



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-6246/1
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2019 BILL

1 **AN ACT to amend** 108.04 (1) (g) (intro.), 108.06 (1), 108.06 (2) (c), 108.06 (2) (cm),
2 108.06 (3) and 108.06 (6) (intro.); and **to create** 108.06 (7) of the statutes;
3 **relating to:** allowing participants in extended occupational training to receive
4 unemployment insurance benefits.

Analysis by the Legislative Reference Bureau

Under current law, a claimant for unemployment insurance benefits is limited in the number of weeks the individual can receive those benefits.

This bill provides, with certain exceptions, that if certain conditions apply to such a claimant, the claimant is entitled to additional benefits of up to 26 weeks, at the benefit rate that applied to the claimant during his or her most recent benefit year. The claimant must meet all of the following conditions to be eligible for the additional benefits: The claimant 1) has exhausted all other rights to unemployment insurance benefits; 2) is currently enrolled in an approved training program and was enrolled in the program before the end of the claimant's benefit year that qualified the claimant for benefits, if not in a current benefit year; 3) has a benefit year that ended no earlier than 52 weeks before the week for which the claimant first claims additional benefits; and 4) is not receiving any similar stipends or other training allowances for nontraining costs.

In addition, the bill provides that if the benefit year of such a claimant expires in a week in which extended or other additional federal or state benefits are payable generally, the claimant is also eligible for the additional benefits while enrolled in a training program as provided under the bill if the claimant first enrolled in the

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program within 52 weeks after the end of the claimant's benefit year that qualified the claimant for benefits.

For further information see the *state* 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.** 108.04 (1) (g) (intro.) of the statutes is amended to read:

2 108.04 (1) (g) (intro.) Except as provided in par. (gm), and s. 108.06 (7) (d), the
3 base period wages utilized to compute total benefits payable to an individual under
4 s. 108.06 (1) as a result of the following employment shall not exceed 10 times the
5 individual's weekly benefit rate based solely on that employment under s. 108.05 (1):

6 **SECTION 2.** 108.06 (1) of the statutes is amended to read:

7 108.06 (1) Except as provided in ~~sub.~~ subs. (6) and (7) and ss. 108.141 and
8 108.142, no claimant may receive total benefits based on employment in a base
9 period greater than 26 times the claimant's weekly benefit rate under s. 108.05 (1)
10 or 40 percent of the claimant's base period wages, whichever is lower. Except as
11 provided in ~~sub.~~ subs. (6) and (7) and ss. 108.141 and 108.142, if a claimant's base
12 period wages are reduced or canceled under s. 108.04 (5) or (18), or suspended under
13 s. 108.04 (1) (f), (10) (a), or (17), the claimant may not receive total benefits based on
14 employment in a base period greater than 26 times the claimant's weekly benefit rate
15 under s. 108.05 (1) or 40 percent of the base period wages not reduced, canceled or
16 suspended which were paid or payable to the claimant, whichever is lower.

17 **SECTION 3.** 108.06 (2) (c) of the statutes is amended to read:

18 108.06 (2) (c) No benefits are payable to a claimant for any week of
19 unemployment not occurring during the claimant's benefit year except under sub. (7)
20 and ss. 108.141 and 108.142.

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1 **SECTION 4.** 108.06 (2) (cm) of the statutes is amended to read:

2 108.06 **(2)** (cm) If an employee qualifies to receive benefits using the base period
3 described in s. 108.02 (4) (b), the wages used to compute the employee's benefit
4 entitlement are not available for use in any subsequent benefit computation for the
5 same employee, except under sub. (7) or s. 108.141 or 108.142.

6 **SECTION 5.** 108.06 (3) of the statutes is amended to read:

7 108.06 **(3)** There shall be payable to an employee, for weeks ending within the
8 employee's benefit year, only those benefits computed for that benefit year based on
9 the wages paid to the employee in the immediately preceding base period. Wages
10 used in a given benefit computation are not available for use in any subsequent
11 benefit computation except under sub. (7) and s. 108.141.

