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83 WisACT 384

1983 Senate Bill 649

Date of enactment: May 1, 1984
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AN ACT to repeal 108.04 (17) (d), 108.13 (1) (b) and (c), 108.13 (1) (d) and 108.18 (4) (figure) line 12; to renumber 108.18 (4) (figure) lines 13 to 24; to renumber and amend 108.13 (1) (a); to amend 20.445 (1) (z), 52.055 (2m), 108.02 (16), 108.02 (17), 108.04 (16) (a) (intro.), 108.04 (16) (b), 108.04 (17) (a) and (b), 108.04 (17) (c), 108.05 (9), 108.142 (4), 108.18 (3) (intro.), 108.19 (1p) and 767.265 (3); to repeal and recreate 767.265 (3m); and to create 20.445 (1) (vm), 108.02 (11s), 108.04 (16) (c) and 108.13 (3) of the statutes; and to affect 1983 Wisconsin Act 8, section 53 (1) (b) (intro.); 1983 Wisconsin Act 8, section 55 (3) and (12); 1983 Wisconsin Act 8, section 55 (12m); and 1983 Wisconsin Act 8, section 55 (15), relating to various changes in the unemployment compensation law, satisfaction of child support obligations from unemployment compensation benefits and making appropriations.

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

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

20.445 (1) (vm) *Unemployment administration fund; miscellaneous program receipts.* From the unemployment administration fund, all moneys received by the department not otherwise appropriated under this subsection for the administration of ch. 108.

SECTION 2. 20.445 (1) (z) of the statutes is amended to read:

20.445 (1) (z) *Unemployment administration fund; federal moneys.* All federal moneys received for the employment service pursuant to s. 101.23 (4) to (6) or for the administration of unemployment compensation under ch. 108, and any federal moneys paid to the department of industry, labor and human relations for the performance of the its functions of the department under ch. 108, and for its conduct of public employment offices consistent with s. 101.23 (4) to (6), and for its other efforts to regularize employment; to pay the compensation and expenses of appeal boards and of advisory committees; and to pay allowances stimulating education during unemployment. ~~Any balance remaining in this fund at the close of any fiscal year shall not lapse but shall remain available for the purposes herein specified.~~

SECTION 3. 52.055 (2m) of the statutes is amended to read:

52.055 (2m) (a) Upon a showing of need to the court, the court shall order a hearing. At the hearing, the court may make an order directing the parent to assign such salary, benefits under chs. 102 and 108 or wages due or to be due the parent in the future to the clerk of court where the judgment in any action affecting the family, as designated in s. 767.02, was granted, as will be sufficient to pay the allowances, as adjudged by the court, for the support, maintenance and education of the minor children of the parties. If the parent does not execute an assignment when so ordered, the court shall execute that assignment. The assignment of benefits under ch. 108 is subject to the requirements of s. 108.13 (3).

(b) The assignment shall be binding upon the party from whom the parent receives salary, benefits or wages one week after service upon it of a true copy of the assignment signed by the parent or court and annexed to a copy of the order, by personal service or by registered or certified mail until further order of the court. For each payment the party from whom the parent receives salary, benefits or wages shall receive \$1 which it

shall deduct from the money to be paid the parent. This paragraph does not apply to the assignment of benefits under ch. 108.

(c) Section 241.09 shall not apply to assignments under this section. An employer may not use the assignment as a basis for the discharge of an employe or for any disciplinary action against the employe. Compliance by the party from whom the parent receives salary, benefits or wages with the order operates as a discharge of its liability to the parent as to that portion of the parent's salary, benefits or wages so affected.

SECTION 4. 108.02 (11s) of the statutes is created to read:

108.02 (11s) STANDARD RATE. As to any calendar year, "standard rate" means the combined rate of contributions from the applicable schedules of s. 108.18 (4) and (9) which is closest to but not less than 5.4%, after making any special adjustment required by s. 108.18 (10).

SECTION 5. 108.02 (16) of the statutes, as affected by 1983 Wisconsin Act 8, is amended to read:

108.02 (16) PARTIAL UNEMPLOYMENT. An employe is "partially unemployed" in any week for which he or she earns some wages ~~and receives some benefits under s. 108.05 (3) which are less than the weekly benefit rate for that employe which could apply to that week.~~

SECTION 6. 108.02 (17) of the statutes is amended to read:

108.02 (17) TOTAL UNEMPLOYMENT. An employe ~~shall be deemed~~ is "totally unemployed" in any week for which he ~~receives~~ or she ~~earns~~ no wages.

