



State of Wisconsin
2021 - 2022 LEGISLATURE

January 2021 Special Session

LRBa0226/1
MED/EAW/JK:cjs

**ASSEMBLY AMENDMENT 3,
TO SENATE BILL 1**

February 23, 2021 - Offered by Representatives HINTZ, HESSELBEIN, SPREITZER, SUBECK, B. MEYERS, HAYWOOD, GOYKE, NEUBAUER, ANDERSON, ANDRACA, BALDEH, BILLINGS, BOWEN, BROSTOFF, CABRERA, CONLEY, CONSIDINE, DRAKE, EMERSON, HEBL, HONG, MCGUIRE, MILROY, MOORE OMOKUNDE, L. MYERS, OHNSTAD, ORTIZ-VELEZ, POPE, RIEMER, S. RODRIGUEZ, SHANKLAND, SHELTON, SINICKI, SNODGRASS, STUBBS, VINING and VRUWINK.

1 At the locations indicated, amend the bill, as shown by senate substitute
2 amendment 1, as follows:

3 **1.** Page 1, line 4: delete “and immunity from liability related to COVID-19
4 exposure” and substitute “and granting rule-making authority”.

5 **2.** Page 3, line 10: after that line insert:

6 “**SECTION 1c.** 71.05 (6) (b) 55. of the statutes is created to read:

7 71.05 **(6)** (b) 55. For taxable years beginning after December 31, 2019, and
8 before January 1, 2021, in addition to the subtraction under subd. 8., an amount
9 equal to the unemployment compensation benefits remaining taxable that the
10 individual received in the taxable year, not to exceed \$10,000.

11 **SECTION 1e.** 102.43 (9) (e) of the statutes is amended to read:

12 102.43 **(9)** (e) The employee’s employment with the employer has been
13 suspended or terminated due to misconduct, as defined in s. 108.04 (5), or substantial

1 fault, as defined in s. 108.04 (5g) (a), by the employee connected with the employee's
2 work.

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

4 108.02 (24g) SUITABLE WORK. "Suitable work" has the meaning specified by the
5 department by rule under s. 108.14 (28).

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

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

11 **SECTION 1j.** 108.04 (2) (a) (intro.) of the statutes is amended to read:

12 108.04 (2) (a) (intro.) Except as provided in ~~pars. par.~~ (b) ~~to (bd)~~, sub. (16) (am)
13 and (b), and s. 108.062 (10) and (10m) and as otherwise expressly provided, a
14 claimant is eligible for benefits as to any given week only if all of the following apply:

15 **SECTION 1L.** 108.04 (2) (a) 3. of the statutes is repealed and recreated to read:

16 108.04 (2) (a) 3. The claimant conducts a reasonable search for suitable work
17 during that week and provides verification of that search to the department. The
18 search for suitable work must include at least 2 actions per week that constitute a
19 reasonable search as prescribed by rule of the department. This subdivision does not
20 apply to a claimant if the department determines that the claimant is currently laid
21 off from employment with an employer but there is a reasonable expectation of
22 reemployment of the individual by that employer. In determining whether the
23 claimant has a reasonable expectation of reemployment by an employer, the
24 department shall request the employer to verify the claimant's employment status
25 and shall consider all of the following:

- 1 a. The history of layoffs and reemployments by the employer.
- 2 b. Any information that the employer furnished to the claimant or the
- 3 department concerning the claimant's anticipated reemployment date.
- 4 c. Whether the claimant has recall rights with the employer under the terms
- 5 of any applicable collective bargaining agreement.

6 **SECTION 1n.** 108.04 (2) (b) of the statutes is repealed and recreated to read:

7 108.04 **(2)** (b) The department may, by rule, establish waivers from the

8 registration for work requirement under par. (a) 2. and the work search requirement

9 under par. (a) 3.

10 **SECTION 1p.** 108.04 (2) (bb) of the statutes is repealed.

11 **SECTION 1r.** 108.04 (2) (bd) of the statutes is repealed.

