) is considered an employee of the state for purposes of this chapter.

3 **SECTION 4.** 102.07 (19) of the statutes, as created by 2011 Wisconsin Act (this
4 act), is repealed.

5 **SECTION 5.** 102.29 (12) of the statutes is created to read:

6 102.29 **(12)** No person participating in special occupational training under s.
7 108.04 (16m) who is considered an employee of the state for purposes of this chapter
8 and who makes a claim for compensation under this chapter may make a claim or
9 bring an action in tort against the employer that provided the special occupational
10 training from which the claim arose.

11 **SECTION 6.** 102.29 (12) of the statutes, as created by 2011 Wisconsin Act (this
12 act), is repealed.

13 **SECTION 7.** 108.04 (16m) of the statutes is created to read:

14 108.04 **(16m)** SPECIAL OCCUPATIONAL TRAINING. (a) In this subsection, “special
15 occupational training” means training other than approved training that is offered
16 directly by an employer to a claimant who is not employed by the employer.

17 (b) The department shall administer a pilot program to offer special
18 occupational training for claimants who wish to participate in areas of this state
19 designated by the department served by 3 local workforce development boards under
20 29 USC 2832. The department shall offer the program within the entire area served
21 by each designated local workforce development board.

22 (c) The department shall accept applications from employers to offer special
23 occupational training to claimants and shall offer claimants the opportunity to
24 receive placements to receive the training. On the application, an employer shall
25 affirm that it has one job opening, as of the date of the application, for each training

SENATE BILL 352

1 participant that it seeks in a position that a successful participant would potentially
2 qualify to fill.

3 (d) The department shall place claimants who apply to receive special
4 occupational training with employers who offer placements. The department may
5 only place a claimant to receive special occupational training during a claimant's
6 benefit year.

7 (e) Each placement shall be for a 6-week period. A claimant may participate
8 in special occupational training for not less than 20 nor more than 24 hours per week
9 during a placement. No claimant may receive more than 2 placements during his or
10 her benefit year. No claimant may receive a placement for any week beginning after
11 the end of the first 26 weeks of the claimant's benefit year.

12 (f) A claimant who participates in special occupational training is not
13 disqualified from receiving benefits solely on account of receiving the training. A
14 claimant shall maintain his or her eligibility for benefits during the placement and
15 shall terminate a placement if necessary to accept any work that the claimant is
16 required to accept in order to maintain continuous eligibility for benefits.

17 (g) The department shall pay a stipend of \$75 per week to each claimant who
18 participates in special occupational training. The department shall make the
19 payments from the appropriation under s. 20.445 (1) (fw).

20 (h) A claimant who is participating in special occupational training is
21 considered an employee of the state for purposes of worker's compensation benefits.

22 (i) The department shall issue a training certificate to each claimant upon
23 successful completion of each special occupational training placement. The
24 certificate shall describe the skills in which the claimant received training.

25 (j) The department may promulgate rules required to implement this section.

