

INS 8A:

Claimant security credentials

This bill requires each claimant for UI benefits to create security credentials in order to engage in any transactions with DWD, including the filing of an initial or continued claim for benefits. The credentials may consist of a personal identification number, username, and password, or any other means prescribed by DWD. The bill provides that if a claimant's security credentials are used in any transaction with DWD, the claimant is presumed to be the individual using the credentials or the individual's authorized agent. The presumption may be rebutted by a preponderance of evidence showing that the claimant to whom the credentials are assigned was not the person who used the credentials in a given transaction. The bill also provides that if a claimant uses an agent to engage in any transaction with the department using the claimant's security credentials, the claimant is responsible for the actions of the agent. In addition, the bill provides that if a claimant to whom security credentials are assigned divulges the credentials to another person, or fails to take adequate measures to protect the credentials from being divulged to an unauthorized person, DWD is not obligated to pursue recovery of the benefits and is not liable to the claimant for benefits payable to the claimant that were erroneously paid to another person. Current law contains no similar provisions.

INS 12A:

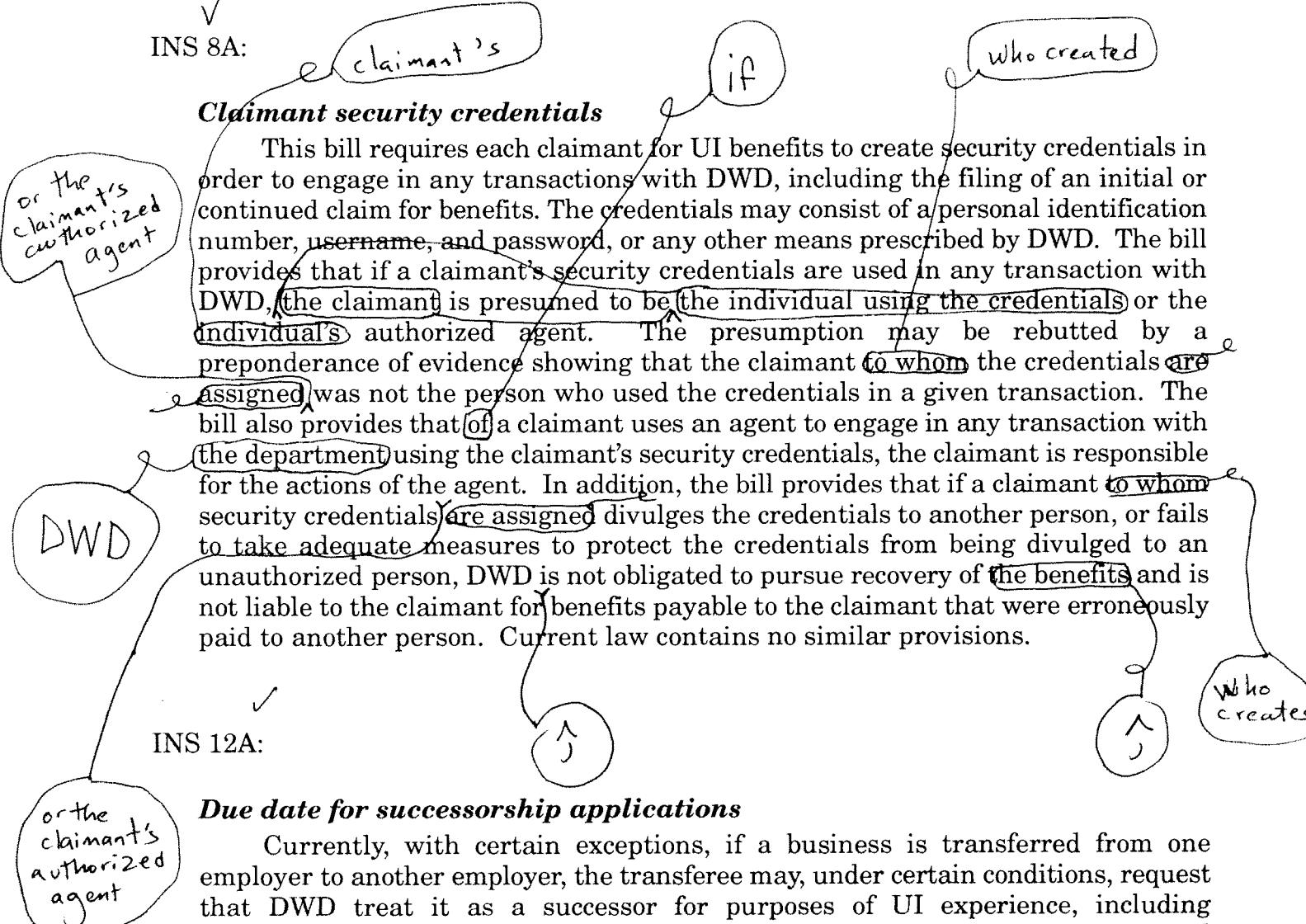
Due date for successorship applications

Currently, with certain exceptions, if a business is transferred from one employer to another employer, the transferee may, under certain conditions, request that DWD treat it as a successor for purposes of UI experience, including contribution (tax) and benefit liability. A successorship application must be received by DWD on or before the contribution payment due date for the first full quarter following the date of the transfer. This bill permits DWD to accept an application not more than 90 days after its due date if the transferee satisfies DWD that its application was late as a result of excusable neglect.

INS 36-22:

SECTION 1. 108.04 (2) (g) of the statutes is created to read:

108.04 (2) (g) 1. Each claimant shall create security credentials in order to engage in transactions with the department, including the filing of an initial or



continued claim for benefits. The security credentials may consist of a personal identification number, username, and password, or any other means prescribed by the department.

2. If a claimant's security credentials are used in the filing of an initial or continued request for benefits or any other transaction, the claimant is presumed to have been the individual using the security credentials or the individual's authorized agent. This presumption may be rebutted by a preponderance of evidence showing that the claimant to whom the security credentials were assigned was not the person who used the credentials in a given transaction. If a claimant uses an agent to engage in any transaction with the department using the claimant's security credentials, the claimant is responsible for the actions of the agent. If the claimant to whom security credentials are assigned divulges the credentials to another person, or fails to take adequate measures to protect the credentials from being divulged to an unauthorized person, the department is not obligated to pursue recovery of the benefits or to reimburse the claimant for benefits payable to the claimant that were erroneously paid to another person.

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or the claimant's authorized agent

or the claimant's authorized agent

INS 64-2:

SECTION 2. 108.16 (8) (b) 4. of the statutes is amended to read:

108.16 (8) (b) 4. The department has received a written application from the transferee requesting that it be deemed a successor. Such Unless the transferee satisfies the department that the application was late as a result of excusable neglect, the application must be received by the department on or before the contribution payment due date for the first full quarter following the date of transfer.

The department shall not accept a late application under this subdivision more than 90 days after its due date.

History: 1971 c. 53; 1973 c. 247; 1975 c. 343; 1977 c. 133; 1979 c. 52; 1979 c. 110 s. 60 (13); 1981 c. 36; 1983 a. 8, 99, 368; 1985 a. 17 ss. 39 to 56, 66; 1985 a. 29; 1987 a. 27; 1987 a. 38 ss. 107 to 111, 134; 1987 a. 255; 1989 a. 56 s. 259; 1989 a. 77, 359; 1991 a. 89, 221; 1993 a. 112, 373, 490, 492; 1995 a. 118, 225; 1997 a. 39; 1999 a. 15, 83; 2001 a. 35; 2003 a. 197; 2005 a. 86, 253; 2007 a. 59; 2009 a. 287; 2011 a. 198, 236.

INS 119-17:

(#) The treatment of section 108.04 (2) (g) of the statutes first applies with respect to weeks of unemployment beginning on the effective date of this subsection.

INIT
App

INS 120-3:

(#) The treatment of section 108.16 (8) (b) 4. of the statutes first applies with respect to transfers of businesses occurring after December 31, 2013.

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App

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INS 4A

INSERT MD ANALYSIS

Prohibiting concurrent receipt of UI and SSDI benefits

The bill disqualifies a claimant from receiving UI benefits during any week in which the claimant is actually receiving social security disability insurance (SSDI) benefits and requires a claimant, when the claimant files for UI benefits and during each subsequent week the claimant files for UI benefits, to inform DWD whether he or she is receiving SSDI benefits.

INSERT 36-23

1 **SECTION 1.** 108.04 (2) (h) of the statutes is created to read:

2 108.04 (2) (h) A claimant shall, when the claimant first files a claim for benefits
3 under this chapter and during each subsequent week the claimant files for benefits
4 under this chapter, inform the department whether he or she is receiving social
5 security disability insurance benefits under 42 USC ch. 7 subch. II.

INSERT 41-4

6 **SECTION 2.** 108.04 (12) (f) of the statutes is created to read:

7 108.04 (12) (f) 1. Any individual who actually receives social security disability
8 insurance benefits under 42 USC ch. 7 subch. II in a given week is ineligible for
9 benefits paid or payable in that same week under this chapter.

10 2. Information that the department receives or acquires from the federal social
11 security administration that an individual is receiving social security disability
12 insurance benefits under 42 USC ch. 7 subch. II in a given week is considered
13 conclusive, absent clear and convincing evidence that the information was
14 erroneous.

INSERT ~~32-18~~ 119-18

15 (0) The treatment of section 108.04 (2) (h) and (12) (f) of the statutes first
16 applies with respect to weeks of unemployment beginning on the effective date of this
17 subsection.

INIT
APP

****NOTE: Initial applicability for treatment of limited liability companies consisting of the same members is needed.

1 (4) The treatment of sections 108.02 (15m) (intro.), 108.04 (7) (a), (cm), (d), (e),
2 (h), (g), (j), (k), (L), (m), (n), (o), (q), (r), and (t), 108.14 (8n) (e), and 108.141 (7) (a) of
3 the statutes, the renumbering and amendment of section 108.04 (7) (p) of the
4 statutes, and the creation of section 108.04 (7) (p) 2. and 3. of the statutes first apply
5 with respect to terminations of employment occurring after the effective date of this
6 subsection.

7 (5) The treatment of sections 108.04 (1) (g) (intro.) and 108.06 (1), (2) (c) and
8 (cm), (3), (6) (intro.) and (7) of the statutes first applies with respect to weeks of
9 unemployment beginning on the effective date of this subsection.

10 (6) The treatment of section 108.04 (1) (hm) of the statutes first applies with
11 respect to weeks of unemployment beginning on the effective date of this subsection.

12 (7) The treatment of section 108.04 (2) (a) 2. and 3. (intro.) of the statutes first
13 applies with respect to weeks of unemployment beginning on the effective date of this
14 subsection.

15 (8) The treatment of section 108.04 (2) (a) 4. and 5. and (15) of the statutes first
16 applies with respect to weeks of unemployment beginning on the effective date of this
17 subsection.

18 (9) The treatment of section 108.04 (2) ~~(a)~~ ⁽ⁱ⁾ of the statutes first applies to weeks ✓
19 of unemployment beginning on the effective date of this subsection.

20 (10) The treatment of section 108.04 (8) (a) and (c) of the statutes first applies
21 with respect to benefit years which begin on the effective date of this subsection, in
22 connection with new claims filed for unemployment compensation benefits on or

Handwritten notes: 7/25/17, 119-17, 18

Handwritten notes: JNS, 119-18

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1975/P8da
JTK&MED:cjs:ph

1/4/01

(date)

Stays

Representative Knodl:

1.

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(all components) ↗

This draft is the initial draft of your items 2, 3, 4, 8, 9, 10, 11, 14, 15, ~~12-15, 12-27 and 12-28~~, 16, 17, 19, 22, 24, 25, 27, 28, and 34. We are working on other items at this time and will be reviewing them with the DWD legal staff. The other items will be added in successive redrafts when we have all the information we need to reduce them to draft format.

