

No. 273, S.]

[Published August 19, 1947.]

**CHAPTER 527.**

AN ACT to repeal 108.04 (14), 108.05 (4), 108.16 (6) (b) and (h) and 108.18 (7); to renumber 108.04 (12), 108.06 (2) (c), 108.16 (6) (c) through (g) and 108.18 (8); to amend 108.02 (8) and (14), and 108.04 (4) (b) and (11), 108.05 (1) (schedule), 108.06 (1) (a) and (b), (2) (heading) and (b) and (3) (c), 108.07 (1) (a), 108.18 (3) (b) and (4) (b) through (f) and 108.22 (1); to repeal and recreate 108.02 (5) (g) 6., 108.05 (1m) and (3), 108.07 (1) (b), 108.16 (13) and 108.18 (5); to create 108.04 (12) (b), 108.14 (8r), 108.18 (4) (f) through (h) and 108.20 (3) of the statutes, constituting recommendations pursuant to 108.14 (5m), made by the state advisory committee on unemployment compensation to the 1947 legislature, relating to unemployment compensation, and making appropriations.

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

SECTION 1. 108.02 (5) (g) 6 of the statutes is repealed and recreated to read:

(108.02) (5) (g) 6. Any type of maritime service specifically excluded from the coverage of the federal unemployment tax act.

SECTION 2. 108.02 (8) and (14), subject to the timing specified in section 25 of this act, are amended to read:

(108.02) (8) (a) An employer's "payroll" shall include all wages paid within a given period to the employer's employes for their "employment" by him.

(b) But an employer's "payroll" for any calendar year shall not include more than the first \$3,000 of wages paid by him during such year to an \* \* \* individual with respect to "employment" \* \* \* (including any employment covered by the unemployment compensation law of any other state).

(14) "Credit week" means a week of employment (of an employe by an employer) \* \* \* counted in computing benefits under section 108.06.

SECTION 3. 108.04 (4) (b) of the statutes, subject to the timing specified in section 26 of this act, is amended to read:

(108.04) (4) (b) An employe shall be ineligible for benefits, based on his past employment by a given employer, while his

applicable "average weekly wage" as to such employer is \* \* \* under \$10.

SECTION 4. 108.04 (11) of the statutes is amended by changing its references to "credit weeks" to read "benefit credits".

SECTION 5. 108.04 (12) of the statutes is renumbered 108.04 (12) (a); and 108.04 (12) (b) of the statutes is created to read:

(108.04) (12) (b) Similarly, any individual who receives, through the commission, any other type of unemployment benefit or allowance for a given week shall be ineligible for benefits paid or payable for that same week under this chapter.

SECTION 6. 108.04 (14) of the statutes is repealed.

SECTION 7. 108.05 (1) (Schedule) of the statutes, subject to the timing specified in sections 26 and 27 of this act, is amended to read:

(108.05) (1)

SCHEDULE

Line	Average Weekly Wage Class	Weekly Benefit Rate
1.	* * * Under * * *	\$10.00 \$ None
* * *	* * *	* * *
* * *	* * *	* * *
* * * 2.	* * * 10.00 to 13.00	8
* * * 3.	13.01 to 15.00	9
* * * 4.	15.01 to 17.00	10
* * * 5.	17.01 to 19.50	11
* * * 6.	19.51 to 22.00	12
* * * 7.	22.01 to 24.50	13
* * * 8.	24.51 to 27.00	14
* * * 9.	27.01 to 29.50	15
* * * 10.	29.51 to 32.00	16
* * * 11.	32.01 to 34.00	17
* * * 12.	34.01 to 36.00	18
* * * 13.	36.01 to 38.00	19
* * * 14.	38.01 * * * to 40.00	20
15.	40.01 to 42.00	21
16.	42.01 to 44.00	22
17.	44.01 to 46.00	23
18.	46.01 or more	24

SECTION 8. 108.05 (1m) of the statutes, subject to the timing specified in section 26 of this act, is repealed and recreated to read:

(108.05) (1m) FINAL PAYMENTS IN CERTAIN CASES

Whenever an employe's benefit credits under a given determina-

tion are nearly exhausted, so that paying the benefits normally due him for a given week of unemployment would reduce such credits below his applicable weekly benefit rate, his actual benefits for such week shall equal all benefit credits remaining under said determination.

