

unauthorized

INS 12A:

not

protect

The bill also provides that if a claimant who creates security credentials or the claimant's authorized agent divulges the credentials to another person, or fails to take adequate measures to ~~prevent~~ the credentials from being divulged to another person, and DWD pays benefits to an unauthorized person because of the claimant's action or inaction, DWD may recover from the claimant the benefits that were paid to the unauthorized person.

INS 18A:

not

The bill permits DWD to bring a legal action to recover from any claimant the amount of any benefits that were erroneously paid to another person who was not entitled to receive the benefits because the claimant or the claimant's authorized agent divulged the claimant's security credentials to another person or failed to take adequate measures to ~~prevent~~ the credentials from being divulged to an unauthorized person.

protect

51-12

INS ~~12A~~

not

If a claimant who created security credential^s or the claimant's authorized agent divulges the credentials to another person, or fails to take adequate measures to ~~prevent~~ the credentials from being divulged to an unauthorized person, and the department pays benefits to an unauthorized person because of the claimant's action or inaction, the department may recover from the claimant the benefits that were paid to the unauthorized person under s. 108.22 (8) or 108.245.

111-17

INS ~~12A~~

not

in the same manner as provided for overpayments to claimants

under

The department may also commence an action to recover from a claimant the amount of any benefits that were erroneously paid to another person who was not

entitled to receive the benefits because the claimant or the claimant's authorized agent divulged the claimant's security credentials to another person or failed to take adequate measures to ~~prevent~~ the credentials from being divulged to an unauthorized person.

protect

WIS 101-21 ✓

Section #. 108.225 (1) (b) of the statutes is amended to read:

108.225 (1) (b) "Debt" means a delinquent contribution or repayment of a benefit overpayment, a delinquent assessment under s. 108.04 (11) (cm) or 108.19 (1m), a liability incurred under s. 108.04 (11) (bh), or any liability of a 3rd party for failure to surrender to the department property or rights to property subject to levy after proceedings under sub. (4) (b) and s. 108.10 to determine that liability.

an erroneous payment from the fund recovered

NOTE: Par. (b) is shown as affected by 2011 Wis. Acts 198 and 236 and as merged by the legislative reference bureau under s. 13.92 (2) (i). The comma following "108.19 (1m)" is inserted under s. 35.17.
History: 1989 a. 77; 1997 a. 187, 283; 2001 a. 35, 109; 2003 a. 197; 2005 a. 86, 442; 2011 a. 198, 236; s. 13.92 (2) (i), s. 35.17 correction in (1) (b).

under
s.
108.245

SENATE BILL 426

JWS 150-1

SECTION 73

1 (9) The treatment of section 108.04 (13) (c), (e), and (g) of the statutes first
2 applies with respect to redeterminations issued under section 108.09 of the statutes
3 on the effective date of this subsection or, with respect to matters in which no
4 redetermination is issued, with respect to decisions issued under section 108.09 of
5 the statutes on the effective date of this subsection.

6 ~~(10) The treatment of section 108.04 (16) (b) and (c) 2. of the statutes first~~
7 ~~applies with respect to~~ determinations issued under section 108.09 of the statutes on
8 the effective date of this subsection or, with respect to determinations that are
9 appealed, to decisions issued under section 108.09 of the statutes on the effective
10 date of this subsection.

11 ~~(11) The treatment of section 108.05 (3) (a) of the statutes first applies with~~
12 ~~respect to weeks of unemployment beginning on the effective date of this subsection.~~

13 ~~(12) The treatment of section 108.09 (4n) of the statutes first applies with~~
14 ~~respect to appeals filed on the effective date of this subsection.~~

15 ~~(13) The treatment of section 108.105 (2) of the statutes first applies with~~
16 ~~respect to suspensions resulting from appeal tribunal hearings held on the effective~~
17 ~~date of this subsection.~~

18 ~~(14) The treatment of sections 108.151 (4) (b) and (7), 108.16 (6w) and (6x),~~
19 ~~108.22 (1) (b) and (c) and (1m), and 108.225 (1) (a) of the statutes first applies with~~
20 ~~respect to payrolls for the 2005 calendar year.~~

21 ~~(15) The treatment of sections 108.16 (8) (e) 1., (em), (h), (im), (m), and (n),~~
22 ~~108.18 (1) (a) and (2) (d), and 108.24 (2) of the statutes first applies with respect to~~
23 ~~transfers of businesses occurring after December 31, 2005.~~

24 ~~(16) The treatment of section 108.17 (2b) of the statutes first applies to~~
25 ~~employers of 75 or more employees with respect to reports required under section~~

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1975/P10ins
MED:.....

