

2011 DRAFTING REQUEST

Bill

Received: 11/08/2011

Received By: **jkuesel**

Wanted: **As time permits**

Companion to LRB:

For: **Julie Lassa (608) 266-3123**

By/Representing: **Danielle Wilson**

May Contact:

Drafter: **jkuesel**

Subject: **Unemployment Insurance**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Lassa@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Work share

Instructions:

Per attached E mail, 11/7/11.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkuesel 02/13/2012	mduchek 02/15/2012		_____			State
/P1			jfrantze 02/15/2012	_____	ggodwin 02/15/2012		State
/1	jkuesel 02/28/2012	mduchek 02/28/2012	jmurphy 02/28/2012	_____	sbasford 02/28/2012	sbasford 03/09/2012	State /local

FE Sent For:

→ At Intro

→ see attached

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FE Sent For:

jkuesel
2/28/12

MD

2/28/12

jm
2/28

<END>

1

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12/8/11	jkuesel 2/13/12	MD 2/14/12	JL 2/15/12				
FE Sent For:		1/P1					

<END>
↓

Kuesel, Jeffery

From: Wilson, Danielle
Sent: Monday, November 07, 2011 3:02 PM
To: Kuesel, Jeffery
Subject: Draft request-Work Share
Importance: High

Hi Jeff,

Senator Lassa would like to draft legislation that creates a Work Share program in Wisconsin, which would allow employers to equally reduce the number of hours of all employees in a certain shift, plant, or company, rather than completely laying off individual employees. During these reduced hours, employees receive unemployment benefits that help supplement their reduced earnings. Other states already have this program, including Arkansas, Arizona, California, Connecticut, Florida, Iowa, Kansas, Louisiana, Massachusetts, Maryland, Minnesota, Missouri, New York, Oregon, Rhode Island, Texas, Vermont, and Washington. Model legislation is available here on p. 15: <http://www.nelp.org/page/-/UI/UIRecessionLegislation.pdf>.

To demonstrate how Work Share works, Oregon's website provides the following example: Company A needs to reduce work hours by 20% to reflect a temporary decrease in demand for its products. Instead of letting go one fifth of its work force, the firm reduces the hours of work for all its workers by 20%. An employee who works five days a week and earns \$500 would now work four days per week and earn \$400. If the employee in this example is normally eligible for \$275 a week in unemployment insurance benefits, the person would receive \$400 in wages and \$55 in Workshare benefits for the week (20% of the \$275 weekly benefit). This scenario obviously contrasts with Wisconsin where the laid-off employees and their families would have faced no income other than their \$275 weekly benefit.

If you have any questions, please feel free to contact me. Realizing that things will slow down with the holidays approaching, Senator Lassa is hoping to have a preliminary draft before Thanksgiving if at all possible. Thank you very much for your assistance.

Sincerely,

Danielle Wilson
Office of Senator Julie Lassa
P.O. Box 7882
Madison, WI 53707-7882
(608) 266-3123
danielle.wilson@legis.wisconsin.gov

Kuesel, Jeffery

To: Wilson, Danielle
Subject: LRB-3424 (Work share)

Danielle,

I have reviewed the National Employment Law Project proposal for work share and I have a call in to DWD's chief UI counsel to discuss it further. I know that DWD is familiar with it because I have discussed it with the department in the past, although I don't think we have drafted it in this state before. I know that DWD has brought up some concerns regarding practicality because in the UI program we are basically dealing with a zero-sum pot of money, so advantages are generally offset by disadvantages, either to the participants or to other players in the system. More important, from the drafting standpoint, would be any operational feasibility and federally related issues.

The NELP draft has quite a few features, perhaps not all of them necessary to lay out the proposal. For this state, we could not draft this proposal in the way it currently appears. It would be necessary to isolate the specific Wisconsin statutes that interplay with the proposal and to amend them all. This would take some time. Before I begin, it would be helpful to identify any features that are problematic from DWD's perspective and any features that are not essential to make the draft work.

If I am unable to make contact with DWD this afternoon I'm sure I will be in touch with them on Monday and will get back to you at that time.

Jeffery T. Kuesel

Wisconsin Legislative Reference Bureau

P.O. Box 2037

Madison, WI 53701-2037

(608) 266-6778

Jeffery.Kuesel@legis.wisconsin.gov

Kuesel, Jeffery

To: Wilson, Danielle

Subject: RE: Draft request-Work Share

Danielle,

I think if the UI legal staff and I can at least identify any issues before the council reviews the concept it would be helpful. I think this proposal is more involved than just making a minor change to the partial benefits formula. I just wanted to mention that we do have some existing law that permits payment of some benefits while employment continues.

Jeff Kuesel

From: Wilson, Danielle

Sent: Wednesday, November 09, 2011 7:38 AM

To: Kuesel, Jeffery

Subject: RE: Draft request-Work Share

Thank you! Yes, we have a letter drafted to the UI Council all ready to go—Senator Lassa just wanted to have the draft in the hopper. From your experience, have you seen it work better when legislators send the draft with the letter or does it not really make a difference?

I was curious about how this would differ from the partial benefits. Jessica Karls-Ruplinger at Leg Council did say that there would need to be statutory changes, but I wasn't clear whether that meant we needed to create a new program versus just changing the partial benefits program so I will rely on your and the UI legal staff's judgment on how to draft this.

Thanks again. I hope you stay dry today!

Danielle Wilson

Office of Senator Julie Lassa

P.O. Box 7882

Madison, WI 53707-7882

(608) 266-3123

danielle.wilson@legis.wisconsin.gov

From: Kuesel, Jeffery

Sent: Tuesday, November 08, 2011 4:57 PM

To: Wilson, Danielle

Subject: RE: Draft request-Work Share

Danielle,

This will confirm that I have your request. I will need to consult with the UI legal staff during the drafting process to ensure that we maintain conformity with federal requirements for the UI program. Please confirm that this will be OK.

We do currently pay UI benefits to employees whose employment is partially reduced in accordance with a statutory formula. The formula is designed to encourage an employee to accept whatever hours he or she can obtain by gradually phasing down benefits as the employee's hours are increased. See s. 108.05 (3), stats.

As you may know, the legislature has not passed a stand-alone UI bill without the approval of the Council on Unemployment Insurance since 1983. Therefore, you will greatly enhance the chances for consideration of your proposal if you can submit the proposal to the council and obtain its endorsement. You can submit your proposal with or without a draft and may request to be scheduled for an appearance to personally present your proposal.

