

Wisconsin Legislative Council

ACT MEMO



Prepared by: Rachel Letzing, Deputy Director

April 18, 2022

2021 Wisconsin Act 231

[2021 Assembly Bill 910]

Various Changes to Unemployment Insurance Law

2021 WISCONSIN ACT 231

2021 Wisconsin Act 231 makes changes to the state unemployment insurance (UI) law. The changes were recommended by the Unemployment Insurance Advisory Council (UIAC), which is statutorily directed to advise the Department of Workforce Development (DWD) on the unemployment insurance law and to recommend legislative changes.

Act 231 does all of the following:

- Makes certain provisions in the work-share program that were modified under 2019 Wisconsin Act 185 and 2021 Wisconsin Act 4 permanent. Act 231 allows work-share plans submitted by employers to apply to all employees, instead of being limited to employees in specific work units, cover as few as two employees, reduce hours up to 60 percent, and to remain in effect for up to 12 months in any five-year period.
- Provides that a final order or judgment of conviction for a crime entered by a court is binding on the convicted person in an action or proceeding under the UI law that relates to the criminal conviction.
- Consistent with federal law, specifies that seasonal work performed by a full-time student at an organized camp that operates for not more than seven months in a calendar year is excluded from coverage under the state UI law. The exclusion applies to work that is less than 13 weeks in a calendar year, and does not apply to work for a government or nonprofit entity unless elected by the entity. This change first applies to services performed on the effective date of the act.
- Raises the threshold for charging an assessment to a nonprofit “reimbursable” employer from \$10 to \$20. Act 231 also allows DWD, in lieu of or in addition to assessing nonprofit reimbursable employers, to apply moneys from \$2,000,000 previously set aside to the uncollectible reimbursable benefits account, subject to certain limitations.
- In the standard to waive the recovery of benefits that were erroneously paid, specifies that a “departmental error” does not include an error made by an administrative law judge. This change first applies to determinations issued on the effective date of the act.
- Provides that the requirement that a state agency and the Department of Revenue (DOR) enter into a written agreement to have DOR collect certain amounts owed to the state agency does not apply to amounts owed to DWD under the UI law or other federal unemployment programs administered by DWD.
- Allows the fiscal agent for an individual who receives long-term care benefits to elect to become the employer of the individual’s long-term care service providers, subject to certain requirements.
- Changes the deadlines by which DWD must submit certain reports to the Governor, Legislature, and UIAC.

- Makes various changes to reorganize, clarify, and update provisions in the state UI law; and addresses out-of-date or erroneous cross-references in the state UI law.

Effective date: Generally, April 10, 2022. The provisions relating to DWD report submittal deadlines take effect on February 1, 2022. The provisions relating to a fiscal agent electing to be an employer of long-term care service providers take effect on January 1, 2023.

REL:ksm