DW F

Currently, s. 108.04 (7) (d), stats., which we have repealed as provided in DWD's original proposal D12-19, allows a claimant to claim benefits after quitting a job, without requalifying, if the claimant quit the job to accept a recall from a former employer for which the claimant worked in the past year. Section 108.04 (8) (c), stats., which the proposal did not propose to repeal or otherwise amend, requires a claimant to either accept a recall under similar circumstances or lose benefits until the claimant requalifies. You may therefore wish to instead consider amending s. 108.04 (7) (d), stats., to limit it so that a claimant who quits a job because the claimant is required to accept a recall in order to maintain eligibility under s. 108.04 (8) (c) is not required to requalify if the recalling employer then lays off the claimant. We have discussed this situation with DWD and DWD confirms that some claimants could face this situation as your instructions now stand. We will let you know if DWD provides further information.

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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1975/P4dni
JTK.....

DNF

2. The instructions for proposed s. 108.04 (2) (g) provide that if a claimant to whom security credentials are assigned divulges the credentials to another person, or fails to take adequate measures to protect the credentials from being divulged to an unauthorized person, the claimant is strictly liable for any benefits erroneously paid as a result of that action. As we discussed, this language has been revised to say simply that the department is not obligated to pursue recovery of these benefit payments and has no liability to reimburse the claimant for the benefits that were erroneously paid to another person. Please let us know if this language does not capture your intent. ✓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1975/P4dn
JTK&MED:cjs:ph

April 18, 2013

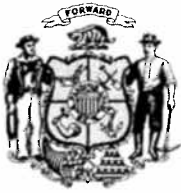
Representative Knodl:

1. This draft is the initial draft of your items 2, 3, 4, 6, 7, 8, 9, 10, 11, 14, 15 (all components), 16, 17, 19, 22, 24, 25, 27, 28, and 34. We are working on other items at this time and will be reviewing them with the DWD legal staff. The other items will be added in successive redrafts when we have all the information we need to reduce them to draft format.

2. The instructions for proposed s. 108.04 (2) (g) provide that if a claimant to whom security credentials are assigned divulges the credentials to another person, or fails to take adequate measures to protect the credentials from being divulged to an unauthorized person, the claimant is strictly liable for any benefits erroneously paid as a result of that action. As we discussed, this language has been revised to say simply that the department is not obligated to pursue recovery of these benefit payments and has no liability to reimburse the claimant for the benefits that were erroneously paid to another person. Please let us know if this language does not capture your intent.

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State of Wisconsin
2013 - 2014 LEGISLATURE

RMR



LRB-1975/8 P5

JTK&MED:cjs:ph

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slays

(w/4/24 if possible)

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SAV

Regen

D-NOTE

1 **AN ACT to repeal** 20.445 (1) (fx), 108.02 (4m) (g), 108.02 (13) (kL), 108.04 (7) (cm),
2 (d), (g), (j), (k), (L), (m), (n), (o), (q) and (r), 108.05 (1) (n) to (p) and 108.06 (7);
3 **to renumber** 50.498 (4); **to renumber and amend** 108.04 (7) (p), 108.04 (7)
4 (t) and 440.12; **to amend** 13.63 (1) (b), 13.63 (1) (c), 19.55 (2) (d), 29.024 (2r)
5 (title), 29.024 (2r) (c), 29.024 (2r) (d) 1., 48.66 (2m) (c), 48.715 (7), 50.498 (title),
6 50.498 (2), 50.498 (5), 51.032 (title), 51.032 (2), 51.032 (4), 51.032 (5), 71.78 (4)
7 (o), 73.0301 (2) (c) 2., 73.0302 (title), 73.09 (6m), 101.02 (20) (b), 101.02 (20) (c),
8 101.02 (20) (d), 102.17 (1) (c), 103.005 (10), 103.275 (2) (b) (intro.), 103.275 (7)
9 (b), 103.275 (7) (c), 103.34 (3) (c), 103.34 (10) (title), 103.92 (3), 104.07 (1) and
10 (2), 105.13 (1), 108.02 (4m) (a), 108.02 (13) (a), 108.02 (15m) (intro.), 108.04 (1)
11 (g) (intro.), 108.04 (1) (hm), 108.04 (2) (a) 2., 108.04 (2) (a) 3. (intro.), 108.04 (2)
12 (a) 3. c., 108.04 (7) (a), 108.04 (7) (e), 108.04 (7) (h), 108.04 (8) (a) and (c), 108.05
13 (1) (q) (intro.), 108.05 (3) (a), 108.06 (1), 108.06 (2) (c), 108.06 (2) (cm), 108.06
14 (3), 108.06 (6) (intro.), 108.10 (intro.), 108.14 (8n) (e), 108.14 (19), 108.141 (7)
15 (a), 108.16 (2) (g) and (h), 108.16 (8) (b) 4., 108.19 (1m), 108.19 (1m), 108.205 (1),

1 108.21 (1), 108.22 (1) (a), 115.31 (6m), 118.19 (1m) (a), 118.19 (1m) (b), 138.09
2 (1m) (b) 2. a., 138.09 (3) (am) 2., 138.09 (4) (c), 138.12 (3) (d) 2. a., 138.12 (5) (am)
3 1. b., 138.12 (5) (am) 3., 138.14 (4) (a) 2. a., 138.14 (9) (d), 146.40 (4d) (b), 146.40
4 (4d) (d), 146.40 (4d) (e), 169.35 (title), 169.35 (2), 169.35 (3), 170.12 (3m) (b) 1.,
5 217.05 (1m) (b) 1., 217.09 (4), 217.09 (6), 218.0114 (21e) (a), 218.0114 (21g) (b)
6 1., 218.0116 (1g) (b), 218.02 (2) (a) 2. a., 218.04 (3) (a) 2. a., 218.04 (5) (b), 218.05
7 (3) (am) 2. a., 218.05 (12) (b), 218.05 (12) (e), 218.11 (2) (am) 3., 218.12 (2) (am)
8 2., 218.21 (2m) (b), 218.31 (1m) (b), 218.41 (2) (am) 2., 218.51 (3) (am) 2., 224.72
9 (2) (c) 2. a., 224.725 (2) (b) 1. a., 224.927 (1), 227.53 (1) (a) 3., 252.241 (title),
10 252.241 (2), 254.115 (title), 254.115 (2), 254.176 (5), 254.20 (7), 256.18 (title),
11 256.18 (2), 256.18 (5), 299.07 (title), 299.07 (1) (b) 1., 299.08 (1) (b) 2., 341.51 (4g)
12 (b), 342.06 (1) (eg), 343.14 (1), 343.14 (2j), 343.305 (6) (e) 3. b., 343.61 (2) (b),
13 343.62 (2) (b), 343.69 (1), 440.03 (11m) (c), 452.18, 551.412 (4g) (a) 1., 551.605
14 (2), 562.05 (8m) (a), 562.05 (8m) (b), 563.285 (title), 563.285 (2) (a), 563.285 (2)
15 (b), 628.095 (4) (b), 628.097 (title), 628.097 (2m), 628.10 (2) (cm), 632.69 (2) (c),
16 632.69 (2) (d) 2., 632.69 (4) (d), 633.14 (2c) (b), 633.14 (2m) (b), 633.15 (2) (d),
17 751.155 (title), 751.155 (1), 751.155 (2) and 751.155 (3); **to repeal and**
18 **recreate** 108.04 (2) (a) 2., 108.04 (2) (a) 3. (intro.), 108.05 (1) (q) (intro.) and
19 108.05 (3) (a); and **to create** 20.445 (1) (fx), 20.445 (1) (gm), 50.498 (4) (b),
20 73.0302 (5), 73.0302 (6), 73.09 (8), 102.17 (1) (ct), 103.275 (2) (bt), 103.34 (10)
21 (d), 103.91 (4) (d), 103.92 (8), 104.07 (7), 105.13 (4), 108.04 (2) (a) 4. and 5.,
22 108.04 (2) (g), 108.04 (2) (h), 108.04 (2) (i), 108.04 (7) (p) 2. and 3., 108.04 (12)
23 (f), 108.04 (15), 108.05 (1) (r), 108.14 (20), 108.14 (21), 108.14 (22), 108.14 (23),
24 108.14 (24), 108.22 (1) (cm), 108.223, 108.227, 138.12 (4) (a) 1m., 138.12 (4) (b)
25 5m., 138.14 (5) (b) 2m., 138.14 (9) (cm), 170.12 (8) (b) 1. bm., 170.12 (8) (b) 4.,

1 217.06 (5m), 217.09 (1t), 218.0116 (1m) (a) 2m., 218.0116 (1m) (d), 218.02 (3)
2 (dm), 218.02 (6) (d), 218.02 (9) (a) 1m., 218.04 (4) (am) 2m., 218.04 (5) (at),
3 218.05 (4) (c) 2m., 218.05 (11) (bm), 218.05 (12) (at), 218.11 (6m) (c), 218.12 (3m)
4 (c), 218.22 (3m) (c), 218.32 (3m) (c), 218.41 (3m) (b) 3., 218.51 (4m) (b) 3., 224.44,
5 224.72 (7m) (bm), 224.725 (6) (bm), 224.77 (2m) (e), 224.95 (1) (bm), 252.241 (5),
6 254.115 (5), 256.18 (4m), 299.07 (3), 341.51 (4m) (c), 343.305 (6) (e) 6., 343.66
7 (3m), 440.12 (2), 551.406 (6) (a) 1m., 551.412 (4g) (a) 2m., 551.412 (4g) (d),
8 562.05 (5) (a) 11., 562.05 (8) (f) and 563.285 (1m) of the statutes; **relating to:**
9 various changes in the unemployment insurance law; payment of interest on
10 advances made by the federal government to the unemployment reserve fund;
11 license revocations based on delinquency in payment of unemployment
12 insurance contributions; granting rule-making authority; providing a penalty;
13 and making appropriations.

Analysis by the Legislative Reference Bureau

NOTE: The items contained in this draft are the initial LRB draft of the items. DWD has not completed its review of these items. Some of the language may also require review by the U.S. Department of Labor. In the past, DWD has requested considerable changes to initial LRB drafts after internal review by DWD.

This bill makes various changes in the unemployment insurance (UI) law. Significant changes include:

BENEFIT RATE CHANGES

Currently, weekly unemployment insurance benefit rates for total unemployment range from \$54 for an employee who earns wages (or certain other amounts treated as wages) of at least \$1,350 during at least one quarter of the employee's base period (period preceding a claim during which benefit rights accrue) to \$363 for an employee who earns wages (or certain other amounts treated as wages) of at least \$9,075 during any such quarter. This bill adjusts weekly benefit rates for weeks of unemployment beginning on or after January 5, 2014, to rates ranging from \$55 for an employee who earns wages (or certain other amounts treated as wages) of at least \$1,375 during at least one quarter of the employee's base period to \$370 for an employee who earns wages (or certain other amounts treated as wages) of at least \$9,250 during any such quarter. The bill does not affect the benefit rate of any employee who earns wages (or certain other amounts treated as wages) of at least

\$1,375 during at least one quarter of the employee's base period or any employee who earns wages (or certain other amounts treated as wages) of less than \$9,100 during at least one quarter of the employee's base period.



OTHER BENEFIT CHANGE S

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Registration and search for work

Currently, with limited exceptions, in order to become and remain eligible to receive UI benefits for any week, a claimant is required, among other things, to register for work and to conduct a reasonable search for suitable work within that week, which must include at least two actions that constitute a reasonable search as prescribed by rule by the Department of Workforce Development (DWD).

This bill requires each claimant, subject to the same exceptions, to register for work in the manner directed by DWD and increases the minimum number of actions that a claimant must undertake to become and remain eligible for benefits to at least four actions per week.