~~INS A~~

no 9 The bill also specifies that the requirement to contact a temporary help company about available assignments applies regardless of whether any available assignment constitutes suitable work ~~for the claimant~~ that a claimant must accept in order to avoid being subject to the requalification requirements for claimants who fail to accept suitable work when offered.

INS B

no 9 Finally, the bill provides that, if an employer that provides such a notice to DWD will not or does not actually undergo a complete business shutdown on a state or federal holiday as designated in the notice, the employer must, no later than the first business day following the week in which the state or federal holiday occurs, notify DWD in writing of that fact.

~~INSERT 52-24~~

4. The requirement under subd. 1. b. to contact a temporary help company about available assignments applies regardless of whether any available assignment constitutes suitable work for the claimant for purposes of sub. (8) (a).

INSERT 79-6

no 9 and underwent a complete business shutdown on that day.

9 5 4. If an employer that provides a notice under subd. 2. will not or does not undergo a complete business shutdown on a state or federal holiday as designated in the notice, the employer shall, no later than the first business day following the week in which the state or federal holiday occurs, provide the department with a written notice indicating that the complete business shutdown will not or did not occur.

INSERT X (USE MULTIPLE TIMES)

no 9 determinations issued under section 108.09 of the statutes on the effective date of this subsection or, with respect to determinations that are appealed, to decisions issued under section 108.09 of the statutes on the effective date of this subsection.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1975/P10dn
JTK&MED:cjs:ph

May 14, 2013

Representative Knodl:

12-15, 12-27, and 12-28

1. This draft is the initial draft of your items 1, 2, 3, 5, 6, 7, 8 (revised), 9, 10, 11, 14 (all components), 15 (all components), 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 32, and 33 (Sussman memo to UIAC, 4/22/13). We are working on other items at this time and will be reviewing them with the DWD legal staff. Several items have been revised based upon your instructions on April 25. The other items will be added in successive redrafts when we have all the information we need to reduce them to draft format.

DNI

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

Michael Duchek
Legislative Attorney
Phone: (608) 266-0130
E-mail: michael.duchek@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1975/P10dni
JTK.....

DNI

2. This draft specifies in proposed s. 108.04 (2) (g) 2. that when the department wants to recover benefits from a claimant who divulged or failed to protect his or her security credentials, it may use either the existing procedure for recovery under s. 108.22 (8), stats. or the procedure created by this draft in proposed s. 108.245 (1). The draft also adds a sentence to proposed s. 108.245 (1) to specifically authorize this kind of legal action to be brought. If this is not what you intend or if you want to use some other means of recovery, please let us know.
3. With regard to the change in the maximum duration of regular benefits for total unemployment (proposed s. 108.06 (1m) and other provisions), the draft requires a revised definition of the statewide unemployment rate. The department is reviewing the matter and will advise regarding an appropriate definition for incorporation into a future version.
4. At our next meeting, we need to review the initial applicability of all items. Some of the items reflect specific instructions or discussions but other items must still be regarded as placeholders at this point until we have specific confirmation that they are appropriate to the circumstances.

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1975/P10ins2
MED:.....

INS MD DN

5.
1 With regards to the item about contacting temporary help companies, DWD expressed the concern that a claimant who was required to contact a temporary help company may not, under federal law, be required to accept an assignment offered to the claimant unless the assignment constituted suitable work for that claimant. We therefore changed references in the bill to contacting the temporary help company "for an assignment" to contacting the temporary help company "about available assignments" to make it clear that the requirement would only be to contact the company to see if assignments are available, and not to take any assignment offered.

fix
quotation
mark

fix
quotation
mark

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1975/P10dn
JTK&MED:cjs:jf

May 17, 2013

Representative Knodl:

1. This draft is the initial draft of your items 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 14 (all components), 15 (12-15, 12-27, and 12-28), 16, 18, 19, 20, 21, 22, 24, 25, 26, 27, 30, 31, 32, and 33 (Sussman memo to ULAC, 4/22/13).
2. This draft specifies in proposed s. 108.04 (2) (g) 2. that when the department wants to recover benefits from a claimant who divulged or failed to protect his or her security credentials, it may use either the existing procedure for recovery under s. 108.22 (8), stats., or the procedure created by this draft in proposed s. 108.245 (1). The draft also adds a sentence to proposed s. 108.245 (1) to specifically authorize this kind of legal action to be brought. If this is not what you intend or if you want to use some other means of recovery, please let us know.
3. With regard to the change in the maximum duration of regular benefits for total unemployment (proposed s. 108.06 (1m) and other provisions), the draft requires a revised definition of the statewide unemployment rate. The department is reviewing the matter and will advise regarding an appropriate definition for incorporation into a future version.
4. At our next meeting, we need to review the initial applicability of all items. Some of the items reflect specific instructions or discussions but other items must still be regarded as placeholders at this point until we have specific confirmation that they are appropriate to the circumstances.
5. With regard to the item about contacting temporary help companies, DWD expressed the concern that a claimant who was required to contact a temporary help company may not, under federal law, be required to accept an assignment offered to the claimant unless the assignment constituted suitable work for that claimant. We therefore changed references in the bill to contacting the temporary help company "for an assignment" to contacting the temporary help company "about available assignments" to make it clear that the requirement would be only to contact the company to see if assignments are available, and not to take any assignment offered

