



2025 ASSEMBLY BILL 169

April 8, 2025 - Introduced by Representatives KNODL, B. JACOBSON, BEHNKE, DITTRICH, DUCHOW, GREEN, GUNDRUM, MURPHY, O'CONNOR, PENTERMAN and WICHGERS, cosponsored by Senators TOMCZYK, CABRAL-GUEVARA, MARKLEIN and KAPENGA. Referred to Committee on Workforce Development, Labor, and Integrated Employment.

1 **AN ACT** *to renumber* 108.04 (2) (ae); *to renumber and amend* 108.14 (19); *to*
2 *amend* 108.04 (2) (a) 3., 108.04 (2) (bm), 108.04 (2) (g) 2., 108.04 (11) (cm),
3 108.14 (21) and 108.22 (8) (a); *to create* 108.04 (1) (hg), 108.04 (2) (ae) 1.,
4 108.04 (2) (hL), 108.14 (19) (b) and 108.14 (28) of the statutes; **relating to:**
5 various changes to the unemployment insurance law.

Analysis by the Legislative Reference Bureau

This bill makes various changes regarding the unemployment insurance (UI) law, which is administered by the Department of Workforce Development.

Suitable work; work search

Current law requires that, as a condition of being eligible for UI benefits for a given week, a claimant must 1) be able to work and available for work; 2) register for work in the manner prescribed by DWD; and 3) conduct a reasonable search for suitable work. Separately, current law also makes a claimant ineligible for UI benefits if a claimant fails, without good cause, to accept suitable work when offered.

The bill provides that an employer may report to DWD whenever 1) an individual declines a job interview or job offer; 2) an individual fails to respond to a job interview offer or job offer; 3) an individual cancels or fails to attend a scheduled

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job interview without attempting to reschedule the job interview; 4) a UI claimant is unavailable for, or unable to perform, work actually available within a given week; or 5) under certain circumstances, the employer recalls a former employee receiving UI benefits who fails to return to work. The bill requires DWD to consider these reports in determining claimants' attachment to the labor market. The bill also provides that a UI claimant is not considered to have conducted a reasonable search for suitable work in a given week, and is therefore ineligible for benefits for that week, if the claimant declined a job interview, failed to respond to a job interview offer, or canceled or failed to attend a job interview in that week. The bill, however, provides that a report of a canceled or missed interview is to be disregarded if the claimant demonstrates that he or she promptly attempted to reschedule the interview and allows reports to be disregarded upon certain showings by a claimant. The bill requires a claimant to provide weekly verification of all job offers, job interview offers, recalls to return to work, and any other offers of work received or responded to by the claimant since the prior week's verification, as further prescribed by DWD, and requires DWD to investigate reports from employers as needed to determine their effect on claimants' eligibility for benefits. A disqualification of a claimant from receiving benefits for a given week based upon the claimant's failure to conduct a reasonable search for suitable work does not reduce the claimant's total UI benefit entitlement and does not preclude the claimant from receiving UI benefits in subsequent weeks, if the claimant is otherwise eligible for those weeks.

The bill requires DWD to include information on reports submitted by employers under the bill in its annual UI fraud report made to the Council on Unemployment Insurance, including actions taken by DWD in response to the reports and their effect on claimants' eligibility for benefits. In addition, the bill requires that this annual fraud report be submitted to the appropriate standing committees of the legislature.

The bill requires DWD to have in effect methods to address any circumstances in which a claimant for UI benefits fails to return to work or to accept suitable work without good cause or is unavailable for work or unable to work, including reporting methods for employers and a notice from DWD to claimants about the laws governing such circumstances.

Recovery of overpayments

Current law allows DWD to act to recover overpayments in certain circumstances and allows overpayments to be required to be repaid in cases where an individual makes misrepresentations to obtain benefits in the name of another person. This bill makes such recoveries mandatory, instead of permissive.

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

ASSEMBLY BILL 169**SECTION 1**

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

1 **SECTION 1.** 108.04 (1) (hg) of the statutes is created to read:

2 108.04 (1) (hg) 1. An employing unit may report to the department whenever
3 any of the following occurs:

4 a. An individual declines a job interview or job offer with the employing unit.

5 b. An individual fails to respond to a job interview offer or job offer made by
6 the employing unit.

7 c. An individual cancels or fails to attend a scheduled job interview with the
8 employing unit, unless the individual promptly attempts to reschedule the job
9 interview.

10 d. An employee claiming benefits is unavailable for, or unable to perform,
11 work actually available within a given week as described in par. (a).