SECTION 9. 108.05 (3) and (4) of the statutes are repealed; and 108.05 (3) of the statutes is recreated to read:

(108.05) (3) BENEFITS FOR PARTIAL OR PART-TOTAL UNEMPLOYMENT. (a) If an eligible employe's total wages for a given week are less than his applicable weekly benefit rate, but are at least one-half of said rate, he shall be paid one-half of his weekly benefit rate for such week.

(b) If an eligible employe's total wages for a given week are less than one-half of his applicable weekly benefit rate, he shall be paid his full weekly benefit rate for such week.

(c) If, during a given week, an employe is partially unemployed with respect to a current employer and part-totally unemployed with respect to a previous employer, his weekly benefit rate as to his current employer shall be used, in lieu of his wages from that employer, in computing his benefits for part-total unemployment for such week.

SECTION 10. 108.06 (1) (a) of the statutes is amended by changing its reference to "this subsection" to read "this section".

SECTION 11. 108.06 (1) (b), (2) (heading), and (2) (b) of the statutes, subject to the timing specified in section 26 of this act, are amended to read:

(108.06) (1) (b) In case an employe has had more than \* \* \* 40 weeks of employment by an employer within the period specified in paragraph (a) 2, only \* \* \* 40 of such weeks shall be counted as "credit weeks" with respect to such employer.

(2) (heading) \* \* \* *DURATION OF BENEFITS, \* \* \* BASED ON CREDIT WEEKS.*

(2) (b) Based on each such credit week, the fund shall be liable to pay benefits to the employe (if otherwise eligible) in an amount equal to \* \* \* *six-tenths* of the weekly benefit rate applicable under the given benefit determination; *except that the sum of the benefit credits thus resulting, based on all credit weeks under said determination, shall be adjusted to the nearest multiple of one-half of said weekly benefit rate.*

SECTION 12. 108.06 (3) (c) of the statutes is amended by changing its reference to "credit weeks" to read "benefit credits".

SECTION 13. 108.06 (2) (c) of the statutes is renumbered 108.16 (2) (e).

SECTION 14. 108.07 (1) (a) of the statutes is amended by striking out "(and has uncharged credit weeks)".

SECTION 15. 108.07 (1) (b) of the statutes, subject to the timing specified in section 28 of this act, is repealed and re-created to read:

(108.07) (1) (b) After an employe has become eligible for a benefit check under a given benefit determination, he shall, while it remains valid under section 108.06 (3), be eligible for benefits solely under that determination, except that he may also be paid benefits under subsection (2) for any given week of partial unemployment. Whenever a determination ceases to be valid and there is more than one employer with respect to whom the employe is eligible, paragraph (a) shall govern in issuing or selecting the next benefit determination to apply under this paragraph.

SECTION 16. 108.14 (8r) of the statutes is created to read:

(108.14) (8r) (a) To permit simpler and better handling of interstate benefit cases, the commission may, in lieu of the arrangements authorized by subsection (8), enter into reciprocal arrangements, with any other agency charged with the administration of an unemployment compensation law, whereby:

1. An employe's benefit credits under this chapter, duly determined by the commission under section 108.09, may, when he is claiming outside Wisconsin, be transferred to such other agency and be used by it as the basis for payments to be made by it to such employe on behalf of the commission but under the provisions applicable to individuals whose benefit credits are earned, determined and paid out solely under the law administered by such other agency.

2. Similarly, an individual's benefit credits, duly determined under the law administered by such other agency, may, when he is claiming within Wisconsin, be transferred to the commission and be used by it as the basis for payments to be made by it to such individual on behalf of such other agency but under the provisions applicable to employes whose benefit credits are earned, determined and paid out solely under this chapter.

3. The commission shall periodically reimburse such other agency, up to the amount of benefit credits thus transferred to it by the commission, for payments actually made by such other agency based on such transfers.

4. Similarly, such other agency shall periodically reimburse the commission for payments made by it based on the benefit credits transferred to it by such other agency.

(b) Amounts paid under this subsection by another agency on behalf of the commission shall, when reimbursed by the commission, be charged to the proper employer's account.

(c) Amounts paid under this subsection by the commission on behalf of another agency shall be charged to the fund's balancing account, and the corresponding reimbursements shall be credited to that account.

SECTION 17. 108.16 (6) (b) and (h) of the statutes are repealed; and 108.16 (6) (c) through (g) of the statutes are accordingly renumbered 108.16 (6) (b) through (f) respectively.