11/9/2011

Jeffery T. Kuesel
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 266-6778
Jeffery.Kuesel@legis.wisconsin.gov

From: Wilson, Danielle
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Sincerely,

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P.O. Box 7882
Madison, WI 53707-7882
(608) 266-3123
danielle.wilson@legis.wisconsin.gov

11/9/2011

Kuesel, Jeffery

From: LaRocque, Daniel J - DWD [Daniel.LaRocque@dwd.wisconsin.gov]
Sent: Wednesday, February 08, 2012 12:48 PM
To: Kuesel, Jeffery
Cc: Schulze, Connie R - DWD; Cook, Tristan - DWD; Barkelar, Craig D - DWD; Reid, Andrea - DWD; Peirce, Benjamin - DWD; Shahrani, Lutfi M - DWD; Sussman, Scott - DWD
Subject: Comments on work share
Attachments: LRB-3454 - Work Share comment 020812.doc

Jeff:

As we intended when we met in your office on Jan 13, dept staff have discussed administrative challenges that a work share program would entail. We received your 15-point outline of the bill concept. Attached is that outline with comments inserted about what we believe may be the significant administrative issues. Of course, it will be helpful to see the draft bill when it is developed in order to provide you a clearer picture of the impacts on administration.

Dan



LRB-3454 - Work
Share comment ...

Daniel J. LaRocque
Director, Bureau of Legal Affairs
Unemployment Insurance Division
Wisconsin Department of Workforce Development
201 E. Washington Avenue
Madison, Wisconsin 53708-8942
(608) 267 1406 (direct)
(608) 266 8221 (fax)
Daniel.LaRocque@dwd.wisconsin.gov

LRB-3454 - Work Share - Sen. Lassa

1. Work share plan - Employer determines how work-share plan will be configured in its workplace, subject to requirements under the draft and subject to the approval of DWD. Each plan must:

- a. Describe the affected unit and the affected positions and identify the current employees filling those positions. Executive, managerial, supervisory or confidential employees may be covered at an employer's option.
- b. Cover at least 10% of the employees of the employer at specified worksite.
- c. Specify that the reduction in working hours under the plan is in lieu of a temporary layoff.
- d. Cover a minimum of 20 positions that are filled on the date that the plan becomes effective. The employer may add covered positions while plan is in effect if other requirements are met.
- e. Not be designed to substitute for regular part-time or seasonal employment. Apply for a maximum of 6-months during any 5-year period.
- f. Apply for a maximum of 6-months during any 5-year period.
- g. Apportion reduced working hours equitably among affected employees.
- h. Apply only to employees who have been employed by the employer for at least 3 months and who regularly work for at least 32 hours per week.
- i. Provide for a reduction in the regular hours worked by affected employees of not less than 10% nor more than 50%.

Comment re administration: The UI benefit claims process requires that the worker certify the hours he/she has worked each week in which benefits are claimed. For various reasons, it is presumed that reporting of hours will continue for workers in the proposed WS program (whether or not acknowledged in the draft bill). As a result, the employer's plan may need to specify not only the intended percentage reduction in hours but also the number of hours that were to be worked by the workers in the absence of the reduction; this number would presumably be the same number for all of the employer's workers in the plan.

Draft above says: "Cover at least 10% of the employees of the employer at specified worksite." We suggest change from "worksite" to "work unit" for greater flexibility for employer plans. While this choice may not raise very serious administrative issues, we believe a work unit could consist of a part of an employer's work site or operation and reflects the flexible concepts adopted by other states.

2. Revocation of approval – DWD may revoke its approval of a work-share plan for good cause, including conduct that tends to defeat the purpose and effective operation of the plan, failure to comply with the requirements of the draft or the work-share plan, or an unreasonable change to productivity standards for affected employees, in which case the plan is terminated at the end of the 2nd full week beginning after revocation.

3. Charging - Employer accounts are charged for work-share benefits unless a noncharge would apply under existing law.

Comment re administration: What is intended with regard to the current system of proportionate charging of employers? Under current law, charges to employers are proportionate between 2 or more employers. The proportion charged to a particular employer is derived from the proportion of earnings that the worker obtained during his base period with that employer. We presume the continued application of the current system of charging. That system includes certain statutory exceptions to strict proportionate charging, such as the "part-time noncharge" for employers other than the WS employer. To do anything other than continue the current charging rules would be very difficult administratively.

We would expect that the employer's certification would be valid for the 6-month duration of its plan, subject to employer termination of the plan, and not changed during the life of the plan.

4. Benefit amount – Work-share benefits must be prorated in the same proportion as the number of weekly hours worked by an affected employee bears to the employee's normal weekly hours worked, except as provided in 5. below.

Comment re administration: See comment under no. 1 above regarding what is "normal" hours for the worker.

5. Integration with partial benefits formula - Work-share employees will receive the higher of the work-share benefit amount or the regular benefit amount that would be paid under the existing partial benefits formula for employees who are partially unemployed.

Comment re administration: A formula that pays the "higher of" will require significant reprogramming of the automated systems. Questions to be resolved include whether or not the "work-share benefit amount" must be adjusted for earnings, ("benefit year earnings") pensions, termination pay, etc., that are additional to the amount of the intended reduced-level earnings from the WS employer under the plan, whether those benefit year earnings or income are obtained from the WS employer or another employer (see "option" noted in number 12 below). Applying *both* the work share pro rata percentage that a work share plan would call for *and* the reduction for earnings would be difficult administratively. The more refined the formula, the more complex the programming that will be entailed.

6. Benefit year – Work-share benefits may begin after the beginning of an employee's benefit year and regular benefits may resume after work-share benefits are exhausted if an employee has remaining monetary entitlement in a benefit year and continues to qualify.

Comment re administration: We assume that there is not intent to create a new entitlement under 108.06 but rather to amend the formula for amount under 108.05.

7. Benefits other than regular benefits – Work-share employees remain potentially eligible for benefits other than regular benefits and these benefits are not reduced as a result of the employees' participation in any work-share plan that may be in effect in the same week that these benefits are payable.

Comment re administration: Again, We assume that there is not intent to create a new entitlement under 108.06 but rather to amend the formula for amount under 108.05. It is not entirely clear what "other than regular benefits" may be intended to mean. In general, the treatment of earnings in the regular unemployment program will be the same for extended benefits.

8. Availability for work – An employee receiving work-share benefits need not be available for work with any employer other than for the normal hours worked by that employee with the work-share employer.

9. Fringe Benefits – There is no requirement to maintain any particular employer-sponsored fringe benefits (options: a) maintain specified particular fringe benefits; or b) plan must specify how any existing employer-sponsored fringe benefits are affected for participants in the plan and how they are affected).

