



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-6256/1
EAW:wlj&cjs

2019 BILL

1 **AN ACT** *to repeal* 108.04 (2) (bb) and 108.04 (2) (bd); *to amend* 108.04 (2) (a)
2 (intro.) and 108.04 (2) (bm); and *to repeal and recreate* 108.04 (2) (a) 3. and
3 108.04 (2) (b) of the statutes; **relating to:** work registration and work search
4 requirements for unemployment insurance and granting rule-making
5 authority.

Analysis by the Legislative Reference Bureau

Under current law, a claimant for unemployment insurance benefits is generally required to register for work and to conduct searches for work each week in order to remain eligible, but DWD is required to waive these requirements under certain circumstances. This bill deletes the waiver provisions in current law and instead allows DWD to establish such waivers by rule.

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:

6 **SECTION 1.** 108.04 (2) (a) (intro.) of the statutes is amended to read:

BILL

1 108.04 (2) (a) (intro.) Except as provided in ~~pars. par. (b) to (bd)~~, sub. (16) (am)
2 and (b), and s. 108.062 (10) and (10m) and as otherwise expressly provided, a
3 claimant is eligible for benefits as to any given week only if all of the following apply:

4 **SECTION 2.** 108.04 (2) (a) 3. of the statutes is repealed and recreated to read:

5 108.04 (2) (a) 3. The claimant conducts a reasonable search for suitable work
6 during that week and provides verification of that search to the department. The
7 search for suitable work must include at least 4 actions per week that constitute a
8 reasonable search as prescribed by rule of the department. In addition, the
9 department may, by rule, require a claimant to take more than 4 reasonable work
10 search actions in any week. The department shall require a uniform number of
11 reasonable work search actions for similar types of claimants. This subdivision does
12 not apply to a claimant if the department determines that the claimant is currently
13 laid off from employment with an employer but there is a reasonable expectation of
14 reemployment of the individual by that employer. In determining whether the
15 claimant has a reasonable expectation of reemployment by an employer, the
16 department shall request the employer to verify the claimant's employment status
17 and shall consider all of the following:

18 a. The history of layoffs and reemployments by the employer.

19 b. Any information that the employer furnished to the claimant or the
20 department concerning the claimant's anticipated reemployment date.

21 c. Whether the claimant has recall rights with the employer under the terms
22 of any applicable collective bargaining agreement.

23 **SECTION 3.** 108.04 (2) (b) of the statutes is repealed and recreated to read:

BILL

1 108.04 (2) (b) The department may, by rule, establish waivers from the
2 registration for work requirement under par. (a) 2. and the work search requirement
3 under par. (a) 3.

4 **SECTION 4.** 108.04 (2) (bb) of the statutes is repealed.

5 **SECTION 5.** 108.04 (2) (bd) of the statutes is repealed.

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

7 108.04 (2) (bm) A claimant is ineligible to receive benefits for any week for
8 which there is a determination that the claimant failed to comply with the
9 registration for work and work search requirements under par. (a) 2. or 3. or failed
10 to provide verification to the department that the claimant complied with those
11 requirements, unless the department has waived those requirements under par. (b),
12 ~~(bb), or (bd)~~ or s. 108.062 (10m). If the department has paid benefits to a claimant
13 for any such week, the department may recover the overpayment under s. 108.22.

14 **SECTION 7. Nonstatutory provisions.**

15 (1) The department of workforce development shall submit a notice to the
16 legislative reference bureau for publication in the Wisconsin Administrative
17 Register when the department determines that the department has any rules in
18 place under s. 108.04 (2) (b) that are necessary to provide waivers from the
19 registration for work requirement under s. 108.04 (2) (a) 2. and the work search
20 requirement under s. 108.04 (2) (a) 3.

21 **SECTION 8. Initial applicability.**

22 (1) The treatment of s. 108.04 (2) (a) (intro.) and 3., (b), (bb), (bd), and (bm) first
23 applies to initial claims for benefits filed on the effective date of this subsection.

24 **SECTION 9. Effective dates.** This act takes effect on the day after publication,
25 except as follows:

BILL

1 (1) UNEMPLOYMENT INSURANCE; WORK SEARCH AND REGISTRATION WAIVERS. The
2 treatment of s. 108.04 (2) (a) (intro.) and 3., (b), (bb), (bd), and (bm) and SECTION 8 (1)
3 of this act take effect on the date the notice under SECTION 7 (1) is published in the
4 Wisconsin Administrative Register or on January 2, 2022, whichever occurs first.

5

(END)