SECTION 7. 108.04 (16) (a) (intro.) of the statutes, as affected by 1983 Wisconsin Act 8, is amended to read:

108.04 (16) (a) (intro.) Benefits shall not be ~~denied~~ reduced under sub. (8) (a) or (b), nor shall sub. (1) (a), (2) or (8) or s. 108.141 (3g) operate to deny benefits to any otherwise eligible individual for any week because the individual is enrolled in a full-time course of vocational training or basic education which is a prerequisite to such training, provided it is determined that:

SECTION 8. 108.04 (16) (b) of the statutes is amended to read:

108.04 (16) (b) ~~Benefits may not be denied, nor does sub. (2), (7) or (8) operate to deny benefits to any otherwise eligible~~ The requalifying employment requirement and the benefit reduction provisions under subs. (7) and (8) and the general qualifying requirements under sub. (2) do not apply to an individual for any week because the individual is enrolled as a result of the individual's enrollment in, or left leaving work that was not suitable to enter, training under section 236 of the federal trade act of 1974 as amended. The definitions in that act apply to the terms used in this paragraph 19 USC 2296.

SECTION 9. 108.04 (16) (c) of the statutes is created to read:

108.04 (16) (c) Benefits may not be denied to an otherwise eligible individual under par. (a) who is enrolled in training for dislocated workers authorized under 29 USC 1652 notwithstanding the failure of such training to meet any of the requirements of par. (a) 1 to 4.

SECTION 10. 108.04 (17) (a) and (b) of the statutes, as affected by 1983 Wisconsin Act 8, are amended to read:

108.04 (17) (a) An employe of a nonprofit or public educational institution or an employe of a government unit or nonprofit organization who provides services to or on behalf of such an institution and who performs services in an instructional, research or principal administrative capacity is ineligible for benefits based on such services for any week of unemployment which occurs during a period between 2 successive academic

years or 2 regular terms, whether or not successive, if such employe performed such services in the first such academic year or term and if there is a contract or a reasonable assurance that such employe will perform such services ~~in any such capacity as an employe of a nonprofit or public educational institution~~ in the 2nd such academic year or term.

(b) An employe of a nonprofit or public educational institution or an employe of a government unit or nonprofit organization who provides services to or on behalf of such an institution and who performs services other than in an instructional, research or principal administrative capacity, is ineligible for benefits based on such services for any week of unemployment which occurs during a period between 2 successive academic years or terms if such employe performed such services in the first such academic year or term and there is a reasonable assurance that such employe will perform such services in the 2nd such academic year or term. If an employe is denied benefits under this paragraph, but the department later determines that he or she was not offered an opportunity to perform such services for the educational institution in the 2nd such academic year or term, the employe is entitled to retroactive payment for each week of such denial if he or she filed a claim for benefits for that week and was otherwise eligible.

SECTION 11. 108.04 (17) (c) of the statutes is amended to read:

108.04 (17) (c) An employe of a nonprofit or public educational institution or an employe of a government unit or nonprofit organization who provides services to or on behalf of such an institution and who performs services as described in par. (a) or (b) is ineligible for benefits based on such services for any week of unemployment which occurs during an established and customary vacation period or holiday recess if such employe performed such services in the period immediately before such vacation period or holiday recess, and there is a reasonable assurance that such employe will perform such services in the period immediately following such vacation period or holiday recess.

SECTION 12. 108.04 (17) (d) of the statutes is repealed.

SECTION 13. 108.05 (9) of the statutes, as created by 1983 Wisconsin Act 8, is amended to read:

108.05 (9) ROUNDING OF BENEFIT AMOUNTS. Notwithstanding sub. (1), benefits payable for a week of unemployment as a result of applying sub. (1m), (3) or (7) or s. 108.04 (11) or (12) or 108.13 (3) shall be rounded down to the next lowest dollar.

SECTION 14. 108.13 (1) (a) of the statutes is renumbered 108.13 (1) and amended to read:

108.13 (1) Except as provided in ~~par. (b) sub. (3)~~, no claim for benefit benefits under this chapter nor any interest in ~~any unemployment benefit the fund or reserve maintained under this chapter shall be~~ is assignable before payment, ~~but this provision shall. This subsection does not affect the survival thereof, nor shall any of such a claim or interest. No claim for benefit benefits awarded, adjudged or paid, nor or any interest in any such unemployment benefit the fund or reserve, be subject to may~~ be taken for the debts of the party entitled thereto.