10. Approval by employee representative – If there is a single representative representing some or all of the employees in the affected unit, any work-share plan is subject to approval by the representative.

11. Employer eligibility – All employers are eligible to create a work-share plan (option: exclude employers with substantial negative balances in their accounts from eligibility (specify what is "substantial")).

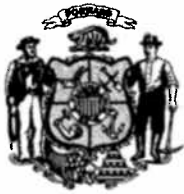
12. Other jobs – There is no limitation on participating employees maintaining or accepting work with non-work share employers while a work-share plan is in effect (option: exclude wages from other jobs in partial earnings formula calculation).

Comment re administration: Item 12 is not entirely clear. We assume that it poses a choice of whether or not to reduce benefit amount by earnings with non-work-share employers. Applying *both* the work share pro rata percentage that a work share plan would call for *and* the reduction for earnings would be difficult administratively.

13. Dissolution - An employer may dissolve a work-share plan unilaterally, effective no sooner than the end of the 2nd full week beginning after notice of dissolution is given to affected employees and DWD.

14. Successor employers – If an employer who takes over all or part of a business is either required or permitted to succeed to the position of the previous employer under current law, the successor employer may continue any work-share plan that is in effect at the time of the take over, or may dissolve the work-share plan after providing the required notice.

15. Terminations of employment – Employees who are participating in a work-share plan may be terminated or may voluntarily terminate at any time and their eligibility for benefits upon termination is governed by the same rules that would otherwise apply under existing law. An employer must maintain at least 20 current employees covered under the work-share plan.



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-3454/P1
JTKw.f....

Wed 2/15 if possible

meal

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Gran

1 AN ACT ...; relating to: payment of unemployment insurance benefits under a
2 work-sharing program.

leave "in" in

Analysis by the Legislative Reference Bureau

Currently, if a claimant under the unemployment insurance (UI) law receives no wages or certain other amounts that are treated as wages for a given week, the claimant may receive the full benefit for that week to which the claimant is entitled if the claimant meets eligibility requirements. However, with certain exceptions, if a claimant earns wages or certain other amounts treated as wages ~~or certain other amounts treated as wages~~ in a given week, the first \$30 of the wages or other amounts are disregarded and the claimant's weekly benefit payment is reduced by 67 percent of any remaining amount earned, but no claimant is eligible to receive UI benefits for any week if the benefits would be less than \$5, and any wages that the claimant would have earned in any week for work performed for his or her employer had the claimant accepted available work from that employer are treated as wages earned for that week.

This bill permits an employer to create a work-sharing program within a work unit of the employer. Before implementation of any program, an employer must submit a work-share plan to the Department of Workforce Development (DWD) and obtain DWD's approval of the plan. Under the bill, a work-share program may be in effect for no longer than 6-months within a 5-year period and must include at least ten percent and at least 20 employees in the work unit. Under the program, the working hours of all of the full-time employees in ~~work unit~~ are reduced in an equitable manner in lieu of a total layoff of some of the employees and a continuation

of six months of five the program

of full-time employment by the other employees. Under the bill, a claimant who is included in a work-share program may receive UI benefits during his or her continued employment with the work-sharing employer in an amount equal to the claimant's benefit for total unemployment multiplied by the same percentage reduction in normal working hours that the claimant incurs under the program, or the benefit that would be payable to the claimant under the current formula for payment of UI benefits for partial unemployment, whichever is higher. A claimant who begins receiving UI benefits before the effective period of a work-share program and who remains eligible for benefits is eligible to receive work-share benefits up to the total amount of the claimant's benefit entitlement and a claimant who has remaining benefit entitlement after the effective period of a work-share program and who remains eligible for UI benefits may continue to receive benefits until the entitlement is exhausted. The bill does not affect eligibility for supplemental UI benefits such as federal/state extended benefits, Wisconsin supplemental benefits and special additional federal benefits in the full amounts that would otherwise be payable.

The bill provides that if there is a single representative of the employees who are proposed to be included under a work-share program, the plan is subject to the approval of that representative. Under the bill, a work-share program may not be designed to substitute for part-time or seasonal work, and may only apply to employees who have been engaged in employment with the employer for at least three months before the effective period of the program and who have been regularly employed in that employment for an average of at least 32 hours per week during that period. The bill provides that an employer that creates a work-share program must maintain health insurance coverage ^{to} ~~for~~ employees who are included in the program during the effective period of the program to the extent that coverage is provided before the program becomes effective. The bill permits DWD to revoke its approval of a work-share plan for specified reasons and also permits an employer to terminate a work-share program before the end of its scheduled effective period.

Currently, with certain exceptions, a claimant is eligible for UI benefits for any week in which the claimant earns no wages only if the claimant is available for work within that week. This bill provides a claimant who is receiving UI benefits for any week in which he or she is included in a work-share program need not be available for work in that week other than for the normal hours of work that the employer worked for the work-share employer immediately before the effective period of the work-share program.

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. 108.04 (1) (a) (intro.) of the statutes is amended to read:

1 108.04 (1) (a) (intro.) ~~If Except as provided in s. 108.062 (18)~~, if an employee
2 is with due notice called on by his or her current employing unit to report for work
3 actually available within a given week and is unavailable for, or unable to perform:

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; 2001 a. 35; 2003 a. 197; 2005 a. 86; 2007 a. 59; 2009 a. 11, 287; 2011 a. 32.

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

5 108.04 (1) (b) 1. Except as provided in s. ~~(108.162 (16))~~ ^{e 108.062 (10)} and subd. 2., if an
6 employee's employment is suspended by the employee or the employee's employer or
7 an employee is terminated by the employee's employer, due to the employee's
8 unavailability for work or inability to perform suitable work otherwise available
9 with the employee's employer, or if the employee is on a leave of absence, the
10 employee is ineligible for benefits while the employee is unable to work or
11 unavailable for work.

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; 2001 a. 35; 2003 a. 197; 2005 a. 86; 2007 a. 59; 2009 a. 11, 287; 2011 a. 32.

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

13 108.04 (2) (a) 1. The ~~Except as provided in s. (108.162 (9))~~ ^{e 108.062 (10)}, the individual is able
14 to work and available for work during that week;

Move from 9

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; 2001 a. 35; 2003 a. 197; 2005 a. 86; 2007 a. 59; 2009 a. 11, 287; 2011 a. 32.