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E-mail: michael.duchek@legis.wisconsin.gov


Kuesel, Jeffery

From: Dernbach, BJ
Sent: Monday, May 20, 2013 10:14 PM
To: Duchek, Michael; Kuesel, Jeffery
Subject: RE: LRB-1975/10

By the draft /11, I meant the final word on the effective dates.

Also, can you revise the sliding scale language to the following for the /11?

Unemployment Rate	Weeks of Eligibility
8% or higher	26 week max
7.50% - 7.99%	25 week max
7% - 7.49%	24 week max
6.50% - 6.99%	23 week max
6% - 6.49%	22 week max
5.50% - 5.99%	21 week max
5.49 or less%	20 week max


BJ Dernbach
Office of Representative Dan Knodl
24th Assembly District
(608) 266-3796
<http://legis.wisconsin.gov/assembly/knodl/>
 /Rep. Knodl

From: Dernbach, BJ
Sent: Monday, May 20, 2013 10:08 PM
To: Duchek, Michael; Kuesel, Jeffery
Subject: RE: LRB-1975/10

Jeff and Mike,

What time do you need to have the language to get me a /11 by the end of business tomorrow?

Also, did DWD get you the information regarding the correct indicator language to use to calculate the unemployment rate for the sliding scale?

BJ Dernbach
Office of Representative Dan Knodl
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<http://legis.wisconsin.gov/assembly/knodl/>
 /Rep. Knodl

From: Duchek, Michael
Sent: Monday, May 20, 2013 2:28 PM


To: Dernbach, BJ; Kuesel, Jeffery
Subject: RE: LRB-1975/10

ot yet, but Scott did email today that they're going through effective dates and initial apps.

From: Dernbach, BJ
Sent: Monday, May 20, 2013 2:21 PM
To: Duchek, Michael; Kuesel, Jeffery
Subject: RE: LRB-1975/10

Wanted to check in to see if DWD got you any additional information

BJ Dernbach
Office of Representative Dan Knodl
24th Assembly District
(608) 266-3796
<http://legis.wisconsin.gov/assembly/knodl/>

 /Rep. Knodl

From: Duchek, Michael
Sent: Monday, May 20, 2013 7:33 AM
To: Kuesel, Jeffery; Dernbach, BJ
Subject: RE: LRB-1975/10

BJ,

ie other thing I just remembered was the definition of unemployment rate for purposes of the sliding scale of benefits. They're supposed to get back to us on that as someone there had expressed concerns that the one we had put was incorrect. But we haven't heard back yet on how to define it.

-Mike

From: Kuesel, Jeffery
Sent: Sunday, May 19, 2013 11:53 AM
To: Dernbach, BJ
Cc: Duchek, Michael
Subject: RE: LRB-1975/10

BJ,

We don't have another meeting scheduled right now. We have asked and reminded DWD to give us Initial App and Effective date information and they have given us some of it. Some of it may be fine as is. But there are many employees who have input into this and when there are many changes that must be programmed at the same time by the same people, something must go first and something else second. Sometimes in the past we have tried things on for size and then made changes. I'm just advising you that this is a fluid, interactive process and I can't say at what point it will have jelled completely. But unless we hear something major from US DOL, we are basically good to go on the major substance of all of your items. We will let you know if and when we receive requests for changes, which I expect will be progressively minor.

ff Kuesel

From: Dernbach, BJ
Sent: Sunday, May 19, 2013 11:35 AM

To: Kuesel, Jeffery
Subject: Re: LRB-1975/10

Thank you. Can you call me after your meeting with dwd to ensure effective dates were addressed?

