

1969 Senate Bill 305

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**CHAPTER 358, LAWS OF 1969**

AN ACT to repeal 108.02 (4) (h), 108.141 (5), 108.16 (6) (d), (11) and (12) and 108.18 (8) (c); to amend 108.04 (1) (d) 2, (e), (g) 3, (4) (a), (7) (c) and (15) (c) 2, 108.05 (2) (h), 108.061 (4) (intro.) and 108.18 (8) (a) and (b); and to create 108.04 (3m), (4) (ar), (7) (e) and (g) and 108.07 (5) of the statutes, relating to unemployment compensation, and the unemployment reserve fund.

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

SECTION 1. 108.02 (4) (h) of the statutes is repealed.

SECTION 2. 108.04 (1) (d) 2, (e) and (g) 3 of the statutes are amended to read:

108.04 (1) (d) 2. Thereafter, until she has had 30 hours of employment in a week, she shall not be eligible for benefits for any week unless she establishes to the satisfaction of the commission that ~~during such week~~ *in view of labor market conditions* she has made an active and bona fide search for employment.

(e) An individual who is self-employed shall not be eligible for benefits for any week in which he has worked at his self-employment, unless he establishes to the satisfaction of the commission that ~~during such week~~ *in view of labor market conditions* he has made an active and bona fide search for employment.

(g) 3. The individual shall not be eligible for benefits based on such employment for any week of his unemployment, unless he establishes to the satisfaction of the commission that ~~during such week~~ *in view of labor market conditions* he has made an active and bona fide search for employment.

SECTION 3. 108.04 (3m) of the statutes is created to read:

108.04 (3m) Benefits, from his remaining benefit credits, shall be paid to an employe for his waiting period week, despite s. 108.02 (19), if he establishes that he has become employed, within the first 10 weeks of his benefit year, by one or more employing units (other than his most recent base period employer), and has worked for such units within at least 4 of those 10 weeks and has thereby earned wages equalling at least 4 times his weekly benefit rate.

SECTION 4. 108.04 (4) (a) of the statutes is amended to read:

108.04 (4) (a) An employe shall not be eligible to start a benefit year with any given week of unemployment unless he has had a total of

18 or more “weeks of employment” from one or more employers within the 52 weeks preceding that week or within those 52 weeks plus the number of any weeks over 7 (occurring within those 52 weeks) for which he received dismissal or termination pay, or temporary total disability payments under ch. 102, or *back pay within the meaning and limits of s. 108.05 (6)*.

SECTION 5. 108.04 (4) (ar) of the statutes is created to read:

108.04 (4) (ar) Paragraph (a) shall not disqualify an employe who has had 10 or more but less than 18 weeks of covered employment, within the 52 weeks specified by par. (a), if he has within those 52 weeks earned \$1,000 or more in gross wages for noncovered work performed in Wisconsin.

SECTION 6. 108.04 (7) (c) of the statutes is amended to read:

108.04 (7) (c) Paragraph (a) shall not apply if the commission determines that the employe terminated his employment *but had no reasonable alternative* because he was physically unable to do his work or because of the health of a member of his immediate family ~~left him no reasonable alternative; provided that;~~ *but* if the commission determines that he is physically unable to work or substantially unavailable for work, he shall be ineligible while such inability or unavailability continues.

SECTION 7. 108.04 (7) (e) and (g) of the statutes are created to read:

108.04 (7) (e) As to benefits paid pursuant to par. (d), based on the employment terminated, the first 4 weeks of such benefits shall be charged against the employer’s account. Any further such benefits shall be charged against the fund’s balancing account; but the employer shall continue to be recognized as an interested party.

(g) Paragraph (a) shall not suspend an employe’s eligibility for benefits based on other previous employment if the commission determines that the employe:

1. Maintained a temporary residence near the employment terminated; and
2. Maintained a permanent residence in another locality; and
3. Terminated such employment and returned to his permanent residence because the work available to him had been reduced to less than 20 hours per week in at least 2 consecutive weeks.

SECTION 8. 108.04 (15) (c) 2 of the statutes is amended to read:

108.04 (15) (c) 2. All but ~~\$\$~~ \$10 of the employe’s weekly rate of retirement payments under one or more other retirement systems.

SECTION 9. 108.05 (2) (h) of the statutes is amended to read:

108.05 (2) (h) *Any change in weekly benefit rates published pursuant to par. (e) shall apply to any benefit determination issued in the given half year, whether or not its first benefit check is issued in that half year.* When January 1 or July 1 does not fall on Saturday, Sunday or Monday, any change in weekly benefit rates under this subsection shall apply to ~~checks issued~~ after the first *ensuing Sunday thereafter*.

SECTION 10. 108.061 (4) (intro.) of the statutes is amended to read:

108.061 (4) (intro.) If an employe receives dismissal or termination pay, or temporary total disability payments under ch. 102, or *back pay within the meaning and limits of s. 108.05 (6)*:

SECTION 11. 108.07 (5) of the statutes is created to read:

108.07 (5) If s. 108.04 (7) (d) applies to an employe as to one or more employers, no benefits shall be paid him from the account of any such employer, despite subs. (1) (b) and (3), until the employe has used any benefit credits available to him from other employers.

SECTION 12. 108.141 (5) of the statutes is repealed.

SECTION 13. 108.16 (6) (d) of the statutes is repealed.

SECTION 14. 108.16 (11) and (12) of the statutes are repealed.

SECTION 15. 108.18 (8) (a) and (b) of the statutes are amended to read:

108.18 (8) (a) If the employer's ~~regular contribution rate for that year under this section is less than 3.7 per cent~~ *reserve percentage is zero or more or sub. (2) (a) applies to him*, the commission shall deduct his solvency contribution (figured at the solvency rate, on his relevant payroll) from his current contributions and/or (if necessary) from his account, except to the extent that he elects otherwise by paying some or all of his solvency contribution in addition to his other contributions by the due-date of his contribution report.

(b) If the employer's ~~regular contribution rate for that year under this section is 3.7 percent or more~~ *reserve percentage is less than zero and sub. (2) (a) does not apply to him*, his solvency contribution (figured at the solvency rate, on his relevant payroll) shall, without limitation by sub. (5), be added to and payable with his other contributions.

SECTION 16. 108.18 (8) (c) of the statutes is repealed.

SECTION 17. Section 108.14 (13) of the statutes shall apply to all changes in chapter 108 of the statutes effected by this act.

SECTION 18. The changes effected by this act in sections 108.04 (3m) and (15) (c) of the statutes shall apply to benefit years (as defined in chapter 108 of the statutes) beginning after the second Saturday which follows the official publication date of this act.

SECTION 19. The changes effected by this act in sections 108.04 (7) (e) and 108.07 of the statutes shall apply only to determinations (other than amended determinations) issued under section 108.09 (2) of the statutes after the second Saturday which follows the official publication date of this act.

SECTION 20. The changes effected by this act in section 108.18 of the statutes shall apply to calendar years beginning after the official publication date of this act.

Approved January 20, 1970.

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