



State of Wisconsin  
2021 - 2022 LEGISLATURE

LRB-1953/P1  
MED:kjf

DOA:.....Kirschbaum, BB0591 - UI Quit to Take Exception and Canvassing  
Period

**FOR 2021-2023 BUDGET -- NOT READY FOR INTRODUCTION**

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

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*Analysis by the Legislative Reference Bureau*

**EMPLOYMENT**

***Unemployment insurance; acceptance of suitable work***

Under current law, if a claimant for unemployment insurance benefits fails, without good cause, to accept suitable work when offered, the claimant is ineligible to receive benefits until he or she earns wages after the week in which the failure occurs equal to at least six times the claimant's weekly UI benefit rate in covered employment. Current law specifies what is considered "suitable work" for purposes of these provisions, with different standards applying depending on whether six weeks have elapsed since the claimant became unemployed. Once six weeks have elapsed since the claimant became unemployed, the claimant is required to accept work that pays lower and involves a lower grade of skill.

This bill modifies these provisions described above so that the claimant is not required to accept less favorable work until *10 weeks* have elapsed since the claimant became unemployed.

***Unemployment insurance; quits due to nonsuitable work***

Under current law, unless an exception applies, if a claimant for unemployment insurance benefits quits his or her job, the claimant is generally ineligible to receive unemployment insurance benefits until he or she qualifies through subsequent

employment. Under one such exception, if a claimant quits his or her job and 1) the claimant accepted work that was not suitable work under the UI law or work that the claimant could have refused; and 2) the claimant terminated the work within 30 calendar days after starting the work, the claimant remains eligible to collect UI benefits. Under the bill, this exemption applies if the claimant terminated that work within *10 weeks* after starting the work.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

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

**SECTION 1.** 108.04 (7) (e) of the statutes is amended to read:

108.04 (7) (e) Paragraph (a) does not apply if the department determines that the employee accepted work that the employee could have failed to accept under sub. (8) and terminated the work on the same grounds and within the first ~~30 calendar days~~ 10 weeks after starting the work, or that the employee accepted work that the employee could have refused under sub. (9) and terminated the work within the first ~~30 calendar days~~ 10 weeks after starting the work. For purposes of this paragraph, an employee has the same grounds for voluntarily terminating work if the employee could have failed to accept the work under sub. (8) (d) to (em) when it was offered, regardless of the reason articulated by the employee for the termination.

\*\*\*NOTE: As noted, this reverses the change made by [2013 Wisconsin Act 20](#), section [1717n](#).

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

108.04 (8) (d) (intro.) With respect to the first ~~6~~ 10 weeks after the employee became unemployed, “suitable work,” for purposes of par. (a), means work to which all of the following apply:

\*\*\*NOTE: Note that this does not change the standard for what is suitable work, it just changes the number of weeks before the standard changes, AKA the number of weeks before the canvassing period ends. Let me know if that is not your intent.

**SECTION 3.** 108.04 (8) (dm) of the statutes is amended to read:

108.04 (8) (dm) With respect to the 7<sup>th</sup> 11<sup>th</sup> week after the employee became unemployed and any week thereafter, “suitable work,” for purposes of par. (a), means any work that the employee is capable of performing, regardless of whether the employee has any relevant experience or training, that pays wages that are above the lowest quartile of wages for similar work in the labor market area in which the work is located, as determined by the department.

\*\*\*NOTE: Let me know if these changes are not what you wanted. Note, the 10 weeks for the “canvassing period” and the 10 weeks for the “quit to take” exception are not the same time period - the canvassing period is 10 weeks after *becoming unemployed*, and the “quit to take” exception is the 10 weeks after *starting the new job*.

**SECTION 9350. Initial applicability; Workforce Development.**

(1) UNEMPLOYMENT INSURANCE; QUILTS FOR CERTAIN WORK. The treatment of s. 108.04 (7) (e) first applies to determinations issued under s. 108.09 on the effective date of this subsection.

(2) UNEMPLOYMENT INSURANCE; SUITABLE WORK. The treatment of s. 108.04 (8) (d) (intro.) and (dm) first applies to determinations issued under s. 108.09 on the effective date of this subsection.

**SECTION 9450. Effective dates; Workforce Development.**

(1) UNEMPLOYMENT INSURANCE; QUIT EXCEPTION. The treatment of s. 108.04 (7) (e) and SECTION 9350 (1) of this act take effect on the first Sunday of the 2nd month beginning after publication.

(2) UNEMPLOYMENT INSURANCE; SUITABLE WORK. The treatment of s. 108.04 (8) (d) (intro.) and (dm) and SECTION 9350 (2) of this act take effect on the first Sunday of the 2nd month beginning after publication.

(END)