

Chapter DWD 126

WORK REGISTRATION

DWD 126.001 Definitions.
DWD 126.01 Eligibility.

DWD 126.02 Registration.
DWD 126.03 Waiver of work registration requirement.

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Chapter ILHR 126 was created by emergency rule effective 1-8-84; Chapter ILHR 126 as it existed on July 31, 1984 was repealed and a new Chapter ILHR 126 was created effective 8-1-84. Chapter ILHR 126 as it existed on October 31, 1994 was repealed and new Chapter ILHR 126 was created effective November 1, 1994.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 Eligibility. Except as waived by the department under this chapter, a claimant who is unemployed is eligible for unemployment benefits for any given week only if the claimant has registered for work.

History: Cr. Register, October, 1994, No. 466, eff. 11-1-94; EmR1316: emerg. am. eff. 9-29-13; CR 13-081: am. Register April 2014 No. 700, eff. 5-1-14.

DWD 126.02 Registration. A claimant shall be considered registered for work with respect to any given week if the claimant has filed an application to establish a benefit year pursuant to s. DWD 129.02, and has completed and submitted, by computer-based programs or other methods approved by the department, all information for registration for work as prescribed by the department and within a time-frame specified by the department. The department shall consider alternate forms of submittal of completed information by a claimant on an individual basis when there is good cause for the claimant's inability to use a computer-based program. Good cause for failure to use a computer-based program as prescribed by the department shall include any of the following:

(1m) The claimant possesses physical, mental, educational, or linguistic limitations.

(2m) The claimant has unusual or unavoidable circumstances beyond the claimant's control.

Note: The department shall notify claimants that it will consider alternate methods for work registration if there is good cause for the claimant's inability to use a computer-based program. In addition, the department shall provide claimants with information about how to request work registration assistance.

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; EmR1316: emerg. renum. (1) to 126.02 and am., r. (2) to (4) eff. 9-29-13; CR 13-081: renum. (1) to (intro.) and am., cr. (1m), (2m), r. (2) to (4) Register April 2014 No. 700, eff. 5-1-14.

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

(2) The claimant is currently laid off from employment with an employer but the employer has verified with the department there is a reasonable expectation that the claimant will be returning to employment within a period of 8 weeks, which may be extended an additional 4 weeks but may not exceed a total of 12 weeks. If the employer does not verify the claimant's employment status, the department may consider any of the following:

(am) The history of layoffs and reemployments by the employer.

(bm) Any information that the employer furnished to the individual concerning the claimant's anticipated reemployment date.

(cm) Whether the claimant has recall rights with the employer under the terms of any applicable collective bargaining agreement.

(3) The claimant has a reasonable expectation of starting employment with a new employer within 4 weeks and the employer has verified the anticipated starting date with the department. The waiver shall not exceed 4 weeks.

(4) The claimant has been laid off from work and routinely obtains work through a union referral and all of the following apply:

(a) The union is the primary method used by workers to obtain employment in the claimant's customary occupation.

(b) The union maintains a record of unemployed members, and the referral activities of these members, and allows the department to inspect such records.

(c) The union provides, upon the request of the department, any information regarding a claimant's registration with the union or any referrals for employment it has made to the claimant.

(d) Prospective employers of the claimant seldom place orders with the public employment office for jobs requiring occupational skills similar to those of the claimant.

(e) The claimant is registered for work with a union and satisfies the requirements of the union relating to job referral procedures, and maintains membership in good standing with the union.

(f) The union enters into an agreement with the department regarding the requirements of this subsection.

(5) The claimant is summoned to serve as a prospective or impaneled juror.

(6) The claimant is enrolled in and satisfactorily participating in a course of approved training under s. 108.04 (16), Stats., in a work share program under s. 108.062 (10m), Stats., in a self-employment assistance program, or another program enacted by the Wisconsin or federal legislature and the program includes that claimants who participate in the program shall be waived by the department from work registration requirements.

(7) The claimant is unable to complete registration due to circumstances which the department determines are beyond the claimant's control.

Note: This section is shown as affected by CR 13-081 effective June 1, 2015, in accordance with the requirements of section 47 of CR 13-081, which provides:

With respect to changes to ss. DWD 126.03 and 127.02, the rule will take effect when the Secretary determines the department has the technological ability to implement the changes, as determined by the secretary of the department determines the department has the technological ability to implement the changes.

Note: The department published the following notice in Register May 26, 2015 No. 713B:

Effective June 1, 2015, Secretary Reginald Newson of the Wisconsin Department of Workforce Development (DWD), determined that DWD has the technological ability to implement the changes made by Clearinghouse Rule No. 13-081 to ss. DWD 126.03 and 127.02 (intro.), and (2) to (11), Wis. Adm. Code. The requirements of these provisions will be enforced beginning June 14, 2015.

History: Cr. Register, October, 1994, No. 466, eff. 11-1-94; am. (intro.), (2) (b),

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(c), Register, March, 1995, No. 471, eff. 4-1-95; am. (2) (b) and (c), Register, September, 2000, No. 537, eff. 10-1-00; EmR1316: emerg. am. (intro.), r. (1), am. (2) (intro.), r. (2) (a) to (c), cr. (3) to (7) eff. as noted above; CR 13-081: am. (intro.), r. (1), am. (2) (intro.), r. (2) (a) to (c), cr. (2) (am) to (cm), (3) to (7) Register April 2014 No. 700, eff. as noted above.