The bill also requires a claimant, subject to the same exceptions, to provide information or job application materials and to participate in a public employment office workshop or training program or in similar reemployment services that do not require a participation fee, if either is required by DWD for a given week. The bill allows DWD to use the information or job application materials provided by a claimant to assess the claimant's efforts, skills, and ability to find or obtain work and to develop a list of potential opportunities for a claimant to obtain suitable work. However, the bill provides that a claimant who is subject to the work search requirement need not apply for a specific position on that list in order to satisfy that requirement.

Prohibiting concurrent receipt of UI and SSDI benefits

The bill disqualifies a claimant from receiving UI benefits during any week in which the claimant is actually receiving social security disability insurance (SSDI) benefits and requires a claimant, when the claimant first files for UI benefits and during each subsequent week the claimant files for UI benefits, to inform DWD whether he or she is receiving SSDI benefits.

Failure to accept suitable work or recall to former employer

Currently, with certain exceptions, if an employee fails, without good cause, to accept suitable work when offered or 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 until four weeks have elapsed since the end of the week in which the failure occurs and the employee earns wages, or certain other amounts treated as wages, equal to at least four times the employee's weekly benefit rate in employment covered by the unemployment insurance law of any state or the federal government.

Subject to all of the same exceptions and qualifications, the bill changes the number of weeks required to requalify under these provisions to at least ten weeks and changes the amount of wages an employee must earn to requalify under these provisions to at least ten times the employee's weekly benefit rate.

Termination of work; general requirements to requalify for benefits

Currently, unless an exception applies, if an employee voluntarily terminates his or her work with an employer, the employee is generally ineligible to receive benefits until the following requalification requirements are satisfied: 1) four weeks have elapsed since the end of the week in which the termination occurs and 2) the employee earns wages after the week in which the termination occurs equal to at least four times the employee's weekly benefit rate in employment covered by the unemployment insurance law of any state or the federal government.

The bill modifies the first requalification requirement so that an employee who voluntarily terminates his or her work with an employer is generally ineligible to receive benefits until the employee earns wages after the week in which the termination occurs equal to at least *ten* times the employee's weekly benefit rate in employment covered by the unemployment insurance law of any state or the federal government. The bill eliminates the second requalification requirement that four weeks must have elapsed before the terminating employee may again become eligible for benefits.

Termination of work; exemptions from requalification requirements

Under current law, an employee who voluntarily terminates his or her work with an employer is exempt from the requalification requirements ^{under} certain circumstances, including all of the following:

1. The employee was hired to work a particular shift and terminated his or her work because the employer required the employee to transfer his or her working hours to a shift occurring at a time that would result in a lack of child care for the employee's minor children.

2. The employee terminated his or her work to accept a recall to work for a former employer within 52 weeks after having last worked for that employer.

3. The employee maintained a temporary residence near the terminated work; the employee maintained a permanent residence in another locality; and the employee terminated the work and returned to his or her permanent residence because the work available to the employee had been reduced to less than 20 hours per week in at least two consecutive weeks.

4. The employee left or lost his or her work because the employee reached the employer's compulsory retirement age.

5. The employee terminated part-time work because a loss of other, full-time employment made it economically unfeasible for the employee to continue the part-time work.

6. The employee terminated his or her work with a labor organization if the termination caused the employee to lose seniority rights granted under a collective bargaining agreement and resulted in the loss of the employee's employment with the employer, which is a party to that collective bargaining agreement.

7. The employee terminated his or her work in a position serving as a part-time elected or appointed member of a governmental body or representative of employees; the employee was engaged in work for an employer other than the employer in which the employee served as the member or representative; and the employee was paid

that

wages in the terminated work constituting not more than 5 percent of the employee's base period wages for purposes of entitlement for benefits.

8. The employee terminated his or her work in one of two or more concurrently held positions, at least one of which was full-time work, if the employee terminated his or her work before receiving notice of termination from a full-time work position.

9. The employee, while serving as a member of the U.S. armed forces, was engaged concurrently in other work and terminated that work as a result of the employee's honorable discharge or discharge under honorable conditions from active duty as a member of the U.S. armed forces for a reason that would qualify the employee to receive unemployment compensation under federal law.

10. The employee owns or controls an ownership interest in a family corporation and the employee's employment was terminated because of an involuntary cessation of the business of the corporation under certain specified conditions.

The bill eliminates these ten exemptions from the requalification requirements for employees who voluntarily terminate employment.

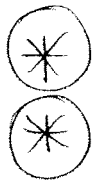
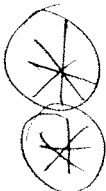
Under current law, subject to certain limitations, an employee who voluntarily terminates his or her work with an employer is exempt from the requalification requirements if: 1) the employee accepted work that was not suitable work under the UI law or work that the employee could have refused for specified reasons related to protecting labor standards, and 2) the employee terminated the work within ten weeks after starting the work. Under the bill, this exemption only applies if the employee terminated that work within 30 days after starting the work.

Under current law, an employee who voluntarily terminates his or her work with an employer is exempt from the requalification requirements if the employee's spouse changed his or her place of employment to a place to which it is impractical to commute and the employee terminated his or her work to accompany the spouse to that place. The bill narrows this exemption so that it only applies if the employee's spouse is an active duty member of the U.S. Armed Forces who was required by the U.S. Armed Forces to relocate.

Under current law, an employee who voluntarily terminates his or her work with an employer is exempt from the requalification requirements if the employee terminated work to accept other covered employment and earned wages in the subsequent employment equal to at least four times the employee's weekly benefit rate if the work: 1) offered average weekly wages at least equal to the average weekly wages that the employee earned in the terminated work; 2) offered the same or a greater number of hours of work than those performed in the work terminated; 3) offered the opportunity for significantly longer term work; or 4) offered the opportunity to accept a position for which the duties were primarily discharged at a location significantly closer to the employee than the the terminated work. An employee who voluntarily terminates his or her work with an employer is also exempt from the requalification requirements if the employee, while claiming benefits for partial unemployment, terminated work to accept other covered employment that offered an average weekly wage greater than the average weekly wage earned in the work terminated.

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The bill consolidates these two exemptions into one exemption, which applies only if the employee terminated work to accept covered employment that: 1) offered an average weekly wage greater than the average weekly wage earned in the work terminated; 2) offered a greater number of hours of work than those performed in the work terminated; or 3) offered the opportunity for significantly longer term work. The exemption as consolidated applies regardless of whether the employee is claiming benefits for partial unemployment or whether the employee earns a certain amount of wages in the subsequent work.

The bill does not affect any other exemptions from the requalification requirements.

Temporary help companies and work search

The bill provides that there is a rebuttable presumption that a claimant who is subject to the UI law's work search requirement has not conducted a reasonable search for suitable work in a given week if: 1) the claimant was last employed by a temporary help company, as defined under current law; 2) during that week, the individual did not contact the temporary help company for an assignment; and 3) the temporary help company submits a notice to the department reporting that the individual failed to so contact the temporary help company. The claimant may overcome the rebuttable presumption only by a showing that the claimant did in fact contact the temporary help company for an assignment or by showing that the claimant had good cause for failing to do so. The bill specifically provides that the claimant's contact of the temporary help company for a given week counts as one action toward the UI law's work search requirement for that week.

Extended training benefits

Currently, benefits may not be denied to an otherwise eligible claimant because the claimant is enrolled in a vocational training course or a basic education course that is a prerequisite to such training ("approved training") under certain conditions. Currently, a claimant may also qualify to receive benefits while participating in an extended training program under certain conditions, under such a program, if a claimant 1) has exhausted all other rights to benefits, 2) is currently enrolled in an approved training program and was so enrolled prior to the end of the claimant's benefit year (period during which benefits are payable) that qualified the claimant for benefits, 3) if not in a current benefit year, has a benefit year that ended no earlier than 52 weeks prior to the week for which the claimant first claims extended training benefits, and 4) is not receiving any similar stipends or other training allowances for nontraining costs, is entitled to extended training benefits of up to 26 times the same benefit rate that applied to the claimant during his or her most recent benefit year if the claimant is being trained for entry into a high-demand occupation. In addition, if the benefit year of such a claimant expires in a week in which extended or other additional federal or state benefits are payable generally, the claimant is also eligible for extended training benefits while enrolled in a training program if the claimant first enrolled in the program within 52 weeks after the end of the claimant's benefit year that qualified the claimant for benefits. This bill deletes extended training benefits.

Treatment of cafeteria plan amounts in benefit calculations

Currently, employers must report wages to DWD and these reports are used to determine the UI benefit eligibility and amounts of benefits payable to UI claimants. The wages reported do not include salary reduction amounts withheld from employees for cafeteria plan benefits (fringe benefits the value of which is excluded from gross income under the federal Internal Revenue Code). However, these amounts are included in the formula that is used to determine the benefit eligibility and amounts payable to claimants. DWD may require employers to report the amounts in their wage reports and employers must maintain records of these amounts.

This bill excludes salary reduction amounts for cafeteria plan benefits in calculating the wages that were paid to a claimant for purposes of determining the claimant's benefit eligibility and amounts. The bill also deletes reporting and record-keeping requirements for these amounts. The effect is to raise the threshold for benefit eligibility and to potentially decrease the amount of benefits that may become payable to certain claimants whose wages include deductions for these amounts.

Failure of claimants to provide requested information

Currently, DWD may require a claimant to answer questions relating to his or her UI benefit eligibility and to provide certain demographic information for auditing purposes. A claimant is not eligible to receive benefits for any week in which the claimant fails to comply with a request by DWD for information and for any subsequent week until the claimant provides the information or satisfies DWD that he or she has good cause for failure to provide the requested information. If a claimant later complies with a request or satisfies DWD that he or she has good cause for failure to comply, the claimant is eligible to receive benefits beginning with the week in which the failure occurred, if otherwise qualified. Under this bill, if a claimant later complies with a request, the claimant is not eligible to receive benefits until the claimant complies with the request *and* satisfies DWD that he or she has good cause for failure to comply with the request. The bill also provides that if a claimant later complies with a request and does not have good cause for his or her initial failure to comply with the request, the claimant is eligible only to receive benefits beginning with the week in which the claimant complies with the request, if otherwise qualified.

Claimant security credentials

This bill requires each claimant for UI benefits to create security credentials in order to engage in any transactions with DWD, including the filing of an initial or continued claim for benefits. The credentials may consist of a personal identification number, username, and password, or any other means prescribed by DWD. The bill provides that if a claimant's security credentials are used in any transaction with DWD, the individual using the credentials is presumed to be the claimant or the claimant's authorized agent. The presumption may be rebutted by a preponderance of evidence showing that the claimant who created the credentials or the claimant's authorized agent was not the person who used the credentials in a given transaction. The bill also provides that if a claimant uses an agent to engage in any transaction

with DWD using the claimant's security credentials, the claimant is responsible for the actions of the agent. In addition, the bill provides that if a claimant to whom security credentials or the claimant's authorized agent divulges the credentials to another person, or fails to take adequate measures to protect the credentials from being divulged to an unauthorized person, DWD is not obligated to pursue recovery of, and is not liable to the claimant for, benefits payable to the claimant that were erroneously paid to another person. Current law contains no similar provisions.

TAX CHANGES

Interest on delinquent payments

Currently, if an employer does not make a payment required under the UI law to DWD by the due date, the employer must pay interest on the amount owed equal to a variable rate determined by law from the date that the payment became due. Revenues from interest payments are used to administer the UI program. This bill permits DWD to waive or decrease the interest charged to an employer in limited circumstances as prescribed by rule of DWD.

Treatment of limited liability companies consisting of the same members

Currently, for purposes of the UI law, multiple limited liability companies (LLCs) that consist of the same members are treated as a single employer unless, subject to certain provisions, each of those LLCs files a written request with DWD to be treated as a separate employer and DWD approves the request. Under the bill, consistent with the Federal Unemployment Tax Act (FUTA), multiple LLCs that consist of the same members are always treated as separate employers, for purposes of the UI law.