15 **SECTION 4.** 108.05 (3) (a) of the statutes is amended to read:

16 108.05 (3) (a) Except as provided in s. ~~(108.062)~~ ^{STET leave typed in green} and pars. (b), (c), and (d), if an
17 eligible employee earns wages in a given week, the first \$30 of the wages shall be
18 disregarded and the employee's applicable weekly benefit payment shall be reduced
19 by 67% of the remaining amount, except that no such employee is eligible for benefits
20 if the employee's benefit payment would be less than \$5 for any week. For purposes
21 of this paragraph, "wages" includes any salary reduction amounts earned that are
22 not wages and that are deducted from the salary of a claimant by an employer

1 pursuant to a salary reduction agreement under a cafeteria plan, within the meaning
 2 of 26 USC 125, and any amount that a claimant would have earned in available work
 3 under s. 108.04 (1) (a) which is treated as wages under s. 108.04 (1) (bm), but excludes
 4 any amount that a claimant earns for services performed as a volunteer fire fighter,
 5 volunteer emergency medical technician, or volunteer first responder. In applying
 6 this paragraph, the department shall disregard discrepancies of less than \$2
 7 between wages reported by employees and employers.

History: 1971 c. 53; 1973 c. 247; 1975 c. 343; 1977 c. 29; 1979 c. 52; 1981 c. 28, 36; 1983 a. 8, 168, 384; 1985 a. 17, 40; 1987 a. 38 ss. 60 to 66, 136; 1987 a. 255; 1989 a. 77; 1991 a. 89; 1993 a. 373; 1995 a. 118; 1997 a. 39; 1999 a. 15, 56, 185, 186; 2001 a. 35, 43, 105; 2003 a. 197; 2005 a. 86, 142; 2007 a. 20, 59, 97; 2009 a. 287.

8 **SECTION 5.** 108.062 of the statutes is created to read:

9 **108.062 Work-share programs; benefit payments. (1) DEFINITIONS.** In
 10 this section:

11 (a) "Regular benefits" means benefits payable to an individual under this
 12 chapter or any other state law, including benefits payable to federal civilian
 13 employees and to former military personnel pursuant to 5 USC ch. 85, other than
 14 Wisconsin supplemental benefits, extended benefits and additional benefits as
 15 defined in P.L. 91-373.

16 (b) "Work unit" means an operational unit of employees designated by an
 17 employer for purposes of a work-share program.

18 (c) "Work-share program" means a program approved by the department
 19 under which the hours of work of employees in a work unit are reduced in lieu of a
 20 layoff of one or more employees in the work unit.

21 **(2) ELEMENTS OF PLAN.** Any employer may create a work-share program. Prior
 22 to implementing a work-share program, an employer shall submit the program to
 23 the department and obtain the department's approval of ^{e the} (a) work-share plan. Each
 24 plan shall:

1 (a) Specify the work unit in which the plan will be implemented, the affected
2 positions, and names of the employees filling those positions on the date of submittal.

3 (b) Provide for inclusion of at least 10 percent of the employees in the affected
4 work unit on the date of submittal.

5 (c) Provide for initial coverage under the plan of at least 20 positions that are
6 filled on the effective date of the work-share program.

7 (d) Not be designed to substitute for regular part-time or seasonal work.

8 (e) Specify the period when the plan will be in effect, which may not exceed 6
9 months in any 5-year period within the same work unit.

10 (f) Provide for apportionment of reduced working hours equitably among
11 employees in the work unit.

12 (g) Apply only to employees who have been engaged in employment with the
13 employer for a period of at least 3 months on the date of implementation and who are
14 regularly employed by the employer in that employment for an average of at least
15 32 hours per week during that period.

16 (h) Specify the normal average hours per week worked by the employees in the
17 work unit and the intended reduction or range of reduction in the average hours of
18 work per week worked by the employees under the plan, which shall be at least 10
19 percent but not more than 50 percent of the normal hours per work of the employees
20 included under the plan.

21 (i) Specify the effect on any fringe benefits provided by the employer to the
22 employees who are included in the work-share program other than fringe benefits
23 required by law.

the
work-unit - STET leave as typed within bar of the work-share program
Program
STET leave as typed within bar of the work-share program
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STET leave

1 (j) Include a statement signed by the authorized agent of any representative
2 of the employees included in the work-share program to the effect that the
3 representative has approved the plan whenever approval is required under sub. (12). (13)

4 (3) APPROVAL OF PLANS. The department shall approve a plan if the plan
5 includes all of the elements specified in sub. (2). The approval is effective for the
6 effective period of the plan.

7 (4) EFFECTIVE PERIOD. A work-share program becomes effective on the later of
8 the Sunday of the 2nd week beginning after approval of a work-share plan under
9 sub. (2) or any Sunday after that day specified in the plan. A work-share program
10 ends on the earlier of the last Sunday that precedes the end of the 6-month period
11 beginning on the effective date of the program or any Sunday before that day specified
12 in the plan unless the program terminates on an earlier date under sub. (14) or (15).

13 (5) REVOCATION OF APPROVAL. The department may revoke its approval of a
14 work-share plan for good cause, including conduct that tends to defeat the purpose
15 and effective operation of the plan, failure to comply with the requirements of this
16 section or the work-share plan, or an unreasonable change to the productivity
17 standards of the employees included under the work-share program. Any revocation
18 is effective on the Sunday of the 2nd week beginning after revocation of approval of
19 the plan under this subsection.

20 (6) BENEFIT AMOUNT. Except as provided in sub. (7), an employee who is
21 included under a work-share program and who qualifies to receive regular benefits
22 for any week during the effective period of the program shall receive a benefit
23 payment for each week that the employee is included under the program in an
24 amount equal to the the employee's regular benefit amount under s. 108.05 (1)

1 multiplied by the employee's proportionate reduction in hours worked for that week
2 as a result of the work-share program.

3 (7) BENEFITS FOR PARTIAL UNEMPLOYMENT. An employee who would otherwise be
4 paid benefits under s. 108.05 (3) for any week shall receive a benefit payment for that
5 week in the amount payable to the employee under sub. (6) or the amount payable
6 to the employee under s. 108.05 (3), whichever is higher.

7 (8) BENEFIT YEAR. An employee may be paid a benefit under sub. (5) only for
8 weeks beginning in the employee's benefit year in an amount not exceeding the
9 employee's total benefit entitlement under s. 108.06 (1). Benefits paid under sub. (5)
10 may begin after the first week of the employee's benefit year or may terminate earlier
11 than the last week of the employee's benefit year.

12 (9) OTHER BENEFITS. An employee who receives benefits under sub. (6) remains
13 eligible for any benefits other than regular benefits for which the employee may
14 qualify and the amount of those benefits is not affected by the employee's receipt of
15 benefits under sub. (6).

