



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-0363/P2
EAW:cdc

DOA:.....Kirschbaum, BB0064 - Work search waiver repeal

FOR 2021-2023 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

Unemployment insurance; work search and registration

Under current law, a claimant for unemployment insurance benefits is generally required to register for work and to conduct a work search for each week in order to remain eligible. Current law requires DWD to waive these requirements under certain circumstances, for example, if a claimant who is laid off from work reasonably expects to be recalled to work within 12 weeks, will start a new job within four weeks, routinely obtains work through a labor union referral, or is participating in a training or work share program. Under current law, DWD may modify the statutory waivers or establish additional waivers by rule only if doing so is required or specifically allowed by federal law.

The bill removes the waiver requirements from statute and instead allows DWD to establish waivers for the registration for work and work search requirements by rule. Also, the bill specifies that the work search requirement does not apply to a claimant who has been laid off but DWD determines that the claimant has a reasonable expectation to be recalled to work.

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:

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

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

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 of the statutes is repealed and recreated to read:

108.04 (2) (a) 3. The claimant conducts a reasonable search for suitable work during that week and provides verification of that search to the department. The search for suitable work must include at least 4 actions per week that constitute a reasonable search as prescribed by rule of the department. In addition, the department may, by rule, require a claimant to take more than 4 reasonable work search actions in any week. The department shall require a uniform number of reasonable work search actions for similar types of claimants. This subdivision does not apply to a claimant if the department determines that the claimant is currently laid off from employment with an employer but there is a reasonable expectation of reemployment of the individual by that employer. In determining whether the claimant has a reasonable expectation of reemployment by an employer, the department shall request the employer to verify the claimant's employment status and shall consider all of the following:

- a. The history of layoffs and reemployments by the employer.
- b. Any information that the employer furnished to the claimant or the department concerning the claimant's anticipated reemployment date.

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

SECTION 3. 108.04 (2) (b) of the statutes is repealed and recreated to read:

108.04 (2) (b) The department may, by rule, establish waivers from the registration for work requirement under par. (a) 2. and the work search requirement under par. (a) 3.

SECTION 4. 108.04 (2) (bb) of the statutes is repealed.

SECTION 5. 108.04 (2) (bd) of the statutes is repealed.

SECTION 6. 108.04 (2) (bm) of the statutes is amended to read:

108.04 (2) (bm) A claimant is ineligible to receive benefits for any week for which there is a determination that the claimant failed to comply with the registration for work and work search requirements under par. (a) 2. or 3. or failed to provide verification to the department that the claimant complied with those requirements, unless the department has waived those requirements under par. (b), ~~(bb)~~, or ~~(bd)~~ or s. 108.062 (10m). If the department has paid benefits to a claimant for any such week, the department may recover the overpayment under s. 108.22.

SECTION 9350. Initial applicability; Workforce Development.

(1) UNEMPLOYMENT INSURANCE; WORK SEARCH AND REGISTRATION WAIVERS. The treatment of s. 108.04 (2) (a) (intro.) and 3., (b), ~~(bb)~~, ~~(bd)~~, and (bm) first applies to initial claims for benefits filed on the effective date of this subsection.

SECTION 9450. Effective dates; Workforce Development.

(1) UNEMPLOYMENT INSURANCE; WORK SEARCH AND REGISTRATION WAIVERS. The treatment of s. 108.04 (2) (a) (intro.) and 3., (b), ~~(bb)~~, ~~(bd)~~, and (bm) and SECTION 9350 (1) of this act take effect on the Sunday after publication.

(END)