OTHER CHANGES

Payment of interest on federal advances to reserve fund

Currently, if in any year the balance in the unemployment reserve fund is insufficient to make full payment of unemployment insurance benefits that become payable to claimants for that year, the Department of Workforce Development (DWD) secures an advance from the federal unemployment account to enable this state to make full payment of all benefits that become payable. Whenever the balance in the unemployment reserve fund is sufficient to repay the federal government for its advances and to continue to make payment of the benefits that become payable, DWD repays the federal government for its outstanding advances. Annually, the federal government assesses interest to this state on this state's outstanding advances that have not been repaid. Currently, if in any year DWD is unable to make full payment of the interest that becomes due from certain other limited sources, each employer must pay an assessment to the state unemployment interest payment fund in an amount specified by law sufficient to enable DWD to make full payment of the interest due for that year.

This bill appropriates a sum sufficient not exceeding \$30,000,000 from general purpose revenues to pay any interest that becomes due to the federal government prior to July 1, 2015, on outstanding advances made to the unemployment reserve fund. Under the bill, DWD must first use any available moneys from this appropriation to make payment of the interest due for any year. If the amount

appropriated, together with other available sources, is insufficient to make full payment of the interest that becomes due for any year, each employer must pay an assessment in the amount determined by DWD sufficient to cover the deficiency. If the moneys appropriated under the bill are not fully expended at the end of the 2013–15 fiscal biennium, the balance is retained in the general fund.

License revocations based on UI contribution delinquencies

Current law requires various state agencies and boards (licensing departments) that issue various licenses and other credentials (licenses) to revoke a license or deny an application for a license if the Department of Revenue (DOR) certifies that the license holder or applicant owes DOR delinquent taxes. Current law also allows the Wisconsin Supreme Court to decide whether to revoke or deny an application for a license to practice law if the license holder or applicant is certified by DOR to owe delinquent taxes. This bill creates similar provisions for license holders and applicants that DWD certifies are liable for delinquent UI contributions. UI contributions are taxes employers must pay to DWD for deposit with the federal government, and which are then used to pay the claims of claimants for UI benefits. The bill also includes within the definition of UI contributions other assessments, interest, fees, and penalties that have been imposed upon employers in connection with their UI contribution obligations. The provisions created in the bill apply only to delinquent UI contributions for which the employer has exhausted all legal rights to challenge the employer's liability.

Under the bill, each licensing department must enter into a memorandum of understanding with DWD. Under the memorandum, the licensing department must ask DWD to certify whether a license holder or applicant is liable for delinquent UI contributions. If DWD certifies to a licensing department that a license holder or applicant is liable for delinquent UI contributions, the licensing department must revoke the license or deny the application for a license. A licensing department must mail a notice of revocation or denial to the license holder or applicant, and the notice must inform the applicant or license holder of the right to a review of DWD's certification at a hearing conducted by DWD. The hearing is limited to questions of mistaken identity and prior payment of the delinquent UI contributions. Following the hearing, if DWD does not uphold its certification, DWD must issue the holder or applicant a nondelinquency certificate and the licensing department must reinstate the license or approve the application for a license without requiring any additional application, fee, or test, unless there are other grounds for denial or revocation. If DWD does uphold its certification, DWD must so inform the license holder or applicant and the licensing department. The license holder or applicant may seek judicial review of an adverse determination by DWD at the hearing by filing a petition for review in the Dane County circuit court and may appeal the court's decision. A license holder or applicant whose license has been revoked or denied because of delinquent UI contributions may also, after satisfying that debt, request DWD to issue a nondelinquency certificate, which the license holder or applicant may then present to have the license reinstated, unless there are other grounds for not reinstating the license or for denying the application.

The bill includes the following within the definition of licensing department: the Department of Administration; the Board of Commissioners of Public Lands; the Department of Children and Families; the Government Accountability Board; the Department of Financial Institutions; the Department of Health Services; the Department of Natural Resources; the Department of Public Instruction; the Department of Revenue; the Department of Safety and Professional Services; the Office of the Commissioner of Insurance; and the Department of Transportation. The bill applies to various licenses administered by the aforementioned licensing departments.

The bill allows DWD to deny an application for or revoke various licenses administered by DWD if the license holder or applicant is liable for delinquent UI contributions. Such a license holder or applicant has the same rights to review by DWD and to judicial review as do holders of or applicants for licenses administered by other licensing departments.

The bill also requests the Wisconsin Supreme Court to enter into a similar memorandum of understanding with DWD. If DWD determines that a licensed attorney or an applicant for a license to practice law is liable for delinquent UI contributions, DWD may send the attorney or applicant a notice of that determination. The attorney or applicant has the same rights to a hearing and judicial review as do other license holders or applicants. However, DWD may not send the supreme court a certification of UI contribution delinquency until the attorney or applicant has exercised or exhausted his or her full rights to judicial review. If the determination is upheld following the holder or applicant's exercise or exhaustion of rights to judicial review, DWD may then certify to the supreme court that the attorney or applicant is liable for delinquent UI contributions. The supreme court may then decide whether to suspend, revoke, or deny the attorney's or applicant's license to practice law.

Financial record matching program

Currently, the Departments of Children and Families, Revenue, and Health Services (departments) operate financial records matching programs whereby the departments, for various asset verification or determination purposes, match data possessed by the departments with the records of financial institutions. This bill establishes a similar financial records matching program with DWD to allow DWD to identify the assets of persons who are delinquent in paying debts related to the UI program (UI debtors).

Under the program, financial institutions doing business in this state must enter into agreements with DWD to participate in a financial institution matching option or a state matching option. DWD may pay such a financial institution up to \$125 per calendar quarter for participating.

Under the financial institution matching option, at least once every calendar quarter DWD sends information to the financial institution, including names, addresses, and social security numbers, about UI debtors. The financial institution determines whether any UI debtor has an ownership interest in an account at the financial institution and, if so, sends DWD information about the account, such as the type, number, and balance.

Under the state matching option, at least once every calendar quarter the financial institution sends DWD information about accounts maintained at the financial institution, including the name and social security number of each person having an ownership interest in each account. On the basis of that information, DWD determines whether any UI debtor has an ownership interest in an account at the financial institution and, if so, may request further information from the financial institution, including the person's address of record and the account balance.

The bill prohibits DWD from disclosing or retaining information concerning account holders who are not UI debtors; prohibits employees, agents, officers, and directors of financial institutions from disclosing or retaining information concerning UI debtors; and prohibits both DWD and financial institutions from using any information received under the program for any purpose not related to the program. The bill provides penalties for any employee, agent, officer, or director of a financial institution who violates any of the prohibitions. The bill also provides that a financial institution is not liable for disclosing financial information, or for taking any other action, in compliance with the program.

Tardy filing fees

Currently, each employer must file a quarterly report with DWD identifying the name of and wages paid to each employee who is employed by the employer in employment covered by the UI law during the most recent calendar quarter. With limited exceptions, if an employer is delinquent in filing the report, the employer must pay a tardy filing fee of \$50. Revenue from tardy filing fees is used for various purposes to support the UI program. This bill increases the tardy filing fee to \$100 or \$20 per employee, whichever is greater, but provides that if the employer files the report within 30 days of its due date, the fee remains at \$50.

Work search audits of claimants

The bill requires DWD to conduct random audits on claimants for regular UI benefits to assess compliance with the UI law's work search requirement. The bill requires DWD to include in its annual fraud report that is presented to the Council on Unemployment Insurance information about these audits and the number of audits conducted in the previous year.

and the results of those audits ✓

Online portal for filing complaints

The bill requires DWD to maintain a portal on the Internet that allows employers to log in and file complaints with DWD related to the administration of the UI law.

including ✓

Fraud investigation positions

The bill authorizes the creation of three GPR-funded positions in DWD for the investigation of UI fraud and appropriates the necessary moneys to fund the positions.

Social security numbers maintained by DOT

Under current law, an individual who applies to the Department of Transportation (DOT) for vehicle title, for a motor vehicle operator's license or an identification card, or for registration as a motor vehicle dealer must, with limited

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exceptions, state his or her social security number on the application. DOT is generally required to maintain the confidentiality of these social security numbers but may disclose these social security numbers in limited circumstances, including to the Department of Children and Families and DOR for specified purposes.

This bill allows these social security numbers to also be disclosed to DWD for the sole purpose of enforcing or administering DWD's collection responsibilities related to UI.

UI handbook for employers

The bill requires DWD to create and keep up-to-date a handbook for employers for the purpose of informing employers who are subject to the UI law about the provisions and requirements of the UI law. The handbook must include all of the following: 1) information about the function and purpose of UI; 2) a description of the rights and responsibilities of employers under the UI law, including the rights and responsibilities associated with hearings to establish eligibility for benefits under the law; 3) a description of the circumstances under which claimants are eligible and ineligible for UI benefits under the UI law; and 4) disclaimers explaining that the contents of the handbook may not be relied upon as legally enforceable and that adherence to the contents does not guarantee a particular result for a decision on a UI matter. DWD must make the handbook available on the Internet and must, for a fee, distribute printed copies of the handbook to employers who so request.

Electronic database of decisions

The bill requires DWD to maintain a searchable, electronic database of significant decisions made by appeal tribunals (commonly known as administrative law judges) and by the labor and industry review commission on UI matters for the use of the attorneys employed by DWD.

Due date for successorship applications

Currently, with certain exceptions, if a business is transferred from one employer to another employer, the transferee may, under certain conditions, request that DWD treat it as a successor for purposes of UI experience, including contribution (tax) and benefit liability. A successorship application must be received by DWD on or before the contribution payment due date for the first full quarter following the date of the transfer. This bill permits DWD to accept an application not more than 90 days after its due date if the transferee satisfies DWD that its application was late as a result of excusable neglect.

Standard affidavit form

This bill directs DWD to prescribe a standard affidavit form that may be used by parties to UI administrative appeals. Use of the form by a party does not eliminate the right of an opposing party to cross examine the affiant concerning the facts asserted in the affidavit.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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Analysis

by rule

and to make the form available to employers and claimants

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.** 13.63 (1) (b) of the statutes is amended to read:

2 13.63 (1) (b) Except as provided under par. (am), the board shall not issue a
3 license to an applicant who does not provide his or her social security number. The
4 board shall not issue a license to an applicant or shall revoke any license issued to
5 a lobbyist if the department of revenue certifies to the board that the applicant or
6 lobbyist is liable for delinquent taxes under s. 73.0301 or if the department of
7 workforce development certifies to the board that the applicant or lobbyist is liable
8 for delinquent unemployment insurance contributions under s. 108.227. The board
9 shall refuse to issue a license or shall suspend any existing license for failure of an
10 applicant or licensee to pay court-ordered payments of child or family support,
11 maintenance, birth expenses, medical expenses or other expenses related to the
12 support of a child or former spouse or failure of an applicant or licensee to comply,
13 after appropriate notice, with a subpoena or warrant issued by the department of
14 children and families or a county child support agency under s. 59.53 (5) and related
15 to paternity or child support proceedings, as provided in a memorandum of
16 understanding entered into under s. 49.857. No application may be disapproved by
17 the board except an application for a license by a person who is ineligible for licensure
18 under this subsection or s. 13.69 (4) or an application by a lobbyist whose license has
19 been revoked under this subsection or s. 13.69 (7) and only for the period of such
20 ineligibility or revocation.

21 **SECTION 2.** 13.63 (1) (c) of the statutes is amended to read:

1 13.63 (1) (c) Denial of a license on the basis of a certification by the department
 2 of revenue or the department of workforce development may be reviewed under s.
 3 73.0301 or 108.227, whichever is applicable. Except with respect to a license that is
 4 denied or suspended pursuant to a memorandum of understanding entered into
 5 under s. 49.857, denial or suspension of any other license may be reviewed under ch.
 6 227.