BJ Dernbach
Office of Representative Dan Knodl
24th Assembly District
(608) 266-3796
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[Facebook.com/Rep.Knodl](https://www.facebook.com/Rep.Knodl)

----- Reply message -----

From: "Kuesel, Jeffery" <Jeffery.Kuesel@legis.wisconsin.gov>
To: "Dernbach, BJ" <BJ.Dernbach@legis.wisconsin.gov>
Cc: "Duchek, Michael" <Michael.Duchek@legis.wisconsin.gov>
Subject: LRB-1975/10
Date: Sat, May 18, 2013 3:38 pm

BJ,

Based on history, we are not finished with technical revisions at this point. They never come all at once because as the revised language is discussed and digested there can be new issues uncovered. However, each redraft is progressively more minor and it's very possible that it would not affect the wording of a motion. If we don't get in all of the technical changes, we will address them at some later stage or in trailer legislation.


Jeff Kuesel

From: Dernbach, BJ
Sent: Friday, May 17, 2013 4:42 PM
To: Kuesel, Jeffery; Duchek, Michael
Subject: /10
Importance: High

Jeff and Mike,

What is left outstanding that is going to be in the P/11?

I need to know, as I need a clean draft by Tuesday (barring any changes from DOL).

BJ Dernbach
Office of Representative Dan Knodl
24th Assembly District
(608) 266-3796
<http://legis.wisconsin.gov/assembly/knodl/>
 /Rep. Knodl

- CURRENTLY THE PROPOSED LANGUAGE FOR SECTION 74 READS:

SECTION 74. 108.04 (2) (i) of the statutes is created to read:

d. The temporary help company submits a notice to the department within 10 business days after the end of that week reporting that the claimant did not contact the company about available assignments.

Change this to read:

d. The temporary help company submits a written notice to the department within 10 business days after the end of that week reporting that the claimant did not contact the company about available assignments.

- CURRENTLY THE PROPOSED LANGUAGE FOR SECTION 99 READS:

Section 99. 108.06 (1m) of the statutes is created to read:

108.06 (1m) (a) The department shall determine the maximum number of weeks of regular benefits under sub. (1) by calculating the average Wisconsin rate of insured unemployment, as defined in s. 108.141 (1) (i), for each 12-month period ending on March 31 and September 30 of each year. For benefit years beginning after the next June 30 or December 31 following each calculation, the maximum number of weeks of regular benefits is as follows:

Amend this to read:

Section 99. 108.06 (1m) of the statutes is created to read:

108.06 (1m) (a) The department shall determine the maximum number of weeks of regular benefits under sub. (1) by using the seasonally adjusted statewide average of the unemployment rate for the appropriate calendar quarter as published by the Division of Employment and Training within the Department of Workforce Development:

- (a) For claimants whose benefit year begins after December 31 of a calendar year through June 29 of the next year, the Department shall use the third calendar quarter prior to the December 31 date;
- (b) For claimants whose benefit year begins after June 30 through December 30 of a calendar year, the Department shall use the first calendar quarter of that calendar year

For benefit years beginning after the next June 30 or December 31 following each determination, the maximum number of weeks of regular benefits is as follows: [See Figure 108.06 (1m) (a) following]

Definition of Unemployment Rate:

The Unemployment Rate, also known as the Total Unemployment Rate, is the Seasonally Adjusted Rate of Unemployment for the State of Wisconsin as determined monthly by the United States Department of Labor, Bureau of Labor Statistics.

Questions for the LRB:

- 1) Is this sufficient or is a definition that defines how BLS calculates the unemployment rate required?

- 2) Do we need to define how we calculate the average used? IE is the average of the rates used or is the number of employed and the labor force over the period used?

Proposed changes to Legislative Item #30 linking Maximum Weeks of Benefit Eligibility to the Unemployment Rate

Under the current proposal, the maximum number of weeks of regular benefits is updated twice a year (March 31 and Sept 30) by averaging the Wisconsin Insured Unemployment Rate for the past 12 months and becomes effective for benefit years beginning after the next June 30th or December 31st.

For example, the maximum weeks of benefits available for a claimant filing on December 20th of 2014, will be determined by average unemployment rate for the period of April 2013 through March 2014. That means her maximum weeks will be determined by data that reflects economic conditions from 21 months ago. Given that the purpose of the proposal is to more closely tie weeks of unemployment to current economic conditions, the long look back is counter to that purpose.

The Department is proposing two changes. The first change is basing the maximum weeks of benefits scale upon the Seasonally Adjusted Unemployment Rate, also known as the Total Unemployment Rate, rather than Insured Unemployment Rate. This Total Unemployment Rate reflects the current understanding of the proposal and matches what has been done in other states.

The second change is to use a 3 month average rather than a 12 month average. For the claimant filing in December 2014, her claim will now be based upon averaging data from January 2014 through March 2014. This reduces the time frame of the look back from 21 months down to 12 months and provides a better representation of current economic activity. In addition, the look at one quarter's worth of data is consistent with what the Department of Labor uses when determining the triggers for extended UI programs like EB and EUC.

