

Chapter DWD 126

WORK REGISTRATION

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Note: Chapter ILHR 126 was created by emergency rule effective 1–8–84; Chapter ILHR 126 as it existed on July 31, 1984 was repealed and a new Chapter ILHR 126 was created effective 8–1–84. Chapter ILHR 126 as it existed on October 31, 1994 was repealed and new Chapter ILHR 126 was created effective November 1, 1994. Chapter ILHR 126 was renumbered chapter DWD 126 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 6. and 7., Stats., Register, June, 1997, No. 498.

DWD 126.001 Definitions. Unless the context clearly indicates a different meaning, the definitions in ch. DWD 100 apply to this chapter.

History: Cr. Register, September, 1995, No. 477, eff. 10–1–95.

DWD 126.01 Purpose. Under s. 108.04 (2), Stats., a claimant who is totally unemployed is eligible for unemployment benefits for any week only if the claimant has registered for work, unless the registration requirement has been waived by the department. This chapter specifies what registration is, when the requirement shall be waived, and when it shall be presumed that the claimant is participating in reemployment services.

History: Cr. Register, October, 1994, No. 466, eff. 11–1–94.

DWD 126.02 Registration. (1) Except as provided in sub. (4), a claimant shall be considered registered for work with respect to any week if he or she files an application to establish a benefit year pursuant to s. DWD 129.02.

(2) Except as provided in sub. (4), a claimant shall be considered registered for work if the presumption of participation in reemployment services under s. DWD 126.04 is applicable to him or her.

(3) A claimant shall be considered registered for work if he or she is enrolled in or otherwise complying with department directions concerning other reemployment programs approved by the department for this purpose, or if the claimant is not complying but has justifiable cause for failure to participate under s. DWD 126.05.

(4) No claimant may be considered registered for work or eligible for benefits with respect to any week if:

(a) He or she has been referred for reemployment services; and

(b) The presumption of participation in reemployment services under s. DWD 126.04 (1) has been determined to be inapplicable under s. DWD 126.04 (3).

History: Cr. Register, October, 1994, No. 466, eff. 11–1–94; am. (3), Register, March, 1995, No. 471, eff. 4–1–95; am. (3), Register, September, 2000, No. 537, eff. 10–1–00.

DWD 126.03 Waiver of work registration requirement. The department shall waive a claimant's work registration requirement for any week if:

(1) The claimant has been determined, pursuant to a profiling system established by the department, to be unlikely to exhaust regular unemployment compensation benefits and to not need reemployment services in order to make a successful transition to new employment; or

(2) The claimant:

(a) Has been determined, pursuant to a profiling system established by the department, to be likely to exhaust regular unemployment compensation benefits and to need reemployment services in order to make a successful transition to new employment;

(b) Has been referred during the current benefit year for reemployment services; and

(c) Has satisfactorily completed such services.

History: Cr. Register, October, 1994, No. 466, eff. 11–1–94; am. (intro.), (2) (b), (c), Register, March, 1995, No. 471, eff. 4–1–95; am. (2) (b) and (c), Register, September, 2000, No. 537, eff. 10–1–00.

DWD 126.04 Presumption of participation. (1) A claimant who has registered for work under s. DWD 126.02 shall be presumed to be participating in reemployment services, except as provided in sub. (3).

(2) Circumstances under which a claimant shall be presumed to be participating in reemployment services include, but are not limited to, the following:

(a) The claimant has filed an application to establish a benefit year pursuant to s. DWD 129.02 but the department has not yet determined, pursuant to a profiling system which it has established, whether or not the claimant is likely to exhaust regular unemployment compensation benefits and to need reemployment services in order to make a successful transition to new employment; or

(b) The claimant has been determined, pursuant to a profiling system established by the department, to be likely to exhaust regular unemployment compensation benefits and to need reemployment services in order to make a successful transition to new employment, and:

1. The claimant has not been referred for reemployment services; or

2. The claimant has been referred for reemployment services and:

a. Is participating by complying with department directions regarding such services;

b. Is not participating because he or she has justifiable cause for failure to participate in such services under s. DWD 126.05; or

c. Has elected not to enroll in educational and training programs which were recommended based on a reemployment services assessment, but has been referred for additional reemployment services and is participating by complying with department directions regarding such services.

(3) The department shall determine that the presumption of participation under sub. (1) does not apply if the claimant has failed to participate in reemployment services without justifiable cause under s. DWD 126.05. Circumstances which the department shall consider as overcoming the presumption of participation under s. DWD 126.04 (1), unless justifiable cause under s. DWD 126.05 exists, include but are not limited to the following:

(a) The claimant's failure to provide information requested by the department for use in its profiling system;

(b) The claimant's failure to attend a reemployment services orientation meeting for which he or she was scheduled;

(c) The claimant's failure to attend a reemployment services assessment or testing appointment for which he or she was scheduled; or

(d) The claimant's failure to attend a job search or other reemployment services workshop for which he or she was scheduled.

History: Cr. Register, October, 1994, No. 466, eff. 11-1-94; am. (2) (b) 1., r. (2) (b) 2., renum. (2) (b) 3. to be (2) (b) 2., Register, March, 1995, No. 471, eff. 4-1-95.

DWD 126.05 Justifiable cause for failure to participate. The department may find that a claimant has justifiable cause for failing to participate in reemployment services or other department approved reemployment programs in any week. Justifiable cause includes, but is not limited to, the following:

(1) The claimant is summoned to serve as a prospective or paneled juror;

(2) The claimant is enrolled and satisfactorily participating in a course of training approved by the department;

(3) The claimant is unable to participate because the claimant is employed;

(4) The claimant is unable to participate because of a job interview; or

(5) The claimant is unable to participate due to circumstances which the department determines are beyond the claimant's control.

History: Cr. Register, October, 1994, No. 466, eff. 11-1-94; am. (intro.), Register, March, 1995, No. 471, eff. 4-1-95.