SECTION 18. 108.16 (13) of the statutes is repealed and re-created to read:

(108.16) (13) The amount standing to the credit of an employer's "post-war reserve" (maintained under this subsection of the statutes of 1945) shall be included in the employer's account, for all the purposes of this chapter, for the December 31, 1947 computation date. Such inclusion shall be recorded by the commission, and the employer shall be notified thereof, not later than November 1, 1947.

SECTION 19. 108.18 (3) (b) and (4) (b) through (f) of the statutes, subject to the timing specified in section 29 of this act, are amended to read:

(108.18) (3) (b) Such lower rate applies under subsection (4) or (5); and

(4) (b) If such reserve percentage is zero or more, but less than \* \* \* 2 per cent, such rate shall be \* \* \* 3.5 per cent.

(c) If such reserve percentage is \* \* \* 2 per cent or more, but less than 4 per cent, such rate shall be \* \* \* 3 per cent.

(d) If such reserve percentage is 4 per cent or more, but less than \* \* \* 6 per cent, such rate shall be \* \* \* 2.5 per cent.

(e) If such reserve percentage is \* \* \* 6 per cent or more, but less than \* \* \* 7 per cent, such rate shall be \* \* \* 2 per cent.

\* \* \* (i) If such reserve percentage is 10 per cent or more, such rate shall be zero per cent.

SECTION 19A. 108.18 (4) (f) through (h) of the statutes, subject to the timing specified in section 29 of this act, are created to read:

(108.18) (4) (f) If such reserve percentage is 7 per cent or more, but less than 8 per cent, such rate shall be 1.5 per cent.

(g) If such reserve percentage is 8 per cent or more, but less than 9 per cent, such rate shall be one per cent.

(h) If such reserve percentage is 9 per cent or more, but less than 10 per cent, such rate shall be one-half of one per cent.

SECTION 20. 108.18 (5) of the statutes, subject to the timing specified in section 29 of this act, is repealed and recreated to read:

(108.18) (5) LIMITATION. To prevent unduly sharp increases in contribution rates during bad years, an employer's contribution rate for any calendar year shall in no case exceed by more than one per cent (on payroll) the rate which applied to him at the close of the preceding calendar year. If the rate otherwise applicable to an employer under subsection (4) exceeds this limitation, his rate for the given calendar year shall be reduced to the next lower multiple of one-half of one per cent which is within this limitation.

SECTION 21. 108.18 (7) of the statutes, subject to the timing specified in section 29 of this act, is repealed; and 108.18 (8) of the statutes is renumbered 108.18 (7) accordingly.

SECTION 22. 108.20 (3) of the statutes is created to read:

(108.20) (3) There shall be included in the moneys governed by section 20.573 (2) any amounts collected by the commission under section 108.19 (1) or (2), or under section 108.22 (1) as tardy filing fees or as interest on delinquent payments.

SECTION 23. 108.22 (1) of the statutes is amended by changing the last sentence thereof to read "Such tardy filing fees and interest shall be paid to the commission and credited to the \* \* \* unemployment \* \* \* administration fund."

SECTION 24. 108.14 (13) of the statutes shall apply to all changes, in chapter 108 of the statutes, effected by this act.

SECTION 25. The changes effected by this act in 108.02 (8) of the statutes shall apply to all wages paid after 1946.

SECTION 26. The changes effected by this act in 108.04 (4) (b), 108.05 (1) (schedule, lines 1 through 4), and 108.06 (1) (b) and (2) (b) of the statutes, and the repeal of 108.05 (1m) (a) of the statutes, shall apply to all benefit determinations issued after the effective date of this act.

SECTION 27. The changes effected by this act in 108.05 (1) (schedule, from line 5 on) of the statutes shall apply only to benefit determinations (issued after 1947) which include one or more credit weeks ended after 1947.

SECTION 28. 108.07 (1) (b) of the statutes, as recreated by this act, shall apply to each benefit determination outstanding as to an employe on the effective date of this act. Where there are two or more such determinations, it shall apply to them successively, in the inverse chronological order of the last weeks for which benefits were paid the employe under such determinations.

SECTION 29. The changes effected by this act in 108.18 of the statutes shall begin to apply as of the December 31, 1947 "computation date", as to contributions on wages paid after 1947.

Approved August 16, 1947.