



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2013 Assembly Bill 219**

**Assembly Amendment 1**

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This memorandum describes 2013 Assembly Bill 219, relating to various changes in the unemployment insurance (UI) law, and Assembly Amendment 1 to the bill.

### **2013 Assembly Bill 219**

Assembly Bill 219 makes various changes to UI law, including the following provisions:

- Provides that if a claimant fails to initially comply with a request from the Department of Workforce Development (DWD) to provide information but later complies with the request, the claimant is eligible to receive benefits beginning with the week in which the failure occurred. [Under current law, if a claimant later complies with a request by DWD *or satisfies DWD that he or she had good cause for failure to comply with the request*, the claimant is eligible to receive benefits beginning with the week in which the failure occurred.]
- Requires DWD to maintain a portal on the Internet that allows employers to log in and file complaints related to the administration of UI law.
- Requires DWD to maintain a searchable, electronic database of significant decisions made by the Labor and Industry Review Commission (LIRC).
- Requires DWD to create and keep up-to-date a handbook that informs employers that are subject to UI law about the provisions and requirements of UI law.
- Allows DWD to waive or decrease interest charged on employers' delinquent payments in limited circumstances, as prescribed by rule.

- Provides that if DWD determines that an erroneous payment has been made to an unintended recipient without fault of the intended payee, DWD may issue the correct payment to the intended payee.
- Creates a financial record matching program for UI and provides that DWD may reimburse a financial institution up to \$125 per calendar quarter to participate in the program.
- Provides that the bill, if enacted, generally takes effect on the first Sunday after publication. In addition, the bill contains various initial applicability clauses.

### **Assembly Amendment 1**

Assembly Amendment 1 makes the following changes to the bill:

- Provides that if a claimant later complies with a request to provide information to DWD *within the two years following a DWD determination about a claimant's eligibility for benefits*, the claimant is eligible for benefits beginning with the week in which the failure occurred.
- Requires DWD to request funding from the U.S. Department of Labor (DOL) for the complaint portal. In addition, the amendment provides that DWD is not required to maintain the portal if DWD does not receive funding from DOL for that purpose.
- Requires that LIRC, and not DWD, maintain the database of LIRC decisions.
- Requires DWD to *periodically update* the UI handbook. In addition, the amendment requires that the UI handbook inform employers that *may* be subject to UI law.
- Allows DWD to also waive or decrease interest charged for employers' unpaid contributions.
- In the case of an erroneous payment, allows DWD to issue the correct payment if DWD determines that an erroneous payment has been made without fault of the intended payee or *payee's authorized agent*.
- *Requires* DWD to reimburse a financial institution up to \$125 per calendar quarter to participate in the financial record matching program.
- Modifies the general effective date clause to provide that the bill, if enacted, takes effect on the first Sunday after the general effective date of the 2013-15 Biennial Budget Act or the first Sunday after publication of this bill, whichever is later. In addition, the amendment modifies various initial applicability clauses.

In addition, the amendment also does the following:

- Creates a general purpose revenue appropriation of \$362,100 in fiscal year 2013-14 for DWD to administer the UI program and perform other functions under UI law.

- Provides that a claimant is ineligible for benefits if the claimant conceals hours that he or she worked. [Under current law, a claimant is also ineligible for benefits if the claimant conceals wages that he or she earned.]
- Provides that “wages,” for purposes of partial benefits, includes wages that the claimant would have earned in certain circumstances, bonus pay, back pay, and certain disability payments. [Under current law, a claimant is ineligible to receive partial benefits in any week that the claimant receives wages of more than \$500.]
- Extends the expiration of the Program Integrity Fund to January 1, 2034. [Under current law, the fund expires on January 1, 2014.]

### **Legislative History**

Assembly Amendment 1 was offered by the Assembly Committee on Labor. On June 6, 2013, the Assembly Committee on Labor recommended adoption of the amendment on a vote of Ayes, 9; Noes, 0. On that same date, the committee recommended passage of Assembly Bill 219, as amended, on a vote of Ayes, 6; Noes, 3.

JKR:jal