



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1287/P1
MED:emw

DOA:.....Kirschbaum, BB0248 - UI - receipt of SSDI

FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

EMPLOYMENT

Unemployment insurance; social security disability insurance payments

Under current law, in any week in any month that a claimant is issued a benefit under the federal Social Security Disability Insurance program (SSDI payment), that claimant is ineligible for unemployment insurance (UI) benefits. This bill repeals that prohibition and instead requires DWD to reduce a claimant's UI benefit payments by the amount of SSDI payments. The bill requires DWD to allocate a monthly SSDI payment by allocating to each week the fraction of the payment attributable to that week.

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) (h) of the statutes is amended to read:

108.04 (2) (h) A claimant shall, when the claimant first files a claim for benefits under this chapter and during each subsequent week the claimant files for benefits

under this chapter, inform the department whether he or she is receiving social security disability insurance payments, as defined in ~~sub. (12) (f) 2m~~ s. 108.05 (7m) (b). If the claimant is receiving social security disability insurance payments, the claimant shall, in the manner prescribed by the department, report to the department the amount of the social security disability insurance payments.

SECTION 2. 108.04 (12) (f) 1m. and 2m. of the statutes are renumbered 108.05 (7m) (a) and (b) and amended to read:

108.05 **(7m)** (a) The intent of the legislature in enacting this ~~paragraph~~ subsection is to prevent the payment of duplicative government benefits for the replacement of lost earnings or income, regardless of an individual's ability to work.

(b) In this ~~paragraph~~ subsection, "social security disability insurance payment" means a payment of social security disability insurance benefits under [42 USC ch. 7](#) subch. II.

SECTION 3. 108.04 (12) (f) 3. of the statutes is repealed.

SECTION 4. 108.04 (12) (f) 4. of the statutes is renumbered 108.05 (7m) (e).

SECTION 5. 108.05 (7m) (title), (c) and (d) of the statutes are created to read:

108.05 **(7m)** (title) SOCIAL SECURITY DISABILITY INSURANCE PAYMENTS.

(c) If a monthly social security disability insurance payment is issued to a claimant, the department shall reduce benefits otherwise payable to the claimant for a given week in accordance with par. (d). This subsection does not apply to a lump sum social security disability insurance payment in the nature of a retroactive payment or back pay.

(d) The department shall allocate a monthly social security disability insurance payment by allocating to each week the fraction of the payment attributable to that week.

SECTION 6. 108.05 (9) of the statutes is amended to read:

108.05 (9) ROUNDING OF BENEFIT AMOUNTS. Notwithstanding sub. (1), benefits payable for a week of unemployment as a result of applying sub. (1m), (3) ~~or~~, (7), or (7m) or s. 108.04 (11) or (12), 108.06 (1), 108.13 (4) or (5) or 108.135 shall be rounded down to the next lowest dollar.

SECTION 7. 108.05 (10) (intro.) of the statutes is amended to read:

108.05 (10) DEDUCTIONS FROM BENEFIT PAYMENTS. (intro.) After calculating the benefit payment due to be paid for a week under subs. (1) to ~~(7)~~ (7m), the department shall make deductions from that payment to the extent that the payment is sufficient to make the following payments in the following order:

SECTION 9350. Initial applicability; Workforce Development.

(1) UNEMPLOYMENT INSURANCE; SSDI PAYMENTS. The treatment of ss. 108.04 (2) (h) and (12) (f) 1m., 2m., 3., and 4. and 108.05 (7m) (title), (c), and (d), (9), and (10) (intro.) 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; SSDI PAYMENTS. The treatment of ss. 108.04 (2) (h) and (12) (f) 1m., 2m., 3., and 4. and 108.05 (7m) (title), (c), and (d), (9), and (10) (intro.) and SECTION 9350 (1) of this act take effect on the first Sunday of the 7th month beginning after publication.

****NOTE: It looks like we didn't have an initial applicability and effective date last time, which we usually do for UI benefit-related changes. I added these as a placeholder.

(END)