12 **SECTION 1u.** 108.04 (2) (bm) of the statutes is amended to read:

13 108.04 **(2)** (bm) A claimant is ineligible to receive benefits for any week for

14 which there is a determination that the claimant failed to comply with the

15 registration for work and work search requirements under par. (a) 2. or 3. or failed

16 to provide verification to the department that the claimant complied with those

17 requirements, unless the department has waived those requirements under par. (b),

18 ~~(bb), or (bd)~~ or s. 108.062 (10m). If the department has paid benefits to a claimant

19 for any such week, the department may recover the overpayment under s. 108.22.”.

20 **3.** Page 4, line 5: after that line insert:

21 **“SECTION 2b.** 108.04 (5g) of the statutes is repealed.

22 **SECTION 2d.** 108.04 (7) (e) of the statutes is amended to read:

23 108.04 **(7)** (e) Paragraph (a) does not apply if the department determines that

24 the employee accepted work that the employee could have failed to accept under sub.

1 (8) and terminated the work on the same grounds and within the first 30 calendar
2 days after starting the work, or that the employee accepted work that the employee
3 could have refused under sub. (9) and terminated the work within the first 30
4 calendar days after starting the work. For purposes of this paragraph, an employee
5 has the same grounds for voluntarily terminating work if the employee could have
6 failed to accept the work under sub. (8) ~~(d) to (em)~~ when it was offered, regardless of
7 the reason articulated by the employee for the termination.

8 **SECTION 2f.** 108.04 (8) (c) of the statutes is amended to read:

9 108.04 (8) (c) If an employee fails, without good cause, to return to work with
10 a former employer that recalls the employee within 52 weeks after the employee last
11 worked for that employer, the employee is ineligible to receive benefits until the
12 employee earns wages after the week in which the failure occurs equal to at least 6
13 times the employee's weekly benefit rate under s. 108.05 (1) in employment or other
14 work covered by the unemployment insurance law of any state or the federal
15 government. For purposes of requalification, the employee's weekly benefit rate
16 shall be that rate which would have been paid had the failure not occurred. This
17 paragraph does not preclude an employee from establishing a benefit year during a
18 period in which the employee is ineligible to receive benefits under this paragraph
19 if the employee qualifies to establish a benefit year under s. 108.06 (2) (a). The
20 department shall charge to the fund's balancing account any benefits otherwise
21 chargeable to the account of any employer that is subject to the contribution
22 requirements under ss. 108.17 and 108.18 whenever an employee of that employer
23 fails, without good cause, to return to work with that employer. This paragraph does
24 not apply to an employee who fails to return to work with a former employer if the
25 work offered would not be considered suitable work under ~~par. (d) or (dm), whichever~~

1 is applicable. If an employee receives actual notice of a recall to work, par. (a) applies
2 in lieu of this paragraph.

3 **SECTION 2h.** 108.04 (8) (d) of the statutes is repealed and recreated to read:

4 108.04 (8) (d) An employee shall have good cause under par. (a) or (c),
5 regardless of the reason articulated by the employee for the failure, if the department
6 determines that the failure involved work at a lower grade of skill or significantly
7 lower rate of pay than applied to the employee on one or more recent jobs, and that
8 the employee had not yet had a reasonable opportunity, in view of labor market
9 conditions and the employee's degree of skill, but not to exceed 6 weeks after the
10 employee became unemployed, to seek a new job substantially in line with the
11 employee's prior job skill and rate of pay.

12 **SECTION 2j.** 108.04 (8) (dm) of the statutes is repealed.

13 **SECTION 2L.** 108.04 (8) (em) of the statutes is repealed.

14 **SECTION 2n.** 108.06 (1) of the statutes is amended to read:

15 108.06 (1) Except as provided in ~~sub.~~ subs. (6) and (7) and ss. 108.141 and
16 108.142, no claimant may receive total benefits based on employment in a base
17 period greater than 26 times the claimant's weekly benefit rate under s. 108.05 (1)
18 or 40 percent of the claimant's base period wages, whichever is lower. Except as
19 provided in ~~sub.~~ subs. (6) and (7) and ss. 108.141 and 108.142, if a claimant's base
20 period wages are reduced or canceled under s. 108.04 (5) or (18), or suspended under
21 s. 108.04 (1) (f), (10) (a), or (17), the claimant may not receive total benefits based on
22 employment in a base period greater than 26 times the claimant's weekly benefit rate
23 under s. 108.05 (1) or 40 percent of the base period wages not reduced, canceled or
24 suspended which were paid or payable to the claimant, whichever is lower.