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SECTION 3. 19.55 (2) (d) of the statutes is amended to read:

19.55 (2) (d) Records of the social security number of any individual who files
 an application for licensure as a lobbyist under s. 13.63 or who registers as a principal
 under s. 13.64, except to the department of children and families for purposes of
 administration of s. 49.22 ~~or~~, to the department of revenue for purposes of
 administration of s. 73.0301, and to the department of workforce development for
purposes of administration of s. 108.227.

SECTION 4. 20.445 (1) (fx) of the statutes is created to read:

20.445 (1) (fx) *Interest on federal advances.* A sum sufficient, not exceeding
 \$30,000,000, to pay interest on advances made by the federal government to the
 unemployment reserve fund under s. 108.19 (1m).

SECTION 5. 20.445 (1) (fx) of the statutes, as created by 2013 Wisconsin Act
 (this act), is repealed.

SECTION 6. 20.445 (1) (gm) of the statutes is created to read:

20.445 (1) (gm) *Unemployment insurance handbook.* All moneys received
 under s. 108.14 (23) (d) for the costs of printing and distribution of the unemployment
 insurance handbook, to pay for those costs.

SECTION 7. 29.024 (2r) (title) of the statutes is amended to read:

1 29.024 (2r) (title) DENIAL AND REVOCATION OF APPROVALS BASED ON TAX
2 ~~DELINQUENCY DELINQUENT TAXES OR UNEMPLOYMENT INSURANCE CONTRIBUTIONS.~~

3 **SECTION 8.** 29.024 (2r) (c) of the statutes is amended to read:

4 29.024 (2r) (c) *Disclosure of numbers.* The department of natural resources
5 may not disclose any information received under par. (a) to any person except to the
6 department of revenue for the sole purpose of making certifications required under
7 s. 73.0301 and to the department of workforce development for the sole purpose of
8 making certifications required under s. 108.227.

9 **SECTION 9.** 29.024 (2r) (d) 1. of the statutes is amended to read:

10 29.024 (2r) (d) 1. Except as provided in subd. 2., the department shall deny an
11 application to issue or renew, or revoke if already issued, an approval specified in par.
12 (a) if the applicant for or the holder of the approval fails to provide the information
13 required under par. (a) ~~or~~, if the department of revenue certifies that the applicant
14 or approval holder is liable for delinquent taxes under s. 73.0301, or if the
15 department of workforce development certifies that the applicant or approval holder
16 is liable for delinquent unemployment insurance contributions under s. 108.227.

17 **SECTION 10.** 48.66 (2m) (c) of the statutes is amended to read:

18 48.66 (2m) (c) The subunit of the department that obtains a social security
19 number or a federal employer identification number under par. (a) 1. may not
20 disclose that information to any person except to the department of revenue for the
21 sole purpose of requesting certifications under s. 73.0301 and to the department of
22 workforce development for the sole purpose of requesting certifications under s.
23 108.227 or on the request of the subunit of the department that administers the child
24 and spousal support program under s. 49.22 (2m).

25 **SECTION 11.** 48.715 (7) of the statutes is amended to read:

1 48.715 (7) The department shall deny an application for the issuance or
2 continuation of a license under s. 48.66 (1) (a) or a probationary license under s. 48.69
3 to operate a child welfare agency, group home, shelter care facility, or child care
4 center, or revoke such a license already issued, if the department of revenue certifies
5 under s. 73.0301 that the applicant or licensee is liable for delinquent taxes or if the
6 department of workforce development certifies under s. 108.227 that the applicant
7 or licensee is liable for delinquent unemployment insurance contributions. An action
8 taken under this subsection is subject to review only as provided under s. 73.0301 (5)
9 or 108.227 (5) and not as provided in s. 48.72.

10 **SECTION 12.** 50.498 (title) of the statutes is amended to read:

11 **50.498** (title) **Denial, nonrenewal and revocation of license,**
12 **certification or registration based on tax ~~delinquency~~ delinquent taxes or**
13 **unemployment insurance contributions.**

14 **SECTION 13.** 50.498 (2) of the statutes is amended to read:

15 50.498 (2) The department may not disclose any information received under
16 sub. (1) to any person except to the department of revenue for the sole purpose of
17 requesting certifications under s. 73.0301 and to the department of workforce
18 development for the sole purpose of requesting certifications under s. 108.227.

19 **SECTION 14.** 50.498 (4) of the statutes is renumbered 50.498 (4) (a).

20 **SECTION 15.** 50.498 (4) (b) of the statutes is created to read:

21 50.498 (4) (b) The department shall deny an application for the issuance of a
22 certificate of approval, license or provisional license specified in sub. (1) or shall
23 revoke a certificate of approval, license or provisional license specified in sub. (1), if
24 the department of workforce development certifies under s. 108.227 that the

SECTION 15

1 applicant for or holder of the certificate of approval, license or provisional license is
2 liable for delinquent unemployment insurance contributions.

3 **SECTION 16.** 50.498 (5) of the statutes is amended to read:

4 50.498 (5) An action taken under sub. (3) or (4) is subject to review only as
5 provided under s. 73.0301 (2) (b) and (5) or s. 108.227 (5) and (6), whichever is
6 applicable.

7 **SECTION 17.** 51.032 (title) of the statutes is amended to read:

8 **51.032 (title) Denial and revocations of certification or approval based**
9 **on ~~tax delinquency~~ delinquent taxes or unemployment insurance**
10 **contributions.**

11 **SECTION 18.** 51.032 (2) of the statutes is amended to read:

12 51.032 (2) The department may not disclose any information received under
13 sub. (1) to any person except to the department of revenue for the sole purpose of
14 requesting certifications under s. 73.0301 and to the department of workforce
15 development for the sole purpose of requesting certifications under s. 108.227.

16 **SECTION 19.** 51.032 (4) of the statutes is amended to read:

17 51.032 (4) The department shall deny an application for the issuance of a
18 certification or approval specified in sub. (1) or shall revoke a certification or
19 approval specified in sub. (1) if the department of revenue certifies under s. 73.0301
20 that the applicant for or holder of a certification or approval is liable for delinquent
21 taxes or if the department of workforce development certifies under s. 108.227 that
22 the applicant for or holder of a certification or approval is liable for delinquent
23 unemployment insurance contributions.

24 **SECTION 20.** 51.032 (5) of the statutes is amended to read:

1 51.032 (5) An action taken under sub. (3) or (4) is subject to review only as
2 provided under s. 73.0301 (2) (b) and (5) or s. 108.227 (5) and (6), whichever is
3 applicable.

4 **SECTION 21.** 71.78 (4) (o) of the statutes is amended to read:

5 71.78 (4) (o) A licensing department or the supreme court, if the supreme court
6 agrees, for the purpose of denial, nonrenewal, discontinuation and revocation of a
7 license based on tax delinquency under s. 73.0301 or unemployment insurance
8 contribution delinquency under s. 108.227.

9 **SECTION 22.** 73.0301 (2) (c) 2. of the statutes is amended to read:

10 73.0301 (2) (c) 2. A licensing department may not disclose any information
11 received under subd. 1. a. or b. to any person except to the department of revenue for
12 the purpose of requesting certifications under par. (b) (a) 1. or 2. in accordance with
13 the memorandum of understanding under sub. (4) and administering state taxes or,
14 to the department of workforce development for the purpose of requesting
15 certifications under s. 108.227 (2) (a) 1. or 2. in accordance with the memorandum
16 of understanding under s. 108.227 (4) and administering the unemployment
17 insurance program, and to the department of children and families for the purpose
18 of administering s. 49.22.

19 **SECTION 23.** 73.0302 (title) of the statutes is amended to read:

20 **73.0302** (title) **Liability for delinquent taxes or unemployment**
21 **insurance contributions.**

22 **SECTION 24.** 73.0302 (5) of the statutes is created to read:

23 73.0302 (5) If the department of workforce development certifies under s.
24 108.227 that an applicant for certification or recertification under s. 73.03 (50) or a
25 person who holds a certificate issued under s. 73.03 (50) is liable for delinquent

1 unemployment insurance contributions, the department of revenue shall deny the
2 application or revoke the certificate. A person subject to a denial or revocation under
3 this subsection for delinquent unemployment insurance contributions is entitled to
4 a notice under s. 108.227 (2) (b) 1. b. and hearing under s. 108.227 (5) (a) but is not
5 entitled to any other notice or hearing under this chapter.

6 **SECTION 25.** 73.0302 (6) of the statutes is created to read:

7 73.0302 (6) The department of revenue may disclose a social security number
8 obtained under s. 73.03 (50) (c) to the department of workforce development for the
9 purpose of requesting certifications under s. 108.227.

10 **SECTION 26.** 73.09 (6m) of the statutes is amended to read:

11 73.09 (6m) SOCIAL SECURITY NUMBERS. Each applicant for certification or
12 recertification under this section shall provide the applicant's social security number
13 on the application. The department of revenue may not disclose a social security
14 number that it obtains under this subsection, except to the department of workforce
15 development for the purpose of requesting certifications under s. 108.227. The
16 department of revenue may not certify or recertify any person who fails to provide
17 his or her social security number on his or her application.

18 **SECTION 27.** 73.09 (8) of the statutes is created to read:

19 73.09 (8) LIABILITY FOR DELINQUENT UNEMPLOYMENT INSURANCE CONTRIBUTIONS.
20 If the department of workforce development certifies under s. 108.227 that an
21 applicant for certification or recertification under this section is liable for delinquent
22 unemployment insurance contributions, the department of revenue shall deny the
23 application for certification or recertification or revoke the certificate. A person
24 subject to a denial or revocation under this subsection for delinquent unemployment
25 insurance contributions is entitled to a notice under s. 108.227 (2) (b) 1. b. and

1 hearing under s. 108.227 (5) (a) but is not entitled to any other notice or hearing
2 under this chapter.

3 **SECTION 28.** 101.02 (20) (b) of the statutes is amended to read:

4 101.02 (20) (b) Except as provided in par. (e), the department of safety and
5 professional services may not issue or renew a license unless each applicant who is
6 an individual provides the department of safety and professional services with his
7 or her social security number and each applicant that is not an individual provides
8 the department of safety and professional services with its federal employer
9 identification number. The department of safety and professional services may not
10 disclose the social security number or the federal employer identification number of
11 an applicant for a license or license renewal except to the department of revenue for
12 the sole purpose of requesting certifications under s. 73.0301 and to the department
13 of workforce development for the sole purpose of requesting certifications under s.
14 108.227.

15 **SECTION 29.** 101.02 (20) (c) of the statutes is amended to read:

16 101.02 (20) (c) The department of safety and professional services may not
17 issue or renew a license if the department of revenue certifies under s. 73.0301 that
18 the applicant or licensee is liable for delinquent taxes or if the department of
19 workforce development certifies under s. 108.227 that the applicant or licensee is
20 liable for delinquent unemployment insurance contributions.

21 **SECTION 30.** 101.02 (20) (d) of the statutes is amended to read:

22 101.02 (20) (d) The department of safety and professional services shall revoke
23 a license if the department of revenue certifies under s. 73.0301 that the licensee is
24 liable for delinquent taxes or if the department of workforce development certifies

1 under s. 108.227 that the licensee is liable for delinquent unemployment insurance
2 contributions.