16 (10) AVAILABILITY FOR WORK. An employee who is receiving benefits under sub.
17 (5) for any week need not be available for work in that week other than for the normal
18 hours of work that the employee worked for the employer that creates the
19 work-share program immediately before the week in which the work-share program
20 began.

21 (11) OTHER EMPLOYMENT. An employee who is included in a work-share
22 program may be paid base period wages with an employer other than the employer
23 who creates the work-share program during any week that the work-share program
24 is in effect.

1 **(12) HEALTH INSURANCE COVERAGE.** An employer that creates a work-share
 2 program shall maintain any health insurance coverage that the employer provides
 3 to the employees who are included in a work-share program, including any
 4 particulars of coverage and percentages contributed by the employer for the costs of
 5 that coverage, during the effective period of the program.

6 **(13) APPROVAL BY EMPLOYEE REPRESENTATIVE.** If there is a single representative
 7 representing some or all of the employees who are included in a work-share plan, the
 8 plan is subject to approval of that representative.

9 **(14) TERMINATION BY EMPLOYER.** An employer that creates a work-share
 10 program may terminate the program before the end of the effective period as
 11 provided in the work-share plan by filing notice of termination with the department.
 12 The program is then terminated on the 2nd Sunday following the date that the notice
 13 of termination is filed unless the notice specifies that the program is terminated at
 14 the beginning of a later week in which case the program terminates at the beginning
 15 of that week.

16 **(15) INVOLUNTARY TERMINATION.** If in any week there are fewer than 20
 17 employees who are included in a work-share program of any employer, the program
 18 terminates on the 2nd Sunday following the end of that week.

19 **(16) SUCCESSORSHIP.** If all or any part of the business of an employer that
 20 creates a work-share program is transferred as provided in s. 108.16 (8), the
 21 successor employer may continue the work-share program as provided in the
 22 work-share plan or may terminate the program by filing notice of termination under
 23 sub. (14). Termination ^{by the successor employer} does not affect any employees of the transferring employer
 24 who continue their employment with that employer.

1 (17) TERMINATION OF EMPLOYMENT. An employee who is included in a
 2 work-share program may be terminated or may voluntarily terminate his or her
 3 employment during the effective period of the program and the employee's eligibility
 4 or ineligibility for benefits for any weeks beginning after the date of termination is
 5 not affected solely as a result of the employee's inclusion in the program.

6 ~~SECTION 6.~~ 108.05 (1) (q) (intro.) of the statutes is amended to read:

7 108.05 (1) (q) (intro.) ~~Each~~ Except as provided in s. 108.062 (6) each eligible
 8 employee shall be paid benefits for each week of total unemployment that
 9 commences on or after January 4, 2009, at the weekly benefit rate specified in this
 10 paragraph. Unless sub. (1m) applies, the weekly benefit rate rate shall equal 4
 11 percent of the employee's base period wages that were paid during that quarter of the
 12 employee's base period in which the employee was paid the highest total wages,
 13 rounded down to the nearest whole dollar, except that, if that amount is less than the
 14 minimum amounts shown in the following schedule, no benefits are payable to the
 15 employee and, if that amount is more than the maximum amount shown in the
 16 following schedule, the employee's weekly benefit rate shall be the maximum
 17 amount shown in the following schedule and except that, if an employee's benefits
 18 are exhausted during any week under s. 108.06 (1), the employee shall be paid the
 19 remaining amount of benefits payable to the employee in lieu of the amount shown
 20 in the following schedule: [See Figure 108.05 (1) (q) following]

*Move
to
p. 31*

21

(END)

Kuesel, Jeffery

From: Wilson, Danielle
Sent: Thursday, February 23, 2012 10:39 PM
To: Kuesel, Jeffery
Subject: Re: LRB-3454 (Work share)

Thank you. Yes, we would like those changes incorporated. Have a good night.

Sent from my U.S. Cellular® Android-powered device

-----Original message-----

From: "Kuesel, Jeffery" <Jeffery.Kuesel@legis.wisconsin.gov>
To: "Wilson, Danielle" <Danielle.Wilson@legis.wisconsin.gov>
Sent: Thu, Feb 23, 2012 21:16:13 GMT+00:00
Subject: LRB-3454 (Work share)

Danielle,

I spent an hour talking to the DWD attorneys on this draft today. I think I now have enough information to complete the drafting and will do so by early next week. Recently, the congress has passed legislation that makes available federal aid for states that have qualifying work-share programs. I assume you would want us to be able to capture this federal aid. Assuming you would, we will make a few minor changes in the draft to enable us to do so. The details of the federal legislation have not yet been worked out and DWD expects that the U.S. Department of Labor will provide detailed instructions to states within the next few months.

Jeffery T. Kuesel
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 266-6778
Jeffery.Kuesel@legis.wisconsin.gov

Kuesel, Jeffery

From: Sussman, Scott - DWD [Scott.Sussman@dwd.wisconsin.gov]
Sent: Thursday, February 23, 2012 2:28 PM
To: Kuesel, Jeffery
Cc: LaRocque, Daniel J - DWD
Subject: New Mandates with Respect to Work Share Programs

Jeff - This is a follow-up email to our discussion earlier this morning about the new requirements of the Middle Class Tax Relief and Job Creation Act ("Act"). The Act, among its requirements, necessitates employers to:

- Certify under their plan that if the employer provides health benefits and retirement benefits under a defined benefit plan or contributions under a defined contribution plan these shall be continued to be provided to the employee under the same terms and conditions as if the employee was not in the work-share program;
- Submit a written plan describing the matter in which the federal requirements will be implemented (including a plan for giving advance notice, where feasible, to a participating employee) together with an estimate of the number of layoffs that would have occurred but for the plan;
- Have their plan comply with employer obligations under applicable Federal and State laws

As we discussed the federal law provides two different tracks whereby the state can either create a short-term compensation program consistent with the mandates of federal law or enter into an agreement with the Secretary of Labor to create its own short-term compensation plan. Under either track there are restrictions placed that limit the funding provided by the federal government to the state if the short-term compensation is provided to an employee who is employed on a seasonal, temporary, or intermittent basis.

If you have any additional questions or concerns, do not hesitate to email me.