By using the seasonally adjusted Total Unemployment Rate to calculate the average, concerns about the seasonality of Wisconsin's unemployment can be avoided.

Kuesel, Jeffery

From: Sussman, Scott - DWD <Scott.Sussman@dwd.wisconsin.gov>
Sent: Tuesday, May 21, 2013 9:47 AM
To: Duchek, Michael
Cc: Kuesel, Jeffery; Sterr, Troy - DWD; James, Pamela - DWD
Subject: RE: Questions about effective date for LRB- 1975/P10

Mike - to follow-up on your email below:

- With respect the Department's responsibility to provide information to employers concerning the financing of the unemployment insurance system that is created by Section 112 and creates s. 108.14 (24) (Item #21 on the legislators' letter entitled "Reporting of Individual Business Reserve Fund Balance), you stated that you didn't see a need to have any special provisions for implementation. The Department is concerned that this will take some work on our to implement it and would like to recommend that the implementation date for this item be tied to the creation of the handbook for employers as provided in Section 273 or available no later than one year after the effective date of the legislation.
- Similarly, with respect to the Department's responsibility to conduct random audits on claimants for benefits to assess compliance with the work search requirements that is created by Section 109 and creates s. 108.14 (20) (Item #22 on the legislators' letter entitled "Random UI Search Audits), you stated that you didn't see a need to have any special provisions for implementation. Unfortunately, we currently do not have any staff to implement this, however, the random audits with respect to EUC claimants is scheduled pursuant to federal law to end as of the end of this year. Therefore, we would like to have an implementation date of January 5, 2014 to begin conduct random audits for regular UI.

Scott Sussman
Attorney, Bureau of Legal Affairs
Division of Unemployment Insurance
State of Wisconsin Department of Workforce Development
201 East Washington Avenue, Room E313
Madison, WI 53708
(608) 266-8271(landline)

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Thank you very much.

From: Duchek, Michael [mailto:Michael.Duchek@legis.wisconsin.gov]
Sent: Tuesday, May 21, 2013 7:27 AM
To: Sussman, Scott - DWD
Cc: Kuesel, Jeffery - LEGIS
Subject: RE: Questions about effective date for LRB- 1975/P10

Scott,

Jeff drafted the first one below, so I will see if he has any further thoughts, but these two are just things that DWD has to do. They aren't changes to existing benefits or procedures or anything that are going to affect people. Therefore, we didn't see a need to have any special provisions for implementation and there is no need for an initial applicability. However, if you feel like you need these to be delayed, then we could add delayed effective dates so DWD's duties to do these won't officially kick in until later. Does that make sense?

-Mike

From: Sussman, Scott - DWD [mailto:Scott.Sussman@dwd.wisconsin.gov]
Sent: Monday, May 20, 2013 9:09 PM
To: Duchek, Michael
Subject: RE: Questions about effective date for LRB- 1975/P10

Mike - Thanks for the answers. We had similar questions for two other provisions within the bill:

- The first is the creation of the Department's responsibility to provide information to employers concerning the financing of the unemployment insurance system that is created by Section 112 and creates s. 108.14 (24). I do not see s. 108.14 (24) listed in the initial applicability section of the bill. Does this also mean that its initial applicability will correspond to the effective date of the legislation or the first Sunday after publication?
- Similarly, the creation of the Department's responsibility to conduct random audits on claimants for benefits to assess compliance with the work search requirements that is created by Section 109 and creates s. 108.14 (20). I do not see s. 108.14 (2) listed in the initial applicability section of bill. Does this also mean that this provisions initial applicability will correspond to the effective date of the legislation or the first Sunday after publication?

Thanks again.

From: Duchek, Michael [mailto:Michael.Duchek@legis.wisconsin.gov]
Sent: Monday, May 20, 2013 12:35 PM
To: Sussman, Scott - DWD
Subject: RE: Questions about effective date for LRB- 1975/P10

Yes so there are two concepts. One is effective date, which is when the statutory changes actually take effect. The second is initial applicability, which is to deal with to what the statutory changes first apply. So for question a, you are correct. The bill's general effective date is on page 148, line 23, which is the first Sunday after publication, which is essentially two days after enactment. For question b, you are correct as well, it would first apply to payrolls beginning on Jan 1, 2015.