3 **SECTION 31.** 102.17 (1) (c) of the statutes is amended to read:

4 102.17 (1) (c) Any party shall have the right to be present at any hearing, in
5 person or by attorney or any other agent, and to present such testimony as may be
6 pertinent to the controversy before the department. No person, firm, or corporation,
7 other than an attorney at law who is licensed to practice law in the state, may appear
8 on behalf of any party in interest before the department or any member or employee
9 of the department assigned to conduct any hearing, investigation, or inquiry relative
10 to a claim for compensation or benefits under this chapter, unless the person is 18
11 years of age or older, does not have an arrest or conviction record, subject to ss.
12 111.321, 111.322 and 111.335, is otherwise qualified, and has obtained from the
13 department a license with authorization to appear in matters or proceedings before
14 the department. Except as provided under pars. (cm) ~~and~~, (cr), and (ct), the license
15 shall be issued by the department under rules promulgated by the department. The
16 department shall maintain in its office a current list of persons to whom licenses have
17 been issued. Any license may be suspended or revoked by the department for fraud
18 or serious misconduct on the part of an agent, any license may be denied, suspended,
19 nonrenewed, or otherwise withheld by the department for failure to pay
20 court-ordered payments as provided in par. (cm) on the part of an agent, and any
21 license may be denied or revoked if the department of revenue certifies under s.
22 73.0301 that the applicant or licensee is liable for delinquent taxes or if the
23 department determines under par. (ct) that the applicant or licensee is liable for
24 delinquent contributions. Before suspending or revoking the license of the agent on
25 the grounds of fraud or misconduct, the department shall give notice in writing to the

1 agent of the charges of fraud or misconduct and shall give the agent full opportunity
2 to be heard in relation to those charges. In denying, suspending, restricting, refusing
3 to renew, or otherwise withholding a license for failure to pay court-ordered
4 payments as provided in par. (cm), the department shall follow the procedure
5 provided in a memorandum of understanding entered into under s. 49.857. The
6 license and certificate of authority shall, unless otherwise suspended or revoked, be
7 in force from the date of issuance until the June 30 following the date of issuance and
8 may be renewed by the department from time to time, but each renewed license shall
9 expire on the June 30 following the issuance of the renewed license.

10 **SECTION 32.** 102.17 (1) (ct) of the statutes is created to read:

11 102.17 (1) (ct) 1. The department may deny an application for the issuance or
12 renewal of a license under par. (c), or revoke such a license already issued, if the
13 department determines that the applicant or licensee is liable for delinquent
14 contributions, as defined in s. 108.227 (1) (d). Notwithstanding par. (c), an action
15 taken under this subdivision is subject to review only as provided under s. 108.227
16 (5) and not as provided in ch. 227.

17 2. If the department denies an application or revokes a license under subd. 1.,
18 the department shall mail a notice of denial or revocation to the applicant or license
19 holder. The notice shall include a statement of the facts that warrant the denial or
20 revocation and a statement that the applicant or license holder may, within 30 days
21 after the date on which the notice of denial or revocation is mailed, file a written
22 request with the department to have the determination that the applicant or license
23 holder is liable for delinquent contributions reviewed at a hearing under s. 108.227
24 (5) (a).

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1 3. If, after a hearing under s. 108.227 (5) (a), the department affirms a
2 determination under subd. 1. that an applicant or license holder is liable for
3 delinquent contributions, the department shall affirm its denial or revocation. An
4 applicant or license holder may seek judicial review under s. 108.227 (6) of an
5 affirmation by the department of a denial or revocation under this subdivision.

6 4. If, after a hearing under s. 108.227 (5) (a), the department determines that
7 a person whose license is revoked or whose application is denied under subd. 1. is not
8 liable for delinquent contributions, as defined in s. 108.227 (1) (d), the department
9 shall reinstate the license or approve the application, unless there are other grounds
10 for revocation or denial. The department may not charge a fee for reinstatement of
11 a license under this subdivision.

12 **SECTION 33.** 103.005 (10) of the statutes is amended to read:

13 103.005 (10) Except as provided in ss. 103.06 (5) (d), 103.275 (2) (bm) ~~and~~, (br),
14 and (bt), 103.34 (10) (b) ~~and~~, (c), and (d), 103.91 (4) (b) ~~and~~, (c), and (d), 103.92 (6) ~~and~~,
15 (7), and (8), 104.07 (5) ~~and~~, (6), and (7), and 105.13 (2) ~~and~~, (3), and (4), orders of the
16 department under chs. 103 to 106 shall be subject to review in the manner provided
17 in ch. 227.

18 **SECTION 34.** 103.275 (2) (b) (intro.) of the statutes is amended to read:

19 103.275 (2) (b) (intro.) Except as provided under pars. (bm) ~~and~~, (br), and (bt),
20 upon receipt of a properly completed application, the department shall issue a
21 house-to-house employer certificate if all of the following apply:

22 **SECTION 35.** 103.275 (2) (bt) of the statutes is created to read:

23 103.275 (2) (bt) 1. The department may deny an application for the issuance
24 or renewal of a house-to-house employer certificate, or revoke such a certificate
25 already issued, if the department determines that the applicant or house-to-house

1 employer is liable for delinquent contributions, as defined in s. 108.227 (1) (d).
2 Notwithstanding sub. (7) and s. 103.005 (10), an action taken under this subdivision
3 is subject to review only as provided under s. 108.227 (5) and not as provided in sub.
4 (7) and ch. 227.

5 2. If the department denies an application or revokes a certificate under subd.
6 1., the department shall mail a notice of denial or revocation to the applicant or
7 house-to-house employer. The notice shall include a statement of the facts that
8 warrant the denial or revocation and a statement that the applicant or
9 house-to-house employer may, within 30 days after the date on which the notice of
10 denial or revocation is mailed, file a written request with the department to have the
11 determination that the applicant or house-to-house employer is liable for
12 delinquent contributions reviewed at a hearing under s. 108.227 (5) (a).

13 3. If, after a hearing under s. 108.227 (5) (a), the department affirms a
14 determination under subd. 1. that an applicant or house-to-house employer is liable
15 for delinquent contributions, the department shall affirm its denial or revocation.
16 An applicant or house-to-house employer may seek judicial review under s. 108.227
17 (6) of an affirmation by the department of a denial or revocation under this
18 subdivision.

19 4. If, after a hearing under s. 108.227 (5) (a), the department determines that
20 a person whose certificate is revoked or whose application is denied under subd. 1.
21 is not liable for delinquent contributions, as defined in s. 108.227 (1) (d), the
22 department shall reinstate the certificate or approve the application, unless there
23 are other grounds for revocation or denial. The department may not charge a fee for
24 reinstatement of a certificate under this subdivision.

25 **SECTION 36.** 103.275 (7) (b) of the statutes is amended to read:

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1 103.275 (7) (b) Except as provided in sub. (2) (bm) ~~and, (br), and (bt)~~, after
2 providing at least 10 days' notice to a house-to-house employer, the department may,
3 on its own or upon a written and signed complaint, suspend the house-to-house
4 employer's certificate. The department shall serve a copy of the complaint with
5 notice of a suspension of the certificate on the person complained against, and the
6 person shall file an answer to the complaint with the department and the
7 complainant within 10 days after service. After receiving the answer, the
8 department shall set the matter for hearing as promptly as possible and within 30
9 days after the date of filing the complaint. Either party may appear at the hearing
10 in person or by attorney or agent. The department shall make its findings and
11 determination concerning the suspension within 90 days after the date that the
12 hearing is concluded and send a copy to each interested party.

13 **SECTION 37.** 103.275 (7) (c) of the statutes is amended to read:

14 103.275 (7) (c) Except as provided in sub. (2) (bm) ~~and, (br), and (bt)~~, the
15 department may revoke a certificate issued under sub. (2) after holding a public
16 hearing at a place designated by the department. At least 10 days prior to the
17 revocation hearing, the department shall send written notice of the time and place
18 of the revocation hearing to the person holding the certificate and to the person's
19 attorney or agent of record by mailing the notice to their last-known address. The
20 testimony presented and proceedings at the revocation hearing shall be recorded and
21 preserved as the records of the department. The department shall, as soon after the
22 hearing as possible, make its findings and determination concerning revocation and
23 send a copy to each interested party.

24 **SECTION 38.** 103.34 (3) (c) of the statutes is amended to read:

1 103.34 (3) (c) Subject to par. (d) and sub. (10) (b) ~~and, (c), and (d)~~, after
2 completing the investigation under par. (b), the department shall issue a certificate
3 of registration to the applicant if the department determines that the applicant
4 meets the minimum requirements under this section and rules promulgated under
5 sub. (13) for issuance of a certificate of registration and is satisfied that the applicant
6 will comply with this section and those rules.

7 **SECTION 39.** 103.34 (10) (title) of the statutes is amended to read:

8 103.34 (10) (title) CHILD SUPPORT; DELINQUENT TAXES OR UNEMPLOYMENT
9 INSURANCE CONTRIBUTIONS.

10 **SECTION 40.** 103.34 (10) (d) of the statutes is created to read:

11 103.34 (10) (d) 1. The department may deny an application for the issuance or
12 renewal of a certificate of registration, or revoke a certificate of registration already
13 issued, if the department determines that the applicant or registrant is liable for
14 delinquent contributions, as defined in s. 108.227 (1) (d). Notwithstanding s. 103.005
15 (10), an action taken under this subdivision is subject to review only as provided
16 under s. 108.227 (5) and not as provided in ch. 227.

17 2. If the department denies an application or revokes a certificate of
18 registration under subd. 1., the department shall mail a notice of denial or revocation
19 to the applicant or registrant. The notice shall include a statement of the facts that
20 warrant the denial or revocation and a statement that the applicant or registrant
21 may, within 30 days after the date on which the notice of denial or revocation is
22 mailed, file a written request with the department to have the determination that
23 the applicant or registrant is liable for delinquent contributions reviewed at a
24 hearing under s. 108.227 (5) (a).

1 3. If, after a hearing under s. 108.227 (5) (a), the department affirms a
2 determination under subd. 1. that an applicant or registrant is liable for delinquent
3 contributions, the department shall affirm its denial or revocation. An applicant or
4 registrant may seek judicial review under s. 108.227 (6) of an affirmation by the
5 department of a denial or revocation under this subdivision.

6 4. If, after a hearing under s. 108.227 (5) (a), the department determines that
7 a person whose certificate of registration is revoked or whose application is denied
8 under subd. 1. is not liable for delinquent contributions, as defined in s. 108.227 (1)
9 (d), the department shall reinstate the certificate of registration or approve the
10 application, unless there are other grounds for revocation or denial. The department
11 may not charge a fee for reinstatement of a certificate under this subdivision.

12 **SECTION 41.** 103.91 (4) (d) of the statutes is created to read:

13 103.91 (4) (d) 1. The department may deny an application for the issuance or
14 renewal of a certificate of registration under sub. (1), or revoke such a certificate
15 already issued, if the department determines that the applicant or registrant is
16 liable for delinquent contributions, as defined in s. 108.227 (1) (d). Notwithstanding
17 s. 103.005 (10), an action taken under this subdivision is subject to review only as
18 provided under s. 108.227 (5) and not as provided in ch. 227.

19 2. If the department denies an application or revokes a certificate of
20 registration under subd. 1., the department shall mail a notice of denial or revocation
21 to the applicant or registrant. The notice shall include a statement of the facts that
22 warrant the denial or revocation and a statement that the applicant or registrant
23 may, within 30 days after the date on which the notice of denial or revocation is
24 mailed, file a written request with the department to have the determination that

1 the applicant or registrant is liable for delinquent contributions reviewed at a
2 hearing under s. 108.227 (5) (a).

3 3. If, after a hearing under s. 108.227 (5) (a), the department affirms a
4 determination under subd. 1. that an applicant or registrant is liable for delinquent
5 contributions, the department shall affirm its denial or revocation. An applicant or
6 registrant may seek judicial review under s. 108.227 (6) of an affirmation by the
7 department of a denial or revocation under this subdivision.

8 4. If, after a hearing under s. 108.227 (5) (a), the department determines that
9 a person whose certificate is revoked or whose application is denied under subd. 1.
10 is not liable for delinquent contributions, as defined in s. 108.227 (1) (d), the
11 department shall reinstate the certificate or approve the application, unless there
12 are other grounds for revocation or denial. The department may not charge a fee for
13 reinstatement of a certificate under this subdivision.