25 **SECTION 2p.** 108.06 (2) (c) of the statutes is amended to read:

1 108.06 (2) (c) No benefits are payable to a claimant for any week of
2 unemployment not occurring during the claimant's benefit year except under sub. (7)
3 and ss. 108.141 and 108.142.

4 **SECTION 2r.** 108.06 (2) (cm) of the statutes is amended to read:

5 108.06 (2) (cm) If an employee qualifies to receive benefits using the base period
6 described in s. 108.02 (4) (b), the wages used to compute the employee's benefit
7 entitlement are not available for use in any subsequent benefit computation for the
8 same employee, except under sub. (7) or s. 108.141 or 108.142.

9 **SECTION 2t.** 108.06 (3) of the statutes is amended to read:

10 108.06 (3) There shall be payable to an employee, for weeks ending within the
11 employee's benefit year, only those benefits computed for that benefit year based on
12 the wages paid to the employee in the immediately preceding base period. Wages
13 used in a given benefit computation are not available for use in any subsequent
14 benefit computation except under sub. (7) and s. 108.141.

15 **SECTION 2v.** 108.06 (6) (intro.) of the statutes is amended to read:

16 108.06 (6) (intro.) If a claimant has established a benefit year prior to the
17 effective date of any increase in the maximum weekly benefit rate provided under
18 s. 108.05 (1), the claimant has not exhausted his or her total benefit entitlement
19 under sub. (1) for that benefit year on that effective date, and the claimant was
20 entitled to receive the maximum weekly benefit rate under s. 108.05 (1) that was in
21 effect prior to that effective date, the limitation on the total benefits authorized to
22 be paid to a claimant under sub. (1) does not apply to that claimant in that benefit
23 year. Unless sub. (7) or s. 108.141 or 108.142 applies, the claimant's remaining
24 benefit entitlement in that benefit year for the period beginning on that effective date
25 shall be computed by:

1 **SECTION 2x.** 108.06 (7) of the statutes is created to read:

2 108.06 (7) (a) In this subsection:

3 1. “Applicable benefit year” means, with respect to a claimant, the claimant’s
4 current benefit year if at the time an initial claim for benefits under this subsection
5 is filed the claimant has an unexpired benefit year or, in any other case, the
6 claimant’s most recent benefit year.

7 2. “Training program” means any program of a type specified in s. 108.04 (16)
8 (a).

9 (b) Except as provided in pars. (f) and (g), a claimant who is otherwise eligible
10 for benefits and who is currently enrolled in a training program is eligible, while
11 enrolled in that training program, for additional benefits under this subsection
12 provided that the claimant:

13 1. Has exhausted all rights to regular benefits, Wisconsin supplemental
14 benefits, federal emergency compensation benefits under P.L. 110-252 and P.L.
15 110-449, as amended, extended benefits under s. 108.141, and the federal Trade Act
16 of 1974 (P.L. 93-618), or any other similar state or federal program of additional
17 benefits;

18 2. If not in a current benefit year, has a benefit year that ended no earlier than
19 52 weeks prior to the week for which the claimant first claims benefits under this
20 subsection;

21 3. Except as provided in par. (e), is first enrolled in a training program within
22 the claimant’s applicable benefit year; and

23 4. Is not receiving similar stipends or other training allowances for nontraining
24 costs.

1 (c) The weekly benefit rate payable to a claimant under this subsection for a
2 week of total unemployment is an amount equal to the most recent weekly benefit
3 rate in the claimant's applicable benefit year as determined under s. 108.05 (1).

4 (d) A claimant may receive total benefits under this subsection of not more than
5 26 times the claimant's weekly benefit rate that applied to the claimant's applicable
6 benefit year while enrolled in a training program. The benefits authorized under this
7 subsection are in addition to any regular benefits, extended benefits, or additional
8 benefits authorized under federal law to which a claimant may be entitled.

9 (e) A claimant who is otherwise eligible for benefits under par. (b) and whose
10 applicable benefit year ends in a week in which benefits are payable in this state
11 under s. 108.141 or 108.142, or P.L. 110-252 or P.L. 110-449, as amended, or another
12 similar state or federal program of additional benefits, is also eligible for benefits
13 under this subsection if the claimant is first enrolled in a training program within
14 52 weeks after the end of the claimant's applicable benefit year.

