



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-1978/1
MED:skw

2021 SENATE BILL 140

February 24, 2021 - Introduced by Senators BEWLEY, AGARD, CARPENTER, ERPENBACH, JOHNSON, LARSON, PFAFF, RINGHAND, ROYS, SMITH and WIRCH, cosponsored by Representatives HINTZ, ANDERSON, ANDRACA, BALDEH, BILLINGS, BOWEN, BROSTOFF, CABRERA, CONLEY, CONSIDINE, DOYLE, DRAKE, EMERSON, GOYKE, HAYWOOD, HEBL, HESSELBEIN, HONG, MCGUIRE, B. MEYERS, MILROY, MOORE OMOKUNDE, L. MYERS, NEUBAUER, OHNSTAD, ORTIZ-VELEZ, POPE, RIEMER, S. RODRIGUEZ, SHANKLAND, SHELTON, SINICKI, SNODGRASS, SPREITZER, STUBBS, SUBECK, VINING and VRUWINK. Referred to Committee on Government Operations, Legal Review and Consumer Protection.

1 **AN ACT to amend** 108.07 (5) (bm) 1. and 108.07 (5) (bm) 2. a.; and **to create**
2 108.07 (5) (bm) 1m. of the statutes; **relating to:** charging of unemployment
3 insurance benefits related to a public health emergency.

Analysis by the Legislative Reference Bureau

Current law, as enacted in 2019 Wisconsin Act 185, requires the Department of Workforce Development, when processing claims for unemployment insurance benefits and evaluating work-share plans, to determine whether a claim or plan is related to the public health emergency declared by the governor under Executive Order 72. If a claim is so related, current law provides that the regular benefits for that claim for weeks occurring after March 12, 2020, and before December 31, 2020, not be charged to the employers' accounts in the unemployment trust fund or to the employers directly, as is normally provided. Instead, the benefits for those weeks are, subject to numerous exceptions, to be charged to other accounts. This bill provides for this noncharging of benefits to continue through March 13, 2021, and requires DWD to presume that an initial claim for benefit years beginning on or after March 15, 2020, through March 13, 2021, relates to the public health emergency declared on March 12, 2020, by Executive Order 72 unless one of certain exceptions applies. The bill provides that an employer is not required to submit a request for charging relief for initial claims filed through March 13, 2021.

SENATE BILL 140

For further information see the state and local 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:

1 **SECTION 1.** 108.07 (5) (bm) 1. of the statutes is amended to read:

2 108.07 (5) (bm) 1. The Subject to subd. 1m., the department shall, when
3 processing initial claims for regular benefits, determine whether a claim or plan is
4 related to the public health emergency declared on March 12, 2020, by executive
5 order 72. If a claim is so related, the regular benefits for that claim shall, except as
6 provided in subd. 2., be paid as provided in subd. 3.

7 **SECTION 2.** 108.07 (5) (bm) 1m. of the statutes is created to read:

8 108.07 (5) (bm) 1m. For purposes of this paragraph, the department shall
9 presume that an initial claim for benefit years beginning on or after March 15, 2020,
10 through March 13, 2021, relates to the public health emergency declared on March
11 12, 2020, by Executive Order 72 unless the claimant's most recent separation from
12 employment is due to a labor dispute, voluntary termination of work, discharge for
13 misconduct, or discharge for substantial fault. An employer is not required to submit
14 a request for charging relief under this paragraph for initial claims described in this
15 subdivision.

16 **SECTION 3.** 108.07 (5) (bm) 2. a. of the statutes is amended to read:

17 108.07 (5) (bm) 2. a. Subdivision 1. applies only with respect to benefits payable
18 for weeks beginning after March 12, 2020, and beginning before ~~December 31, 2020~~
19 March 14, 2021.

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(END)