Scott Sussman
Attorney, Bureau of Legal Affairs
Division of Unemployment Insurance
State of Wisconsin Department of Workforce Development
201 East Washington Avenue, Room E313
Madison, WI 53708
(608) 266-8271(landline)

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Internal Revenue Service regulations require that certain types of written advice include a disclaimer. To the extent the preceding message (or attachments) contains advice relating to a Federal tax issue, unless expressly stated otherwise, the advice is not intended or written to be used, and it cannot be used by the recipient or any other taxpayer, for the purpose of avoiding Federal tax penalties, and was not written to support the promotion or marketing of any transaction or matter discussed herein. Each taxpayer should seek advice based on the taxpayer's particular circumstances from an independent tax advisor. It is expressly stated that nothing contained within this message shall be considered guidance related to your particular tax situation.

Thank you very much.



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-3454/P4

JTK:med:jf

mal 2/29

step

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Rezen

1 AN ACT *to amend* 108.04 (1) (a) (intro.), 108.04 (1) (b) 1., 108.04 (2) (a) 1., 108.05
2 (1) (q) (intro.) and 108.05 (3) (a); and *to create* 108.062 of the statutes; **relating**
3 **to:** payment of unemployment insurance benefits under a work-sharing
4 program.

Analysis by the Legislative Reference Bureau

Currently, if a claimant under the unemployment insurance (UI) law receives no wages or certain other amounts that are treated as wages for a given week, the claimant may receive the full benefit for that week to which the claimant is entitled if the claimant meets eligibility requirements. However, with certain exceptions, if a claimant earns wages or certain other amounts treated as wages in a given week, the first \$30 of the wages or other amounts are disregarded and the claimant's weekly benefit payment is reduced by 67 percent of any remaining amount earned, but no claimant is eligible to receive UI benefits for any week if the benefits would be less than \$5, and any wages that the claimant would have earned in any week for work performed for his or her employer had the claimant accepted available work from that employer are treated as wages earned for that week.

This bill permits an employer to create a work-sharing program within a work unit of the employer. Before implementation of any program, an employer must submit a work-share plan to the Department of Workforce Development (DWD) and *obtain DWD's approval of the plan. Under the bill, a work-share program may be in effect for no longer than six months within a five-year period and must include at least ten percent of and at least 20 employees in the work unit. Under the

As a part of its commitment, the employer must certify that its plan is in compliance with all requirements under the law.

The bill provides that

program, the working hours of all of the full-time employees in the program are reduced in an equitable manner in lieu of a total layoff of some of the employees and a continuation of full-time employment by the other employees. ~~Under the bill~~ a claimant who is included in a work-share program may receive UI benefits during his or her continued employment with the work-sharing employer in an amount equal to the claimant's benefit for total unemployment multiplied by the same percentage reduction in normal working hours that the claimant incurs under the program, or the benefit that would be payable to the claimant under the current formula for payment of UI benefits for partial unemployment, whichever is higher. A claimant who begins receiving UI benefits before the effective period of a work-share program and who remains eligible for benefits is eligible to receive work-share benefits up to the total amount of the claimant's benefit entitlement and a claimant who has remaining benefit entitlement after the effective period of a work-share program and who remains eligible for UI benefits may continue to receive benefits until the entitlement is exhausted. The bill does not affect eligibility for supplemental UI benefits such as federal/state extended benefits, Wisconsin supplemental benefits and special additional federal benefits in the full amounts that would otherwise be payable.

The bill provides that if there is a single representative of the employees who are proposed to be included under a work-share program, the plan is subject to the approval of that representative. Under the bill, a work-share program ~~may not be designed to substitute for~~ part-time or seasonal work, and may only apply to employees who have been engaged in employment with the employer for at least three months before the effective period of the program and who have been regularly employed in that employment for an average of at least 32 hours per week during that period. The bill provides that an employer that creates a work-share program must maintain health insurance coverage for employees who are included in the program during the effective period of the program ~~to the extent that coverage is provided before the program becomes effective~~. The bill permits DWD to revoke its approval of a work-share plan for specified reasons and also permits an employer to terminate a work-share program before the end of its scheduled effective period.

Currently, with certain exceptions, a claimant is eligible for UI benefits for any week in which the claimant earns no wages only if the claimant is available for work within that week. This bill provides a claimant who is receiving UI benefits for any week in which he or she is included in a work-share program need not be available for work in that week other than for the normal hours of work that the employer worked for the work-share employer immediately before the effective period of the work-share program.

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

Must be...
Participation by employees who are employed on a regular basis

temporary or intermittent basis

1WS
2A

retirement plan and

under the same terms and conditions as if the employees were not included in the program

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

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

2 108.04 (1) (a) (intro.) If Except as provided in s. 108.062 (10), if an employee
3 is with due notice called on by his or her current employing unit to report for work
4 actually available within a given week and is unavailable for, or unable to perform:

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

6 108.04 (1) (b) 1. Except as provided in s. 108.062 (10) and subd. 2., if an
7 employee's employment is suspended by the employee or the employee's employer or
8 an employee is terminated by the employee's employer, due to the employee's
9 unavailability for work or inability to perform suitable work otherwise available
10 with the employee's employer, or if the employee is on a leave of absence, the
11 employee is ineligible for benefits while the employee is unable to work or
12 unavailable for work.

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

14 108.04 (2) (a) 1. ~~The~~ Except as provided in s. 108.062 (10), the individual is able
15 to work and available for work during that week;

16 **SECTION 4.** 108.05 (1) (q) (intro.) of the statutes is amended to read

17 108.05 (1) (q) (intro.) ~~Each~~ Except as provided in s. 108.062 (6), each eligible
18 employee shall be paid benefits for each week of total unemployment that
19 commences on or after January 4, 2009, at the weekly benefit rate specified in this
20 paragraph. Unless sub. (1m) applies, the weekly benefit rate rate shall equal 4
21 percent of the employee's base period wages that were paid during that quarter of the
22 employee's base period in which the employee was paid the highest total wages,
23 rounded down to the nearest whole dollar, except that, if that amount is less than the
24 minimum amounts shown in the following schedule, no benefits are payable to the
25 employee and, if that amount is more than the maximum amount shown in the

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

6 **SECTION 5.** 108.05 (3) (a) of the statutes is amended to read:

7 108.05 (3) (a) Except as provided in s. 108.062 and pars. (b), (c), and (d), if an
8 eligible employee earns wages in a given week, the first \$30 of the wages shall be
9 disregarded and the employee's applicable weekly benefit payment shall be reduced
10 by 67% of the remaining amount, except that no such employee is eligible for benefits
11 if the employee's benefit payment would be less than \$5 for any week. For purposes
12 of this paragraph, "wages" includes any salary reduction amounts earned that are
13 not wages and that are deducted from the salary of a claimant by an employer
14 pursuant to a salary reduction agreement under a cafeteria plan, within the meaning
15 of 26 USC 125, and any amount that a claimant would have earned in available work
16 under s. 108.04 (1) (a) which is treated as wages under s. 108.04 (1) (bm), but excludes
17 any amount that a claimant earns for services performed as a volunteer fire fighter,
18 volunteer emergency medical technician, or volunteer first responder. In applying
19 this paragraph, the department shall disregard discrepancies of less than \$2
20 between wages reported by employees and employers.