From: Sussman, Scott - DWD [mailto:Scott.Sussman@dwd.wisconsin.gov]
Sent: Monday, May 20, 2013 12:22 PM
To: Duchek, Michael
Subject: Questions about effective date for LRB- 1975/P10

Mike - We have been having some internal discussion about the effective dates for the proposals contained in LRB - 1975/P10 (which is Representative Knodl's legislation). Two of the items that there have been questions on were with respect to:

(a) The \$30m to avoid employers being charged a SAFI in order to pay off interest owed to the feds. With respect to this proposal I see at the very end of the legislation it states "(2) The treatment of section 108.19 (1m) (by SECTION 135) of the statutes and the repeal of section 20.445 (1) (fx) of the statutes take effect on July 1,

2015." Yet I do not seem to find within the legislation any specific language to make section 134 effective. Does this mean that these changes are effective the first Sunday after publication?

(b) Also the changes to the tax rates within his set of proposals. Within the proposal I see that the changes to the tax schedules begins with payrolls after January 1, 2015. Is that correct?

Thanks.

Scott Sussman

Attorney, Bureau of Legal Affairs

Division of Unemployment Insurance

State of Wisconsin Department of Workforce Development

201 East Washington Avenue, Room E313

Madison, WI 53708

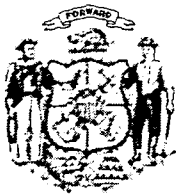
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preceding message (or attachments) contains advice relating to a Federal tax issue, unless expressly stated otherwise, the advice is not intended or written to be used, and it cannot be used by the recipient or any other taxpayer, for the purpose of avoiding Federal tax penalties, and was not written to support the promotion or marketing of any transaction or matter discussed herein. Each taxpayer should seek advice based on the taxpayer's particular circumstances from an independent tax advisor. It is expressly stated that nothing contained within this message shall be considered guidance related to your particular tax situation.

Thank you very much.



State of Wisconsin
2013 - 2014 LEGISLATURE



P11

LRB-1975/P11
JTK&MED:cjs:jf

TODAY

Stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SAT

Repeal

1 ~~AN ACT to repeal 20.445 (1) (fx), 108.02 (4m) (g), 108.02 (13) (kL), 108.04 (1) (i),~~
2 ~~108.04 (7) (d), (g), (j), (k), (m), (n), (o), (p) and (r), 108.05 (1) (n) to (p), 108.06 (7)~~
3 ~~and 108.07 (8); to renumber 50.498 (4) and 108.02 (10e) (a) and (b); to~~
4 ~~renumber and amend 108.02 (10e) (intro.), 108.04 (5), 108.04 (7) (t) and~~
5 ~~440.12; to amend 13.63 (1) (b), 13.63 (1) (c), 19.55 (2) (d), 20.002 (11) (a), 20.002~~
6 ~~(11) (b) 1., 20.002 (11) (c), 20.002 (11) (d) (intro.), 29.024 (2r) (title), 29.024 (2r)~~
7 ~~(c), 29.024 (2r) (d) 1., 48.66 (2m) (c), 48.715 (7), 50.498 (title), 50.498 (2), 50.498~~
8 ~~(5), 51.032 (title), 51.032 (2), 51.032 (4), 51.032 (5), 71.78 (4) (o), 73.0301 (2) (c)~~
9 ~~2., 73.0302 (title), 73.09 (6m), 101.02 (20) (b), 101.02 (20) (c), 101.02 (20) (d),~~
10 ~~102.17 (1) (c), 103.005 (10), 103.275 (2) (b) (intro.), 103.275 (7) (b), 103.275 (7)~~
11 ~~(c), 103.34 (3) (c), 103.34 (10) (title), 103.92 (3), 104.07 (1) and (2), 105.13 (1),~~
12 ~~108.02 (4m) (a), 108.02 (13) (a), 108.02 (15m) (intro.), 108.04 (1) (f), 108.04 (1)~~
13 ~~(g) (intro.), 108.04 (1) (hm), 108.04 (2) (a) 3. c., 108.04 (7) (a), 108.04 (7) (e),~~
14 ~~108.04 (7) (h), 108.04 (7) (L) (intro.), 108.04 (8) (a) and (c), 108.05 (1) (q) (intro.),~~
15 ~~108.05 (2) (c), 108.05 (3) (a), 108.05 (3) (c) (intro.), 108.06 (1), 108.06 (2) (c),~~