14 **SECTION 42.** 103.92 (3) of the statutes is amended to read:

15 103.92 (3) CERTIFICATE. The department shall inspect each camp for which
16 application to operate is made, to determine if it is in compliance with the rules of
17 the department establishing minimum standards for migrant labor camps. Except
18 as provided under subs. (6) ~~and, (7), and (8)~~, if the department finds that the camp
19 is in compliance with the rules, it shall issue a certificate authorizing the camp to
20 operate until March 31 of the next year. The department shall refuse to issue a
21 certificate if it finds that the camp is in violation of such rules, if the person
22 maintaining the camp has failed to pay court-ordered payments as provided in sub.
23 (6) or if the person maintaining the camp is liable for delinquent taxes as provided
24 in sub. (7) or delinquent unemployment insurance contributions as provided in sub.
25 (8).

1 **SECTION 43.** 103.92 (8) of the statutes is created to read:

2 **103.92 (8) LIABILITY FOR DELINQUENT UNEMPLOYMENT INSURANCE CONTRIBUTIONS.**

3 (a) The department may deny an application for the issuance or renewal of a
4 certificate to operate a migrant labor camp, or revoke such a certificate already
5 issued, if the department determines that the applicant or person operating the
6 camp is liable for delinquent contributions, as defined in s. 108.227 (1) (d).
7 Notwithstanding s. 103.005 (10), an action taken under this paragraph is subject to
8 review only as provided under s. 108.227 (5) and not as provided in ch. 227.

9 (b) If the department denies an application or revokes a certificate under par.

10 (a), the department shall mail a notice of denial or revocation to the applicant or
11 person operating the camp. The notice shall include a statement of the facts that
12 warrant the denial or revocation and a statement that the applicant or person
13 operating the camp may, within 30 days after the date on which the notice of denial
14 or revocation is mailed, file a written request with the department to have the
15 determination that the applicant or person operating the camp is liable for
16 delinquent contributions reviewed at a hearing under s. 108.227 (5) (a).

17 (c) If, after a hearing under s. 108.227 (5) (a), the department affirms a
18 determination under par. (a) that an applicant or person operating a camp is liable
19 for delinquent contributions, the department shall affirm its denial or revocation.
20 An applicant or person operating a camp may seek judicial review under s. 108.227
21 (6) of an affirmation by the department of a denial or revocation under this
22 paragraph.

23 (d) If, after a hearing under s. 108.227 (5) (a), the department determines that
24 a person whose certificate is revoked or whose application is denied under par. (a) is
25 not liable for delinquent contributions, as defined in s. 108.227 (1) (d), the

1 department shall reinstate the certificate or approve the application, unless there
2 are other grounds for revocation or denial. The department may not charge a fee for
3 reinstatement of a certificate under this paragraph.

4 **SECTION 44.** 104.07 (1) and (2) of the statutes are amended to read:

5 104.07 (1) The department shall make rules, and, except as provided under
6 subs. (5) ~~and, (6), and (7)~~, grant licenses to any employer who employs any employee
7 who is unable to earn the living wage determined by the department, permitting the
8 employee to work for a wage that is commensurate with the employee's ability. Each
9 license so granted shall establish a wage for the licensee.

10 (2) The department shall make rules, and, except as provided under subs. (5)
11 ~~and, (6), and (7)~~, grant licenses to sheltered workshops, to permit the employment
12 of workers with disabilities who are unable to earn the living wage at a wage that
13 is commensurate with their ability and productivity. A license granted to a sheltered
14 workshop under this subsection may be issued for the entire workshop or a
15 department of the workshop.

16 **SECTION 45.** 104.07 (7) of the statutes is created to read:

17 104.07 (7) (a) The department may deny an application for the issuance or
18 renewal of a license under sub. (1) or (2), or revoke such a license already issued, if
19 the department determines that the applicant or licensee is liable for delinquent
20 contributions, as defined in s. 108.227 (1) (d). Notwithstanding s. 103.005 (10), an
21 action taken under this paragraph is subject to review only as provided under s.
22 108.227 (5) and not as provided in ch. 227.

23 (b) If the department denies an application or revokes a license under par. (a),
24 the department shall mail a notice of denial or revocation to the applicant or licensee.
25 The notice shall include a statement of the facts that warrant the denial or revocation

1 and a statement that the applicant or licensee may, within 30 days after the date on
2 which the notice of denial or revocation is mailed, file a written request with the
3 department to have the determination that the applicant or licensee is liable for
4 delinquent contributions reviewed at a hearing under s. 108.227 (5) (a).

5 (c) If, after a hearing under s. 108.227 (5) (a), the department affirms a
6 determination under par. (a) that an applicant or licensee is liable for delinquent
7 contributions, the department shall affirm its denial or revocation. An applicant or
8 licensee may seek judicial review under s. 108.227 (6) of an affirmation by the
9 department of a denial or revocation under this paragraph.

10 (d) If, after a hearing under s. 108.227 (5) (a), the department determines that
11 a person whose license is revoked or whose application is denied under par. (a) is not
12 liable for delinquent contributions, as defined in s. 108.227 (1) (d), the department
13 shall reinstate the license or approve the application, unless there are other grounds
14 for revocation or denial. The department may not charge a fee for reinstatement of
15 a license under this paragraph.

16 **SECTION 46.** 105.13 (1) of the statutes is amended to read:

17 105.13 (1) The department may issue licenses to employment agents, and
18 refuse to issue a license whenever, after investigation, the department finds that the
19 character of the applicant makes the applicant unfit to be an employment agent, that
20 the applicant has failed to pay court-ordered payments as provided in sub. (2) ~~or~~, that
21 the applicant is liable for delinquent taxes as provided in sub. (3), or that the
22 applicant is liable for delinquent unemployment insurance contributions as
23 provided in sub. (4), or when the premises for conducting the business of an
24 employment agent is found upon investigation to be unfit for such use. Any license
25 granted by the department may be suspended or revoked by it upon notice to the

1 licensee and good cause. Failure to comply with this chapter and rules promulgated
2 thereunder, or with any lawful orders of the department, is cause to suspend or
3 revoke a license. Failure to pay court-ordered payments as provided in sub. (2) is
4 cause to deny, suspend, restrict, refuse to renew or otherwise withhold a license.
5 Liability for delinquent taxes as provided in sub. (3) or delinquent unemployment
6 insurance contributions as provided in sub. (4) is cause to deny or revoke a license.

7 **SECTION 47.** 105.13 (4) of the statutes is created to read:

8 105.13 (4) (a) The department may deny an application for the issuance or
9 renewal of an employment agent's license, or revoke such a license already issued,
10 if the department determines that the applicant or licensee is liable for delinquent
11 contributions, as defined in s. 108.227 (1) (d). Notwithstanding s. 103.005 (10), an
12 action taken under this paragraph is subject to review only as provided under s.
13 108.227 (5) and not as provided in ch. 227.

14 (b) If the department denies an application or revokes a license under par. (a),
15 the department shall mail a notice of denial or revocation to the applicant or licensee.
16 The notice shall include a statement of the facts that warrant the denial or revocation
17 and a statement that the applicant or licensee may, within 30 days after the date on
18 which the notice of denial or revocation is mailed, file a written request with the
19 department to have the determination that the applicant or licensee is liable for
20 delinquent contributions reviewed at a hearing under s. 108.227 (5) (a).

21 (c) If, after a hearing under s. 108.227 (5) (a), the department affirms a
22 determination under par. (a) that an applicant or licensee is liable for delinquent
23 contributions, the department shall affirm its denial or revocation. An applicant or
24 licensee may seek judicial review under s. 108.227 (6) of an affirmation by the
25 department of a denial or revocation under this paragraph.

1 (d) If, after a hearing under s. 108.227 (5) (a), the department determines that
2 a person whose license is revoked or whose application is denied under par. (a) is not
3 liable for delinquent contributions, as defined in s. 108.227 (1) (d), the department
4 shall reinstate the license or approve the application, unless there are other grounds
5 for revocation or denial. The department may not charge a fee for reinstatement of
6 a license under this paragraph.

7 **SECTION 48.** 108.02 (4m) (a) of the statutes is amended to read:

8 108.02 (4m) (a) All earnings for wage-earning service which are paid to an
9 employee during his or her base period as a result of employment for an employer
10 except any payment made to or on behalf of an employee or his or her beneficiary
11 under a cafeteria plan within the meaning of 26 USC 125, if the payment would not
12 be treated as wages without regard to that plan and if 26 USC 125 would not treat
13 the payment as constructively received;

14 **SECTION 49.** 108.02 (4m) (g) of the statutes is repealed.

15 **SECTION 50.** 108.02 (13) (a) of the statutes is amended to read:

16 108.02 (13) (a) “Employer” means every government unit and Indian tribe, and
17 any person, association, corporation, whether domestic or foreign, or legal
18 representative, debtor in possession or trustee in bankruptcy or receiver or trustee
19 of a person, partnership, association, or corporation, or guardian of the estate of a
20 person, or legal representative of a deceased person, any partnership or partnerships
21 consisting of the same partners, except as provided in par. (L), any limited liability
22 company ~~or limited liability companies consisting of the same members, except as~~
23 ~~provided in par. (kL)~~, and any fraternal benefit society as defined in s. 614.01 (1) (a),
24 which is subject to this chapter under the statutes of 1975, or which has had
25 employment in this state and becomes subject to this chapter under this subsection

1 and, notwithstanding any other provisions of this section, any service insurance
2 corporation organized or operating under ch. 613, except as provided in s. 108.152
3 (6) (a) 3.

4 **SECTION 51.** 108.02 (13) (kL) of the statutes is repealed.

5 **SECTION 52.** 108.02 (15m) (intro.) of the statutes is amended to read:

6 108.02 **(15m)** FAMILY CORPORATION. (intro.) ~~Except as provided in s. 108.04 (7)~~
7 ~~(r)~~, “family Family corporation” means:

8 **SECTION 53.** 108.04 (1) (g) (intro.) of the statutes is amended to read:

9 108.04 **(1)** (g) (intro.) ~~Except as provided in par. (gm) and s. 108.06 (7) (d)~~, the
10 base period wages utilized to compute total benefits payable to an individual under
11 s. 108.06 (1) as a result of the following employment shall not exceed 10 times the
12 individual’s weekly benefit rate based solely on that employment under s. 108.05 (1):

13 **SECTION 54.** 108.04 (1) (hm) of the statutes is amended to read:

14 108.04 **(1)** (hm) The department may require any claimant to appear before it
15 and to answer truthfully, orally or in writing, any questions relating to the claimant’s
16 eligibility for benefits ~~and~~ or to provide such demographic information as may be
17 necessary to permit the department to conduct a statistically valid sample audit of
18 compliance with this chapter. A claimant is not eligible to receive benefits for any
19 week in which the claimant fails to comply with a request by the department to
20 provide the information required under this paragraph, or any subsequent week,
21 until the claimant complies or satisfies the department that he or she ~~had~~ has good
22 cause for failure to comply with a request of the department under this paragraph.
23 If a claimant later complies with a request by the department ~~or~~ and satisfies the
24 department that he or she ~~had~~ has good cause for failure to comply with a the request,
25 the claimant is eligible to receive benefits ~~as of~~ beginning with the week in which the

1 failure occurred, if otherwise qualified. If a claimant later complies with a request
2 by the department but does not have good cause for the initial failure to comply with
3 the request, the claimant is eligible only to receive benefits beginning with the week
4 in which the claimant complies with the request, if otherwise qualified.