SECTION 15. 108.13 (1) (b) and (c) of the statutes are repealed.

SECTION 16. 108.13 (1) (d) of the statutes, as created by 1983 Wisconsin Act 27, is repealed.

SECTION 17. 108.13 (3) of the statutes is created to read:

108.13 (3) DEDUCTIONS FOR CHILD SUPPORT OBLIGATIONS. (a) As used in this subsection:

1. "Child support obligations" includes only those obligations which are being enforced pursuant to a plan described in 42 USC 654 which has been approved by the U.S. secretary of health and human services under part D of title IV of the social security act or which is otherwise authorized by federal law.

2. "Legal process" has the meaning given under 42 USC 662 (e).

3. "State or local child support enforcement agency" means any agency of a state or political subdivision of a state operating pursuant to a plan described in subd. 1.

4. "Unemployment compensation" means any compensation payable under this chapter, including amounts payable by the department pursuant to an agreement under any federal law providing for compensation, assistance or allowances with respect to unemployment.

(b) A claimant filing a new claim for unemployment compensation shall, at the time of filing the claim, disclose whether or not he or she owes child support obligations. If any such claimant discloses that he or she owes child support obligations and is determined to be eligible for unemployment compensation, the department of industry, labor and human relations shall, upon request of the department of health and social services, notify the state or local child support enforcement agency enforcing the obligations that the claimant has been determined to be eligible for unemployment compensation.

(c) The department shall deduct and withhold from any unemployment compensation payable to a claimant who owes child support obligations:

1. Any amount determined pursuant to an agreement under 42 USC 654 (19) (B) (i) between the claimant and the state or local child support enforcement agency which is submitted to the department by the state or local child support enforcement agency;

2. Any amount required to be so deducted and withheld pursuant to legal process brought by the state or local child support enforcement agency; or

3. Any amount directed by the claimant to be deducted and withheld under this paragraph.

(d) Any amount deducted and withheld under par. (c) shall be paid by the department to the appropriate state or local child support enforcement agency.

(e) Any amount deducted and withheld under par. (c) shall, for all purposes, be treated as if it were paid to the claimant as unemployment compensation and paid by the claimant to the state or local child support enforcement agency in satisfaction of his or her child support obligations.

(f) This subsection applies only if appropriate arrangements are made for the state or local child support enforcement agency to reimburse the department for administrative costs incurred by the department that are attributable to the interception of unemployment compensation for child support obligations.

SECTION 18. 108.142 (4) of the statutes, as affected by 1983 Wisconsin Acts 8 and 27, is amended to read:

108.142 (4) DURATION OF WISCONSIN SUPPLEMENTAL BENEFITS. Wisconsin supplemental benefits are payable to an individual for weeks of unemployment in accordance with s. 108.06 (1), but no individual may receive more than 34 ~~consecutive~~ weeks of regular and Wisconsin supplemental benefits.

SECTION 19. 108.18 (3) (intro.) of the statutes is amended to read:

108.18 (3) REQUIREMENTS FOR REDUCED RATE. (intro.) As to any calendar year, an employer shall be permitted to pay contributions to the fund at a rate lower than the standard rate of ~~2.7%~~ on his its payroll for that year only when, as of the applicable computation date:

SECTION 20. 108.18 (4) (figure) line 12 of the statutes, as created by 1983 Wisconsin Act 27, is repealed.

SECTION 21. 108.18 (4) (figure) lines 13 to 24 of the statutes, as affected by 1983 Wisconsin Acts 8 and 27, are renumbered 108.18 (4) (figure) lines 12 to 23, respectively.

SECTION 21m. 108.19 (1p) of the statutes, as affected by 1983 Wisconsin Act 8 and 27, is amended to read:

108.19 (1p) Notwithstanding sub. (1m), an employer, ~~other than a nonprofit organization or government unit~~, having a payroll of \$25,000 or less for the preceding calendar year is exempt from any assessment under sub. (1m) ~~for calendar year 1983 only~~.