12 e. The employing unit recalls an employee who fails to return to work as
13 described in sub. (8) (c).

14 2. The department shall investigate each report submitted under subd. 1. as
15 needed to determine whether the report affects a claimant's eligibility under sub.
16 (2) (hL).

17 **SECTION 2.** 108.04 (2) (a) 3. of the statutes is amended to read:

18 108.04 (2) (a) 3. The claimant conducts a reasonable search for suitable work
19 during that week and provides verification of that search to the department. The
20 claimant's verification under this subdivision shall include a record of all job offers,
21 job interview offers, recalls to return to work, and any other offers of work received
22 or responded to by the claimant since the prior week's verification, as further

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1 prescribed by the department. The search for suitable work must include at least 4
2 actions per week that constitute a reasonable search as prescribed by rule of the
3 department. In addition, the department may, by rule, require a claimant to take
4 more than 4 reasonable work search actions in any week. The department shall
5 require a uniform number of reasonable work search actions for similar types of
6 claimants.

7 **SECTION 3.** 108.04 (2) (ae) of the statutes is renumbered 108.04 (2) (ae) 2.

8 **SECTION 4.** 108.04 (2) (ae) 1. of the statutes is created to read:

9 108.04 (2) (ae) 1. In determining whether a claimant is available for work
10 under par. (a) 1. and has maintained an attachment to the labor market, the
11 department shall consider reports made by employing units under sub. (1) (hg).

12 **SECTION 5.** 108.04 (2) (bm) of the statutes is amended to read:

13 108.04 (2) (bm) A claimant is ineligible to receive benefits for any week for
14 which there is a determination that the claimant failed to comply with the
15 registration for work and work search requirements under par. (a) 2. or 3. or failed
16 to provide verification to the department that the claimant complied with those
17 requirements, unless the department has waived those requirements under par.
18 (b), (bb), or (bd) or s. 108.062 (10m). If the department has paid benefits to a
19 claimant for any such week, the department ~~may~~ shall act to recover the
20 overpayment under s. 108.22.

21 **SECTION 6.** 108.04 (2) (g) 2. of the statutes is amended to read:

22 108.04 (2) (g) 2. If a claimant's security credentials are used in the filing of an
23 initial or continued claim for benefits or any other transaction, the individual using
24 the security credentials is presumed to have been the claimant or the claimant's

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1 authorized agent. This presumption may be rebutted by a preponderance of
2 evidence showing that the claimant who created the security credentials or the
3 claimant's authorized agent was not the person who used the credentials in a given
4 transaction. If a claimant uses an agent to engage in any transaction with the
5 department using the claimant's security credentials, the claimant is responsible
6 for the actions of the agent. If a claimant who created security credentials or the
7 claimant's authorized agent divulges the credentials to another person, or fails to
8 take adequate measures to protect the credentials from being divulged to an
9 unauthorized person, and the department pays benefits to an unauthorized person
10 because of the claimant's action or inaction, the department ~~may recover from the~~
11 ~~claimant the benefits that were paid to the unauthorized person~~ shall, in the same
12 manner as provided for overpayments to claimants under s. 108.22 or under s.
13 108.245, act to recover from the claimant the benefits that were paid to the
14 unauthorized person. If a claimant who created security credentials or the
15 claimant's authorized agent divulges the credentials to another person, or fails to
16 take adequate measures to protect the credentials from being divulged to an
17 unauthorized person, the department is not obligated to pursue recovery of, or to
18 reimburse the claimant for, benefits payable to the claimant that were erroneously
19 paid to another person.

20 **SECTION 7.** 108.04 (2) (hL) of the statutes is created to read:

21 108.04 (2) (hL) 1. Subject to subd. 2., if a claimant is subject to the
22 requirement under par. (a) 3. to conduct a reasonable search for suitable work for a
23 given week and the department determines, based upon the claimant's verification

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1 under par. (a) 3. or based upon one or more credible reports received by the
2 department, that the claimant did any of the following, the claimant shall not be
3 considered to have conducted a reasonable search for suitable work in that week
4 under par. (a) 3.:

5 a. Declined a job interview offer.

6 b. Failed to respond to a job interview offer. For purposes of this subd. 1. b., a
7 claimant shall have 3 working days after receipt of a job interview offer to respond
8 to the offer, after which the offer shall be considered to have been declined.

9 c. Canceled or failed to attend a scheduled job interview.