12 **SECTION 6.** 108.06 (6) (intro.) of the statutes is amended to read:

13 108.06 **(6)** (intro.) If a claimant has established a benefit year prior to the
14 effective date of any increase in the maximum weekly benefit rate provided under
15 s. 108.05 (1), the claimant has not exhausted his or her total benefit entitlement
16 under sub. (1) for that benefit year on that effective date, and the claimant was
17 entitled to receive the maximum weekly benefit rate under s. 108.05 (1) that was in
18 effect prior to that effective date, the limitation on the total benefits authorized to
19 be paid to a claimant under sub. (1) does not apply to that claimant in that benefit
20 year. Unless sub. (7) or s. 108.141 or 108.142 applies, the claimant's remaining
21 benefit entitlement in that benefit year for the period beginning on that effective date
22 shall be computed by:

23 **SECTION 7.** 108.06 (7) of the statutes is created to read:

24 108.06 **(7)** (a) In this subsection:

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1 1. “Applicable benefit year” means, with respect to a claimant, the claimant’s
2 current benefit year if at the time an initial claim for benefits under this subsection
3 is filed the claimant has an unexpired benefit year or, in any other case, the
4 claimant’s most recent benefit year.

5 2. “Training program” means any program of a type specified in s. 108.04 (16)
6 (a).

7 (b) Except as provided in pars. (f) and (g), a claimant who is otherwise eligible
8 for benefits and who is currently enrolled in a training program is eligible, while
9 enrolled in that training program, for additional benefits under this subsection
10 provided that the claimant:

11 1. Has exhausted all rights to regular benefits, Wisconsin supplemental
12 benefits, federal emergency compensation benefits under P.L. 110-252 and P.L.
13 110-449, as amended, extended benefits under s. 108.141, and the federal Trade Act
14 of 1974 (P.L. 93-618), or any other similar state or federal program of additional
15 benefits;

16 2. If not in a current benefit year, has a benefit year that ended no earlier than
17 52 weeks prior to the week for which the claimant first claims benefits under this
18 subsection;

19 3. Except as provided in par. (e), is first enrolled in a training program within
20 the claimant’s applicable benefit year; and

21 4. Is not receiving similar stipends or other training allowances for nontraining
22 costs.

23 (c) The weekly benefit rate payable to a claimant under this subsection for a
24 week of total unemployment is an amount equal to the most recent weekly benefit
25 rate in the claimant’s applicable benefit year as determined under s. 108.05 (1).

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1 (d) A claimant may receive total benefits under this subsection of not more than
2 26 times the claimant's weekly benefit rate that applied to the claimant's applicable
3 benefit year while enrolled in a training program. The benefits authorized under this
4 subsection are in addition to any regular benefits, extended benefits, or additional
5 benefits authorized under federal law to which a claimant may be entitled.

6 (e) A claimant who is otherwise eligible for benefits under par. (b) and whose
7 applicable benefit year ends in a week in which benefits are payable in this state
8 under s. 108.141 or 108.142, or P.L. 110-252 or P.L. 110-449, as amended, or another
9 similar state or federal program of additional benefits, is also eligible for benefits
10 under this subsection if the claimant is first enrolled in a training program within
11 52 weeks after the end of the claimant's applicable benefit year.

12 (f) No benefits may be paid to a claimant under this subsection for weeks
13 beginning more than 52 weeks after the first week for which the claimant received
14 benefits under this subsection.

15 (g) Except when the result would be inconsistent with the other provisions of
16 this subsection, the provisions of this chapter that apply to claims for, or the payment
17 of, regular benefits apply to claims for, and the payment of, benefits under this
18 subsection.

19 (h) The restrictions on benefit reductions and disqualifications in s. 108.04 (16)
20 apply to a claimant in a training program who is entitled to receive benefits under
21 this subsection.

22 (i) The department shall charge benefits paid under this subsection in the same
23 manner as benefits are charged under s. 108.04 (16) (e).

24 (END)