SECTION 22. 767.265 (3) of the statutes, as affected by 1983 Wisconsin Act 27, is amended to read:

767.265 (3) An assignment in effect under this section is binding upon any party from whom the payer receives money one week after service upon it of a true copy of the order, by personal service or by registered or certified mail, until further order of the court. Except as provided in sub. (3m), for each payment the party from whom the payer receives money shall receive \$1 which shall be deducted from the money to be paid to the payer. Section 241.09 does not apply to assignments under this section. If Except as provided in sub. (3m), if the party from whom the payer receives money fails to make the assignment after receipt of the order as provided in this section, it may be fined not more than \$200 and may be required to pay the amount assigned to the clerk of the court. If an employer who receives an assignment under this section fails to notify the clerk of circuit court that an employe has terminated employment within 10 days of that termination, the employer may be fined not more than \$200. No employer may use an assignment under this section as a basis for the discharge of an employe or for any disciplinary action against the employe. An employer who discharges or disciplines an employe in violation of this subsection may be fined not more than \$200 and may be required to make full restitution to the aggrieved employe, including reinstatement and back pay. Compliance by the party from whom the payer receives money with the order operates as a discharge of its liability to the payer as to that portion of the payer's commission, earnings, salaries, wages, benefits or other money so affected.

SECTION 23. 767.265 (3m) of the statutes, as created by 1983 Wisconsin Act 27, is repealed and recreated to read:

767.265 (3m) Benefits under ch. 108 may be assigned only in the manner provided in s. 108.13 (3). All assignments of benefits under ch. 108 shall be for an amount certain. When such benefits are assigned, no fee may be deducted from the amount assigned and no fine may be levied for failure to execute an assignment.

SECTION 24. 1983 Wisconsin Act 8, section 53 (1) (b) (intro.), as affected by 1983 Wisconsin Act 27, is amended to read:

(1983 Wisconsin Act 8) Section 53 (1) (b) (intro.) For purposes of extended benefits payable for weeks of unemployment commencing with the week commencing on September 4, 1983 and ending with ~~the week commencing on May 27~~ computations of extended benefits issued prior to June 3, 1984, the text of section 108.141 (4) and (5) (a) of the statutes provided in this paragraph shall be in effect:

SECTION 25. 1983 Wisconsin Act 8, section 55 (3) and (12) are amended to read:

(1983 Wisconsin Act 8) Section 55 (3) The treatment of sections 108.02 (16) and 108.05 (3) of the statutes ~~and the creation of sections 108.06 (2m) and 108.141 (4) and (5) (a) of the statutes by this act apply~~ applies beginning with the weeks of unemployment commencing after June 1, 1984.

(12) The treatment of section 108.06 (1) (c) of the statutes and the creation of ~~section~~ sections 108.06 (2m) and 108.142 of the statutes by this act apply with respect to benefit years which begin during and after the first week commencing in January, 1984.

SECTION 26. 1983 Wisconsin Act 8, section 55 (12m) is created to read:

(1983 Wisconsin Act 8) Section 55 (12m) The creation of section 108.141 (4) and (5) (a) of the statutes by this act applies with respect to computations of extended benefits issued on or after June 3, 1984.

SECTION 27. 1983 Wisconsin Act 8, section 55 (15), as affected by 1983 Wisconsin Act 27, is amended to read:

(1983 Wisconsin Act 8) Section 55 (15) The treatment of section 108.141 (4), (5) (a) and (7) (a) 3 of the statutes ~~and the creation of section 108.141 (4) and (5) (a) of the statutes~~ by this act applies with respect to extended benefits payable for weeks of unemployment commencing after September 1, 1983.

SECTION 28. **Program responsibility changes.** In the sections of the statutes listed in Column A, the program responsibilities references shown in Column B are deleted and the program responsibilities references shown in Column C are inserted:

A	B	C
Statute Sections	References Deleted	References Inserted
15.191 (intro.)	none	108.13 (3)

SECTION 29. **Initial applicability.** (1) The creation of section 108.04 (16) (c) of the statutes by this act applies to weeks of unemployment beginning on or after the first week commencing in October, 1983.

(2) The treatment of section 108.04 (17) (a) to (c) of the statutes by this act applies to benefits payable for weeks of unemployment commencing on or after April 1, 1984.

(3) The treatment of section 108.19 (1p) of the statutes by this act applies to assessments made for calendar year 1984 and thereafter.

SECTION 30. **Effective dates.** (1) Except as provided in subsection (2), this act takes effect on the day following publication.

(2) The treatment of section 108.18 (3) (intro.) and (4) (figure) of the statutes and the creation of section 108.02 (11s) of the statutes take effect on January 1, 1985.