1 108.06 (2) (cm), 108.06 (3), 108.06 (6) (intro.), 108.10 (intro.), 108.14 (8n) (e),
2 108.14 (19), 108.141 (7) (a), 108.142 (4), 108.16 (2) (g) and (h), 108.16 (6m) (a),
3 108.18 (4) (figure) Schedule A line 23., 108.18 (4) (figure) Schedule B line 23.,
4 108.18 (4) (figure) Schedule C line 23., 108.18 (4) (figure) Schedule D line 23.,
5 108.18 (9) (figure) Schedule C line 24, 108.19 (1m), 108.19 (1m), 108.205 (1),
6 108.21 (1), 108.22 (1) (a), 108.22 (8) (c) 1. a., 108.225 (1) (b), 115.31 (6m), 118.19
7 (1m) (a), 118.19 (1m) (b), 138.09 (1m) (b) 2. a., 138.09 (3) (am) 2., 138.09 (4) (c),
8 138.12 (3) (d) 2. a., 138.12 (5) (am) 1. b., 138.12 (5) (am) 3., 138.14 (4) (a) 2. a.,
9 138.14 (9) (d), 146.40 (4d) (b), 146.40 (4d) (d), 146.40 (4d) (e), 169.35 (title),
10 169.35 (2), 169.35 (3), 170.12 (3m) (b) 1., 217.05 (1m) (b) 1., 217.09 (4), 217.09
11 (6), 218.0114 (21e) (a), 218.0114 (21g) (b) 1., 218.0116 (1g) (b), 218.02 (2) (a) 2.
12 a., 218.04 (3) (a) 2. a., 218.04 (5) (b), 218.05 (3) (am) 2. a., 218.05 (12) (b), 218.05
13 (12) (e), 218.11 (2) (am) 3., 218.12 (2) (am) 2., 218.21 (2m) (b), 218.31 (1m) (b),
14 218.41 (2) (am) 2., 218.51 (3) (am) 2., 224.72 (2) (c) 2. a., 224.725 (2) (b) 1. a.,
15 224.927 (1), 227.53 (1) (a) 3., 252.241 (title), 252.241 (2), 254.115 (title), 254.115
16 (2), 254.176 (5), 254.20 (7), 256.18 (title), 256.18 (2), 256.18 (5), 299.07 (title),
17 299.07 (1) (b) 1., 299.08 (1) (b) 2., 341.51 (4g) (b), 342.06 (1) (eg), 343.14 (1),
18 343.14 (2j), 343.305 (6) (e) 3. b., 343.61 (2) (b), 343.62 (2) (b), 343.69 (1), 440.03
19 (11m) (c), 452.18, 551.412 (4g) (a) 1., 551.605 (2), 562.05 (8m) (a), 562.05 (8m)
20 (b), 563.285 (title), 563.285 (2) (a), 563.285 (2) (b), 628.095 (4) (b), 628.097 (title),
21 628.097 (2m), 628.10 (2) (cm), 632.69 (2) (c), 632.69 (2) (d) 2., 632.69 (4) (d),
22 633.14 (2c) (b), 633.14 (2m) (b), 633.15 (2) (d), 751.155 (title), 751.155 (1),
23 751.155 (2) and 751.155 (3); **to repeal and recreate** 108.04 (5g), 108.05 (1) (q)
4 (intro.), 108.05 (1) (r) (intro.), 108.05 (3) (a) and 108.05 (3) (c) (intro.); and **to**
25 **create** 16.531 (4), 20.002 (11) (b) 3m., 20.445 (1) (fx), 20.445 (1) (gm), 50.498 (4)

~~(b), 73.0302 (5), 73.0302 (6), 73.09 (8), 102.17 (1) (ct), 103.275 (2) (bt), 103.34 (10)~~
~~(d), 103.91 (4) (d), 103.92 (8), 104.07 (7), 105.13 (4), 108.02 (3), 108.02 (9), 108.02~~
~~(9m), 108.02 (10e) (bm), 108.02 (15) (kt), 108.04 (2) (a) 4., 108.04 (2) (g), 108.04~~
~~(2) (h), 108.04 (2) (i), 108.04 (5) (a) to (g), 108.04 (12) (f), 108.04 (15), 108.05 (1)~~
~~(r), 108.05 (3) (cm), 108.06 (1m), 108.14 (20), 108.14 (21), 108.14 (23), 108.14~~
~~(24), 108.16 (3) (c), 108.16 (6) (o), 108.16 (6m) (h), 108.16 (13), 108.18 (4) (figure)~~
~~Schedule A lines 24. to 26., 108.18 (4) (figure) Schedule B lines 24. to 26., 108.18~~
~~(4) (figure) Schedule C lines 24. to 26., 108.18 (4) (figure) Schedule D lines 24.~~
~~to 26., 108.18 (9) (figure) Schedule A lines 25 to 27, 108.18 (9) (figure) Schedule~~
~~B lines 25 to 27, 108.18 (9) (figure) Schedule C lines 25 to 27, 108.18 (9) (figure)~~
~~Schedule D lines 25 to 27, 108.22 (1) (cm), 108.22 (8e), 108.223, 108.227,~~
~~108.245, 138.12 (4) (a) 1m., 138.12 (4) (b) 5m., 138.14 (5) (b) 2m., 138.14 (9) (cm),~~
~~170.12 (8) (b) 1. bm., 170.12 (8) (b) 4., 217.06 (5m), 217.09 (1t), 218.0116 (1m)~~
~~(a) 2m., 218.0116 (1m) (d), 218.02 (3) (dm), 218.02 (6) (d), 218.02 (9) (a) 1m.,~~
~~218.04 (4) (am) 2m., 218.04 (5) (at), 218.05 (4) (c) 2m., 218.05 (11) (bm), 218.05~~
~~(12) (at), 218.11 (6m) (c), 218.12 (3m) (c), 218.22 (3m) (c), 218.32 (3m) (c), 218.41~~
~~(3m) (b) 3., 218.51 (4m) (b) 3., 224.44, 224.72 (7m) (bm), 224.725 (6) (bm), 224.77~~
~~(2m) (e), 224.95 (1) (bm), 252.241 (5), 254.115 (5), 256.18 (4m), 299.07 (3), 341.51~~
~~(4m) (c), 343.305 (6) (e) 6., 343.66 (3m), 440.12 (2), 551.406 (6) (a) 1m., 551.412~~
~~(4g) (a) 2m., 551.412 (4g) (d), 562.05 (5) (a) 11., 562.05 (8) (f) and 563.285 (1m)~~