5 **SECTION 55.** 108.04 (2) (a) 2. of the statutes is amended to read:

6 108.04 (2) (a) 2. As of that week, the individual has registered for work; ~~and~~
7 as directed by the department;

8 **SECTION 56.** 108.04 (2) (a) 2. of the statutes, as affected by 2013 Wisconsin Acts
9 (Assembly Bill 15) and (this act), is repealed and recreated to read:

10 108.04 (2) (a) 2. Except as provided in s. 108.062 (10m), as of that week, the
11 individual has registered for work as directed by the department;

12 **SECTION 57.** 108.04 (2) (a) 3. (intro.) of the statutes is amended to read:

13 108.04 (2) (a) 3. (intro.) The individual conducts a reasonable search for
14 suitable work during that week, unless the search requirement is waived under par.
15 (b). The search for suitable work must include ~~2~~ at least 4 actions per week that
16 constitute a reasonable search as prescribed by rule of the department. This
17 subdivision does not apply to an individual if the department determines that the
18 individual is currently laid off from employment with an employer but there is a
19 reasonable expectation of reemployment of the individual by that employer. In
20 determining whether the individual has a reasonable expectation of reemployment
21 by an employer, the department shall request the employer to verify the individual's
22 employment status and shall also consider other factors, including:

23 **SECTION 58.** 108.04 (2) (a) 3. (intro.) of the statutes, as affected by 2013
24 Wisconsin Acts (Assembly Bill 15) and (this act), is repealed and recreated to
25 read:

1 108.04 (2) (a) 3. (intro.) The individual conducts a reasonable search for
2 suitable work during that week, unless the search requirement is waived under par.
3 (b) or s. 108.062 (10m). The search for suitable work must include at least 4 actions
4 per week that constitute a reasonable search as prescribed by rule of the department.
5 This subdivision does not apply to an individual if the department determines that
6 the individual is currently laid off from employment with an employer but there is
7 a reasonable expectation of reemployment of the individual by that employer. In
8 determining whether the individual has a reasonable expectation of reemployment
9 by an employer, the department shall request the employer to verify the individual's
10 employment status and shall also consider other factors, including:

11 **SECTION 59.** 108.04 (2) (a) 3. c. of the statutes is amended to read:

12 108.04 (2) (a) 3. c. Whether the individual has recall rights with the employer
13 under the terms of any applicable collective bargaining agreement.;

14 **SECTION 60.** 108.04 (2) (a) 4. and 5. of the statutes are created to read:

15 108.04 (2) (a) 4. The claimant provides information or job application materials
16 that are requested by the department; and

17 5. The claimant participates in a public employment office workshop or
18 training program or in similar reemployment services that are required by the
19 department under sub. (15) (a) 2.

20 **SECTION 61.** 108.04 (2) (g) of the statutes is created to read:

21 108.04 (2) (g) 1. Each claimant shall create security credentials in order to
22 engage in transactions with the department, including the filing of an initial or
23 continued claim for benefits. The security credentials may consist of a personal
24 identification number, username, and password, or any other means prescribed by
25 the department.

SECTION 61

1 2. If a claimant's security credentials are used in the filing of an initial or
2 continued claim for benefits or any other transaction, the individual using the
3 security credentials is presumed to have been the claimant or the claimant's
4 authorized agent. This presumption may be rebutted by a preponderance of evidence
5 showing that the claimant who created the security credentials or the claimant's
6 authorized agent was not the person who used the credentials in a given transaction.
7 If a claimant uses an agent to engage in any transaction with the department using
8 the claimant's security credentials, the claimant is responsible for the actions of the
9 agent. If a claimant who created security credentials or the claimant's authorized
10 agent divulges the credentials to another person, or fails to take adequate measures
11 to protect the credentials from being divulged to an unauthorized person, the
12 department is not obligated to pursue recovery of, or to reimburse the claimant for,
13 benefits payable to the claimant that were erroneously paid to another person.

14 **SECTION 62.** 108.04 (2) (h) of the statutes is created to read:

15 108.04 (2) (h) A claimant shall, when the claimant first files a claim for benefits
16 under this chapter and during each subsequent week the claimant files for benefits
17 under this chapter, inform the department whether he or she is receiving social
18 security disability insurance benefits under 42 USC ch. 7 subch. II.

19 **SECTION 63.** 108.04 (2) (i) of the statutes is created to read:

20 108.04 (2) (i) 1. There is a rebuttable presumption that a claimant who is
21 subject to the requirement under par. (a) 3. to conduct a reasonable search for
22 suitable work has not conducted a reasonable search for suitable work in a given
23 week if all of the following apply:

24 a. The claimant was last employed by a temporary help company.

1 b. During that week, the claimant did not contact the temporary help company
2 for an assignment.

3 c. The temporary help company submits a notice to the department reporting
4 that the claimant did not contact the company for an assignment.

5 2. A claimant may only rebut the presumption under subd. 1. if the claimant
6 demonstrates one of the following to the department for a given week:

7 a. That the claimant did contact the temporary help company for an
8 assignment during that week.

9 b. That the claimant had good cause for his or her failure to contact the
10 temporary help company for an assignment during that week.

11 3. If a claimant who was last employed by a temporary help company contacts
12 the temporary help company during a given week for an assignment, that contact
13 constitutes one action that constitutes a reasonable search for suitable work, for
14 purposes of par. (a) 3.

15 **SECTION 64.** 108.04 (7) (a) of the statutes is amended to read:

16 108.04 (7) (a) If an employee terminates work with an employing unit, the
17 employee is ineligible to receive benefits until ~~4 weeks have elapsed since the end~~
18 ~~of the week in which the termination occurs and~~ the employee earns wages after the
19 week in which the termination occurs equal to at least ~~4~~ 10 times the employee's
20 weekly benefit rate under s. 108.05 (1) in employment or other work covered by the
21 unemployment insurance law of any state or the federal government. For purposes
22 of requalification, the employee's weekly benefit rate shall be that rate which would
23 have been paid had the termination not occurred. This paragraph does not preclude
24 an employee from establishing a benefit year by using the base period wages paid by

1 the employer from which the employee voluntarily terminated, if the employee is
2 qualified to establish a benefit year under s. 108.06 (2) (a).

3 **SECTION 65.** 108.04 (7) (cm), (d), (g), (j), (k), (L), (m), (n), (o), (q) and (r) of the
4 statutes are repealed.

5 **SECTION 66.** 108.04 (7) (e) of the statutes is amended to read:

6 108.04 (7) (e) Paragraph (a) does not apply if the department determines that
7 the employee accepted work which the employee could have failed to accept with good
8 cause under sub. (8) and terminated such work with the same good cause and within
9 the first ~~10 weeks~~ 30 calendar days after starting the work, or that the employee
10 accepted work which the employee could have refused under sub. (9) and terminated
11 such work within the first ~~10 weeks~~ 30 calendar days after starting the work. For
12 purposes of this paragraph, an employee has the same good cause for voluntarily
13 terminating work if the employee could have failed to accept the work under sub. (8)
14 (d) when it was offered, regardless of the reason articulated by the employee for the
15 termination.

16 **SECTION 67.** 108.04 (7) (h) of the statutes is amended to read:

17 108.04 (7) (h) The department shall charge to the fund's balancing account
18 benefits paid to an employee that are otherwise chargeable to the account of an
19 employer that is subject to the contribution requirements of ss. 108.17 and 108.18
20 if the employee voluntarily terminates employment with that employer and par. (a),
21 (c), ~~(d)~~, (e), ~~(k)~~, ~~(L)~~, ~~(o)~~, (p), ~~(q)~~, (s), or (t) applies.

22 **SECTION 68.** 108.04 (7) (p) of the statutes is renumbered 108.04 (7) (p) (intro.)
23 and amended to read:

24 108.04 (7) (p) (intro.) Paragraph (a) does not apply if the department
25 determines that an employee, ~~while claiming benefits for partial unemployment,~~

1 terminated work to accept employment or other work covered by the unemployment
2 insurance law of any state or the federal government, if any of the following applies
3 to that employment or work:

4 1. It offered an average weekly wage greater than the average weekly wage
5 earned in the work terminated.

6 **SECTION 69.** 108.04 (7) (p) 2. and 3. of the statutes are created to read:

7 108.04 (7) (p) 2. It offered a greater number of hours of work than those
8 performed in the work terminated.

9 3. It offered the opportunity for significantly longer term work.

10 **SECTION 70.** 108.04 (7) (t) of the statutes is renumbered 108.04 (7) (t) (intro.)
11 and amended to read:

12 108.04 (7) (t) (intro.) Paragraph (a) does not apply if the department
13 determines that ~~the~~ all of the following apply to an employee:

14 1. The employee's spouse changed his or her place of employment is a member
15 of the U.S. armed forces on active duty.

16 2. The employee's spouse was required by the U.S. armed forces to relocate to
17 a place to which it is impractical for the employee to commute and the.

18 3. The employee terminated his or her work to accompany the spouse to that
19 place.

20 **SECTION 71.** 108.04 (8) (a) and (c) of the statutes are amended to read:

21 108.04 (8) (a) If an employee fails, without good cause, to accept suitable work
22 when offered, the employee is ineligible to receive benefits until ~~4~~ 10 weeks have
23 elapsed since the end of the week in which the failure occurs and the employee earns
24 wages after the week in which the failure occurs equal to at least ~~4~~ 10 times the
25 employee's weekly benefit rate under s. 108.05 (1) in employment or other work

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

11 (c) If an employee fails, without good cause, to return to work with a former
12 employer that recalls the employee within 52 weeks after the employee last worked
13 for that employer, the employee is ineligible to receive benefits until ~~4~~ 10 weeks have
14 elapsed since the end of the week in which the failure occurs and the employee earns
15 wages after the week in which the failure occurs equal to at least ~~4~~ 10 times the
16 employee's weekly benefit rate under s. 108.05 (1) in employment or other work
17 covered by the unemployment insurance law of any state or the federal government.
18 For purposes of requalification, the employee's weekly benefit rate shall be that rate
19 which would have been paid had the failure not occurred. This paragraph does not
20 preclude an employee from establishing a benefit year during a period in which the
21 employee is ineligible to receive benefits under this paragraph if the employee
22 qualifies to establish a benefit year under s. 108.06 (2) (a). The department shall
23 charge to the fund's balancing account any benefits otherwise chargeable to the
24 account of any employer that is subject to the contribution requirements under ss.
25 108.17 and 108.18 whenever an employee of that employer fails, without good cause,

1 to return to work with that employer. If an employee receives actual notice of a recall
2 to work, par. (a) applies in lieu of this paragraph.

3 **SECTION 72.** 108.04 (12) (f) of the statutes is created to read:

4 108.04 (12) (f) 1. Any individual who actually receives social security disability
5 insurance benefits under 42 USC ch. 7 subch. II in a given week is ineligible for
6 benefits paid or payable in that same week under this chapter.

7 2. Information that the department receives or acquires from the federal social
8 security administration that an individual is receiving social security disability
9 insurance benefits under 42 USC ch. 7 subch. II in a given week is considered
10 conclusive, absent clear and convincing evidence that the information was
11 erroneous.

12 **SECTION 73.** 108.04 (15) of the statutes is created to read:

13 108.04 (15) DEPARTMENT POWERS TO ASSIST CLAIMANTS. (a) Except as provided
14 in par. (b), the department may do any of the following for the purpose of assisting
15 claimants to find or obtain work:

16 1. Use the information or materials provided under sub. (2) (a) 4. to assess a
17 claimant's efforts, skills, and ability to find or obtain work and to develop a list of
18 potential opportunities for a claimant to obtain suitable work. A claimant who
19 otherwise satisfies the requirement under sub. (2) (a) 3. is not required to apply for
20 any specific positions on the list in order to satisfy that requirement.

21 2. Require a claimant to participate in a public employment office workshop or
22 training program or in similar reemployment services that do not charge the
23 claimant a participation fee and that offer instruction to improve the claimant's
24 ability to obtain suitable work.