10 2. A claimant may demonstrate to the department that a report described in
11 subd. 1. was inaccurate, that an interview was for a job that the claimant was not
12 required to accept under sub. (8) (d) to (em), that the claimant promptly attempted
13 to reschedule a canceled or missed interview under subd. 1. c., or that the claimant
14 had other good cause for the declination or failure reported. If the department so
15 determines, the report shall be disregarded for purposes of subd. 1.

16 **SECTION 8.** 108.04 (11) (cm) of the statutes is amended to read:

17 108.04 (11) (cm) If any person makes a false statement or representation in
18 order to obtain benefits in the name of another person, the benefits received by that
19 person constitute a benefit overpayment. Such person ~~may~~ shall, by a
20 determination or decision issued under s. 108.095, be required to repay the amount
21 of the benefits obtained and be assessed an administrative assessment in an
22 additional amount equal to the amount of benefits obtained.

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1 **SECTION 9.** 108.14 (19) of the statutes is renumbered 108.14 (19) (intro.) and
2 amended to read:

3 108.14 **(19)** (intro.) No later than March 15 annually, the department shall
4 prepare and furnish to the council on unemployment insurance and to the chief
5 clerk of each house of the legislature, for distribution to the appropriate standing
6 committees under s. 13.172 (3), a report summarizing the department's activities
7 related to detection and prosecution of unemployment insurance fraud in the
8 preceding year. The department shall include all of the following in the report
9 information:

10 (a) Information about audits conducted by the department under sub. (20),
11 including the number and results of audits performed, in the previous year.

12 **SECTION 10.** 108.14 (19) (b) of the statutes is created to read:

13 108.14 **(19)** (b) Information on reports submitted by employing units under s.
14 108.04 (1) (hg) 1., including actions taken by the department in response to the
15 reports as required under s. 108.04 (1) (hg) 2. and their effect on claimants'
16 eligibility for benefits under s. 108.04 (2) (ae) 1. and (hL).

17 **SECTION 11.** 108.14 (21) of the statutes is amended to read:

18 108.14 **(21)** The department shall maintain a portal on the Internet that
19 allows ~~employers~~ employing units to log in and file with the department complaints
20 related to the administration of this chapter and reports under s. 108.04 (1) (hg).

21 **SECTION 12.** 108.14 (28) of the statutes is created to read:

22 108.14 **(28)** The department shall have in effect methods to address
23 circumstances in which an employee fails to return to work or to accept suitable

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1 work without good cause as described in s. 108.04 (8) or in which the employee is
2 unavailable for work or unable to perform work under s. 108.04 (1) (a). The
3 methods shall include all of the following:

4 (a) Reporting methods, including a telephone line, an email address, and an
5 online portal, for an employing unit to notify the department when an employee
6 refuses an offer of work.

7 (b) A plain-language notice provided to employees by the department when
8 applying for benefits about the application of s. 108.04 (8) (a) to (c), including what
9 constitutes suitable work under s. 108.04 (8) (d) and (dm), and an employee's right
10 to fail to accept suitable work for good cause under s. 108.04 (8) (em); about the
11 application of s. 108.04 (1) (a); and including information on contesting the denial of
12 a claim that has been denied due to a report by an employing unit that an employee
13 failed to return to work, failed to accept suitable work, or was unavailable for work
14 or unable to perform work.

15 **SECTION 13.** 108.22 (8) (a) of the statutes is amended to read:

16 108.22 (8) (a) If benefits are erroneously paid to an individual, the
17 individual's liability to reimburse the fund for the overpayment ~~may~~ shall be set
18 forth in a determination or decision issued under s. 108.09. Any determination
19 ~~which~~ that establishes or increases an overpayment shall include a finding
20 concerning whether waiver of benefit recovery is required under par. (c). If any
21 decision of an appeal tribunal, the commission or any court establishes or increases
22 an overpayment and the decision does not include a finding concerning whether

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1 waiver of benefit recovery is required under par. (c), the tribunal, commission or
2 court shall remand the issue to the department for a determination.

3 **SECTION 14. Initial applicability.**

4 (1) The renumbering of s. 108.04 (2) (ae), the amendment of s. 108.04 (2) (a) 3.,
5 and the creation of s. 108.04 (2) (ae) 1. and (hL) first apply to weeks of
6 unemployment beginning on the effective date of this subsection.

7 **SECTION 15. Effective dates.** This act takes effect on the Sunday after
8 publication, except as follows:

9 (1) The treatment of s. 108.14 (28) takes effect on the first Sunday after the
10 180th day after publication.

11

(END)