21 **SECTION 6.** 108.062 of the statutes is created to read:

22 **108.062 Work-share programs; benefit payments. (1) DEFINITIONS.** In
23 this section:

24 (a) "Regular benefits" means benefits payable to an individual under this
25 chapter or any other state law, including benefits payable to federal civilian

1 employees and to former military personnel pursuant to 5 USC ch. 85, other than
2 Wisconsin supplemental benefits, extended benefits and additional benefits as
3 defined in P.L. 91-373.

4 (b) "Work-share program" means a program approved by the department
5 under which the hours of work of employees in a work unit are reduced in lieu of a
6 layoff of one or more employees in the work unit.

7 (c) "Work unit" means an operational unit of employees designated by an
8 employer for purposes of a work-share program.

which may include more than one work site

9 (2) ELEMENTS OF PLAN. Any employer may create a work-share program. Prior

10 to implementing a work-share program, an employer shall submit the program to

for the approval of the department. In its submittal, the employer shall

11 the department and obtain the department's approval of the work-share plan. Each

12 plan shall:

13 (a) Specify the work unit in which the plan will be implemented, the affected
14 positions, and the names of the employees filling those positions on the date of
15 submittal.

certify that its plan is in compliance with all requirements under this section

16 (b) Provide for inclusion of at least 10 percent of the employees in the affected
17 work unit on the date of submittal.

18 (c) Provide for initial coverage under the plan of at least 20 positions that are
19 filled on the effective date of the work-share program.

20 (d) ~~Not be designed to substitute for regular part-time or seasonal work.~~

Exclude participation by employees who are employed on a temporary or intermittent basis.

21 (e) Specify the period when the plan will be in effect, which may not exceed 6
22 months in any 5-year period within the same work unit.

23 (f) Provide for apportionment of reduced working hours equitably among
24 employees in the work-share program.



1 (g) Apply only to employees who have been engaged in employment with the
 2 employer for a period of at least 3 months on the effective date of the work-share
 3 program and who are regularly employed by the employer in that employment for
 4 an average of at least 32 hours per week during that period.

5 (h) Specify the normal average hours per week worked by the employees in the
 6 work unit and the intended reduction or range of reduction in the average hours of
 7 work per week worked by the employees under the plan, which shall be at least 10
 8 percent but not more than 50 percent of the normal hours per work of the employees
 9 included under the plan.

Handwritten notes: A circle around line 9, with '10' written inside. An arrow points from this circle to the start of line 10.

10 (k) Specify the effect on any fringe benefits provided by the employer to the
 11 employees who are included in the work-share program other than fringe benefits
 12 required by law.

13 (L) Include a statement signed by the authorized agent of any representative
 14 of the employees included in the work-share program to the effect that the
 15 representative has approved the plan whenever approval is required under sub. (13).

16 (M) Include a statement affirming that the plan is in compliance
 17 (3) APPROVAL OF PLANS. The department shall approve a plan if the plan
 18 includes all of the elements specified in sub. (2). The approval is effective for the
 19 effective period of the plan.

Handwritten notes: 'with all employer obligations under applicable Federal and State laws' written vertically on the right side of the page.

20 (4) EFFECTIVE PERIOD. A work-share program becomes effective on the later of
 21 the Sunday of the 2nd week beginning after approval of a work-share plan under
 22 sub. (3) or any Sunday after that day specified in the plan. A work-share program
 23 ends on the earlier of the last Sunday that precedes the end of the 6-month period
 24 beginning on the effective date of the program or any Sunday before that day
 25 specified in the plan unless the program terminates on an earlier date under sub. (5),
 (14), or (15).

1 **(5) REVOCATION OF APPROVAL.** The department may revoke its approval of a
2 work-share plan for good cause, including conduct that tends to defeat the purpose
3 and effective operation of the plan, failure to comply with the requirements of this
4 section or the work-share plan, or an unreasonable change to the productivity
5 standards of the employees included under the work-share program. Any revocation
6 is effective on the Sunday of the 2nd week beginning after revocation of approval of
7 the plan under this subsection.

8 **(6) BENEFIT AMOUNT.** Except as provided in sub. (7), an employee who is
9 included under a work-share program and who qualifies to receive regular benefits
10 for any week during the effective period of the program shall receive a benefit
11 payment for each week that the employee is included under the program in an
12 amount equal to the the employee's regular benefit amount under s. 108.05 (1)
13 multiplied by the employee's proportionate reduction in hours worked for that week
14 as a result of the work-share program.

15 **(7) BENEFITS FOR PARTIAL UNEMPLOYMENT.** An employee who would otherwise be
16 paid benefits under s. 108.05 (3) for any week shall receive a benefit payment for that
17 week in the amount payable to the employee under sub. (6) or the amount payable
18 to the employee under s. 108.05 (3), whichever is higher.

19 **(8) BENEFIT YEAR.** An employee may be paid a benefit under sub. (6) only for
20 weeks beginning in the employee's benefit year in an amount not exceeding the
21 employee's total benefit entitlement under s. 108.06 (1). Benefits paid under sub. (6)
22 may begin after the first week of the employee's benefit year or may terminate earlier
23 than the last week of the employee's benefit year.

24 **(9) OTHER BENEFITS.** An employee who receives benefits under sub. (6) remains
25 eligible for any benefits other than regular benefits for which the employee may

1 qualify and the amount of those benefits is not affected by the employee's receipt of
2 benefits under sub. (6).

3 (10) AVAILABILITY FOR WORK. An employee who is receiving benefits under sub.
4 (6) for any week need not be available for work in that week other than for the normal
5 hours of work that the employee worked for the employer that creates the
6 work-share program immediately before the week in which the work-share program
7 began.

8 (11) OTHER EMPLOYMENT. An employee who is included in a work-share
9 program may be paid ~~base period~~ wages by an employer other than the employer who
10 creates the work-share program ~~during any week that the work-share program is~~

11 ~~in effect~~ **RETIREMENT PLAN AND**
12 **HEALTH INSURANCE COVERAGE.** An employer that creates a work-share
13 program shall maintain ~~any~~ health insurance coverage that the employer provides
14 to the employees who are included in a work-share program, including any
15 particulars of coverage and percentages contributed by the employer for the costs of
16 that coverage, during the effective period of the program.