15 (f) No benefits may be paid to a claimant under this subsection for weeks
16 beginning more than 52 weeks after the first week for which the claimant received
17 benefits under this subsection.

18 (g) Except when the result would be inconsistent with the other provisions of
19 this subsection, the provisions of this chapter that apply to claims for, or the payment
20 of, regular benefits apply to claims for, and the payment of, benefits under this
21 subsection.

22 (h) The restrictions on benefit reductions and disqualifications in s. 108.04 (16)
23 apply to a claimant in a training program who is entitled to receive benefits under
24 this subsection.

1 (i) The department shall charge benefits paid under this subsection in the same
2 manner as benefits are charged under s. 108.04 (16) (e).”.

3 **4.** Page 7, line 8: delete the material beginning with that line and ending with
4 page 8, line 5, and substitute:

5 “**SECTION 7c.** 108.14 (28) of the statutes is created to read:

6 108.14 (28) The department shall promulgate a rule to define what constitutes
7 suitable work for claimants, which shall specify different levels of suitable work
8 based upon the number of weeks that a claimant has received benefits in a given
9 benefit year.

10 **SECTION 7g.** 108.141 (3g) (a) 3. (intro.) of the statutes is amended to read:

11 108.141 (3g) (a) 3. (intro.) ~~Work~~ Notwithstanding s. 108.02 (24g), work is
12 suitable within the meaning of subd. 2. if:

13 **SECTION 7r.** 108.16 (6m) (a) of the statutes is amended to read:

14 108.16 (6m) (a) The benefits thus chargeable under s. 108.04 (1) (f), (5), ~~(5g)~~,
15 (7) (h), (8) (a) or (b), (13) (c) or (d) or (16) (e), 108.07 (3), (3r), (5) (am) 2. and (bm) 3.
16 a., (5m), and (6), 108.133 (3) (f), 108.14 (8n) (e), 108.141, 108.151, or 108.152 or sub.
17 (6) (e) or (7) (a) and (b).”.

18 **5.** Page 8, line 7: delete lines 7 to 10.

19 **6.** Page 8, line 18: after that line insert:

20 “(3m) UNEMPLOYMENT INSURANCE; SUITABLE WORK. The department of workforce
21 development shall submit a notice to the legislative reference bureau for publication
22 in the Wisconsin Administrative Register when the department determines that the
23 department has rules in place under s. 108.14 (28) to define suitable work.

1 (4m) UNEMPLOYMENT INSURANCE; WAGE THRESHOLD. Section 108.05 (3) (dm) does
2 not apply to a claimant who files for benefits for a week beginning on or after the
3 effective date of this subsection and before June 30, 2021.

4 **SECTION 10m. Initial applicability.**

5 (1m) UNEMPLOYMENT INSURANCE; WORK SEARCH. The treatment of s. 108.04 (2)
6 (a) 3. (with respect to the required number of work search actions) first applies with
7 respect to weeks of unemployment beginning after the effective date of this
8 subsection.

9 (2m) UNEMPLOYMENT INSURANCE; SUITABLE WORK. The treatment of ss. 108.02
10 (24g) and 108.04 (7) (e) and (8) (c), (d), (dm), and (em) first applies to determinations
11 issued under s. 108.09 on the effective date of this subsection.

12 (3m) UNEMPLOYMENT INSURANCE; SUBSTANTIAL FAULT. The treatment of ss. 108.04
13 (5g) and 108.16 (6m) (a) first applies with respect to determinations issued under s.
14 108.09 on the effective date of this subsection.

15 **SECTION 11m. Effective dates.** This act takes effect on the Sunday after
16 publication, except as follows:

17 (1m) UNEMPLOYMENT INSURANCE; SUITABLE WORK. The treatment of ss. 108.02
18 (24g) and 108.04 (7) (e) and (8) (c), (d), (dm), and (em) and SECTION 10m (2m) of this
19 act take effect on the date the notice under SECTION 9 (3m) is published in the
20 Wisconsin Administrative Register or on January 3, 2023, whichever occurs first.”.

21 (END)