

2015 DRAFTING REQUEST

Bill

Received: **12/19/2014** Received By: **mduchek**
Wanted: **As time permits** Same as LRB:
For: **Administration-Budget 266-8219** By/Representing: **Kirschbaum**
May Contact: Drafter: **mduchek**
Subject: **Unemployment Insurance** Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email:
Carbon copy (CC) to: **sbostatlanguage@webapps.wi.gov**

Pre Topic:

DOA:.....Kirschbaum, BB0322 -

Topic:

Changes to suitable work for UI

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mduchek 12/29/2014			_____			
/P1		csicilia 1/2/2015		_____	srose 1/2/2015		State

FE Sent For:

<END>

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/?	mduchek	/p1 gjs 1/2 15	/p1 gjs 1/2 15	/p1 gjs 1/2 15			

FE Sent For:

<END>

Duchek, Michael

From: Hanaman, Cathlene
Sent: Friday, December 19, 2014 2:05 PM
To: Duchek, Michael; Malaise, Gordon
Subject: FW: Statutory Language Drafting Request - BB0322

From: Bryan.Kirschbaum@wisconsin.gov [mailto:Bryan.Kirschbaum@wisconsin.gov]
Sent: Friday, December 19, 2014 2:00 PM
To: Hanaman, Cathlene
Cc: Hynek, Sara - DOA; Kirschbaum, Bryan W - DOA; Connor, Christopher B - DOA
Subject: Statutory Language Drafting Request - BB0322

Biennial Budget: 2015-17

DOA Tracking Code: BB0322

Topic: Changes to Suitable Work for UI

SBO Team: EWD

SBO Analyst: Kirschbaum, Bryan
Phone: 608-266-8219
E-mail: Bryan.Kirschbaum@wisconsin.gov

Agency Acronym: DWD

Agency Number: 445

Priority: High

Intent:

Require DWD to create administrative codes to develop a tiered system for suitable work levels based upon a claimants length of time claimant is on UI. DWD will also administratively define what specifically "suitable work" is.

Attachments: False

Please send completed drafts to SBOSatlanguage@webapps.wi.gov



State of Wisconsin
2015 - 2016 LEGISLATURE



LRB-0999/P1

MED:.....

CS
gs

DOA:.....Kirschbaum, BB0322 - Changes to suitable work for UI

FOR 2015-2017 BUDGET -- NOT READY FOR INTRODUCTION

D-note

do NOT Gen

1 AN ACT ~~...~~; relating to: the budget.

SAV ✓
PWF ✓

Analysis by the Legislative Reference Bureau

EMPLOYMENT

Current law places various conditions upon the receipt of unemployment insurance (UI) benefits, including that claimants conduct a reasonable search for suitable work and that claimants accept suitable work when offered. Current law does not define suitable work, but DWD has defined it by rule to mean work that is reasonable considering the claimant's training, experience, and duration of unemployment as well as the availability of jobs in the labor market.

This bill specifically requires DWD to define by rule what constitutes suitable work for claimants, and requires that the rule specify different levels of suitable work based upon the number of weeks that a claimant has received benefits in a given benefit year.

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

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

2 SECTION 1. 108.02 (24g) of the statutes is created to read:

1 108.02 (24g) SUITABLE WORK. "Suitable work" has the meaning specified by the
2 department by rule under s. 108.14 (27). ✓

3 SECTION 2. 108.14 (27) of the statutes is created to read: Λ x

4 108.14 (27) The department shall promulgate a rule to define what constitutes
5 suitable work for claimants, which shall specify different levels of suitable work
6 based upon the number of weeks that a claimant has received benefits in a given
7 benefit year.

8 SECTION 3. 108.141 (3g) (a) 3. (intro.) of the statutes is amended to read:

9 108.141 (3g) (a) 3. (intro.) ~~Work~~ Notwithstanding s. 108.02 (24g), work is
10 suitable within the meaning of subd. 2. if: ✕

History: 1971 c. 53; 1973 c. 247; 1975 c. 1, 343; 1977 c. 29, 133, 418; 1979 c. 52; 1981 c. 36 ss. 19 to 32, 45; 1981 c. 315, 390; 1983 a. 8 ss. 28 to 33, 53, 55 (3), (14) and (15) and 56; 1983 a. 27 ss. 1400g and 1807m; 1983 a. 189 ss. 162, 329 (28); 1985 a. 17; 1987 a. 38; 1991 a. 39, 89, 189, 269; 1993 a. 184, 373, 492; 1995 a. 27 ss. 3780, 9130 (4); 1995 a. 118, 225; 1997 a. 3, 35, 39; 2001 a. 35; 2009 a. 1, 11; 2011 a. 42; 2013 a. 20, 36, 173.

11

(END)

D - note
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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0999/P1dn

MED: /.../...
gs CS

Date

Bryan:

This is some very basic language. You mentioned Iowa's law, but I wasn't sure how close you wanted DWD to adhere to Iowa's approach or how much discretion you wanted to give DWD in defining suitable work. Some things to consider would be: 1) to specifically require a certain number of different levels of suitable work or a minimum number of levels, or 2) for DWD to specifically provide that, as the individual has received more weeks of benefits, suitable work means work that pays less, is outside the claimant's field of employment, or that is further away. In this draft, however, I simply required DWD to establish different levels of suitable work based upon the number of weeks the claimant has received benefits. Let me know what changes you would like.

that

You may wish to further review what other states have done at the link below. See pages 5-30 to 5-31:

<http://workforcesecurity.doleta.gov/unemploy/pdf/uilawcompar/2014/nonmonetary.pdf>

Also, note that there are federal requirements with respect to what kind of work claimants may be required to accept. I would therefore recommend having DWD ultimately review the draft for any federal issues.

tighten up text tracking so this material appears on a single line

Michael Duchek
Legislative Attorney
(608) 266-0130
michael.duchek@legis.wisconsin.gov

④ Finally we usually include initial applicability provisions in UI bills, but because this ^{bill} involves a matter that would be addressed by administrative rule, I did not do so in this version. I would recommend checking with DWD as to whether that should be addressed in the bill. Let me know if you want to

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0999/P1dn
MED:cjs:cs

January 2, 2015

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Michael Duchek
Legislative Attorney
(608) 266-0130
michael.duchek@legis.wisconsin.gov



State of Wisconsin
2015 - 2016 LEGISLATURE



LRB-0999/P1
MED:cjs:cs

DOA:.....Kirschbaum, BB0322 – Changes to suitable work for UI

FOR 2015-2017 BUDGET – NOT READY FOR INTRODUCTION

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