17 (13) APPROVAL BY EMPLOYEE REPRESENTATIVE. If there is a single representative
18 representing some or all of the employees who are included in a work-share plan, the
19 plan is subject to approval of that representative.

20 (14) TERMINATION BY EMPLOYER. An employer that creates a work-share
21 program may terminate the program before the end of the effective period as
22 provided in the work-share plan by filing notice of termination with the department.
23 The program is then terminated on the 2nd Sunday following the date that the notice
24 of termination is filed unless the notice specifies that the program is terminated at

Handwritten notes:
- "during a benefit year" (circled)
- "during the same benefit year" (circled)
- "coverage under any and all" (circled)
- "defined" (circled)
- "defined contribution, retirement plan and any" (circled)
- "under the same terms and conditions as if the employees were not included in the program" (circled)
- "Program" (circled)

1 the beginning of a later week in which case the program terminates at the beginning
2 of that week.

3 (15) INVOLUNTARY TERMINATION. If in any week there are fewer than 20
4 employees who are included in a work-share program of any employer, the program
5 terminates on the 2nd Sunday following the end of that week.

6 (16) SUCCESSORSHIP. If all or any part of the business of an employer that
7 creates a work-share program is transferred as provided in s. 108.16 (8), the
8 successor employer may continue the work-share program as provided in the
9 work-share plan or may terminate the program by filing notice of termination under
10 sub. (14). Termination by a successor employer does not affect any employees of the
11 transferring employer who continue their employment with ^{the transferring} ~~that~~ employer.

12 (17) TERMINATION OF EMPLOYMENT. An employee who is included in a
13 work-share program may be terminated or may voluntarily terminate his or her
14 employment during the effective period of the program and the employee's eligibility
15 or ineligibility for benefits for any weeks beginning after the date of termination is
16 not affected solely as a result of the employee's inclusion in the program.

17 (END)

INS
9-16

2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3454/lins
JTK.....

INS 2A:

NOFF
Under recent federal legislation, the federal government participates in the cost of administration of qualifying work-share programs and payment of benefits to participating employees. ~~This~~ bill directs DWD to seek full federal financial participation in the payment of these costs by this state.

The

INS 6-9:

(i) Describe the manner in which requirements for maximum federal financial participation in the plan will be implemented, including a plan for giving notice, where feasible, to participating employees of changes in work schedules.

(j) Provide an estimate of the number of layoffs that would occur without implementation of the plan.

INS 9-16:

(18) FEDERAL FINANCIAL PARTICIPATION. The department shall seek to qualify this state for full federal participation in the cost of administration of this section and financing of benefits to employees participating in work share programs under this section.

Basford, Sarah

From: Wilson, Danielle
Sent: Friday, March 09, 2012 1:41 PM
To: LRB.Legal
Subject: Draft Review: LRB 11-3454/1 Topic: Work share

Please Jacket LRB 11-3454/1 for the SENATE.

3/9/2012

Barman, Mike

From: Wilson, Danielle
Sent: Friday, April 20, 2012 1:52 PM
To: Barman, Mike
Cc: Hamele, Mary - DOA
Subject: RE: Fiscal Estimate for SB 559

That's fine then.

Have a good weekend,

Danielle Wilson

Office of Senator Julie Lassa
P.O. Box 7882
Madison, WI 53707-7882
(608) 266-3123
danielle.wilson@legis.wisconsin.gov

From: Barman, Mike
Sent: Friday, April 20, 2012 1:33 PM
To: Wilson, Danielle
Cc: Hamele, Mary - DOA
Subject: RE: Fiscal Estimate for SB 559

The "Fiscal Estimate Manual" states that agencies are required to submit their fiscal estimates (on assigned introduced bills) whether the Legislature is in session or not. After the floor period has ended agencies often take their time submitting them (stretching the 5 working day rule) but DOA and the LRB still accept them as long as they are submitted before the end of August.

From: Wilson, Danielle
Sent: Friday, April 20, 2012 11:58 AM
To: Barman, Mike
Subject: RE: Fiscal Estimate for SB 559

Hi Mike,

We don't really see the need since session is over, so they can just wait until next session if we reintroduce the bill.

Thanks!

Danielle Wilson

Office of Senator Julie Lassa
P.O. Box 7882
Madison, WI 53707-7882
(608) 266-3123
danielle.wilson@legis.wisconsin.gov

From: Barman, Mike
Sent: Friday, April 20, 2012 10:28 AM

To: Sen.Lassa; Wilson, Danielle
Subject: FW: Fiscal Estimate for SB 559

Good morning,

DWD is working on the fiscal estimate for SB 559 and have stated that there are "local" fiscal costs. The fiscal estimate coordinator at DOA asked us to check with you for permission to add the local element to the estimate on SB 559. Is this OK with you? The bill was originally tagged to include just the "state" impact on the fiscal estimate.

Thanks,

Mike Barman (Lead Program Assistant)
State of Wisconsin - Legislative Reference Bureau
Legal Section - Front Office
1 East Main Street, Suite 200, Madison, WI 53703
(608) 266-3561 / mike.barman@legis.wisconsin.gov

From: Kuesel, Jeffery
Sent: Friday, April 20, 2012 10:05 AM
To: Barman, Mike
Subject: RE: Fiscal Estimate for SB 559

Mike,
That's fine.

Jeff

From: Barman, Mike
Sent: Friday, April 20, 2012 8:48 AM
To: Kuesel, Jeffery
Subject: FW: Fiscal Estimate for SB 559

Is this OK with you (bill only tagged for state FE). If OK with you I will contact Lassa's office and get their OK.

Mike Barman (Lead Program Assistant)
State of Wisconsin - Legislative Reference Bureau
Legal Section - Front Office
1 East Main Street, Suite 200, Madison, WI 53703
(608) 266-3561 / mike.barman@legis.wisconsin.gov

From: Hamele, Mary - DOA [<mailto:Mary.Hamele@wisconsin.gov>]
Sent: Thursday, April 19, 2012 9:39 AM
To: Barman, Mike
Subject: Fiscal Estimate for SB 559

Hi Mike,

DWD is working on the fiscal estimate for SB 559 and have stated that there are local fiscal costs. If possible, could you please check with the author for permission to add the local element to the estimate? I will be out of the office tomorrow and will be back Monday. Thanks for your help.

Mary Hamele

Division of Executive Budget & Finance
Department of Administration
(608) 266-1807