of the statutes; **relating to:** various changes in the unemployment insurance
law; loans by this state to the unemployment reserve fund; payment of interest
on advances made by the federal government to the unemployment reserve
fund; license revocations based on delinquency in payment of unemployment

1 insurance contributions; granting rule-making authority; providing a penalty;
2 and making appropriations.

Analysis by the Legislative Reference Bureau

NOTE: The items contained in this draft are the initial LRB draft of the items. DWD has not completed its review of these items. Some of the language may also require review by the U.S. Department of Labor. In the past, DWD has requested considerable changes to initial LRB drafts after internal review by DWD.

This bill makes various changes in the unemployment insurance (UI) law. Significant changes include:

BENEFIT DURATION AND AMOUNTS

Maximum benefit duration for total unemployment

Currently, the maximum number of weeks of regular UI benefits payable to an eligible claimant who is totally unemployed and who earns sufficient wages to qualify for those benefits is 26 weeks. The cost of these benefits is paid for by employers of this state. During periods of high unemployment, an eligible claimant may qualify to receive up to an additional 13 weeks of "extended benefits." Fifty percent of the cost of these benefits is paid for by employers of this state and 50 percent of the cost is paid for by the federal government.

This bill changes the maximum number of weeks of regular benefits payable to an eligible claimant who is totally unemployed to an amount that varies depending upon the statewide average unemployment rate for the ~~2-month period that ends on the last day of the 2nd~~ calendar quarter preceding the beginning of the claimant's benefit year (period during which benefits are payable following the filing of a benefit claim). Under the bill, once a claimant begins a benefit year, the maximum number of weeks of regular benefits is fixed for that benefit year. Because the maximum number of weeks of extended benefits payable to a claimant is calculated in part based upon the maximum number of weeks of regular benefits payable to a claimant, the change also reduces the maximum number of weeks of extended benefits payable to a claimant. Under the bill, the maximum number of weeks of regular benefits for total unemployment is determined as follows:

<u>Statewide unemployment rate</u>	<u>Maximum weeks of benefits</u>
8 percent or higher	26
At least 7.5 percent but less than 8 percent	25 26
At least 7.0 percent but less than 7.5 percent	24 25
At least 6.5 percent but less than 7.0 percent	23 24
At least 6.0 percent but less than 6.5 percent	22 23
At least 5.5 percent but less than 6.0 percent	21 22
At least 5.0 percent but less than 5.5 percent	14
Less than 5.0 percent	20 21

personally adjusted

immediately

of the preceding year

of that year

first or third

(non) For claimants whose benefit years begin during the first half of each year, the claimant's maximum benefits are calculated based upon the rate for the first quarter and for claimants whose benefit years begin during the second half of each year, the claimant's maximum benefits are calculated based upon the rate for the third quarter.

Benefit amounts

Currently, weekly UI benefit rates for total unemployment range from \$54 for an employee who earns wages (or certain other amounts treated as wages) of at least \$1,350 during at least one quarter of the employee's base period (period preceding a claim during which benefit rights accrue) to \$363 for an employee who earns wages (or certain other amounts treated as wages) of at least \$9,075 during any such quarter. This bill adjusts weekly benefit rates for weeks of unemployment beginning on or after January 5, 2014, to rates ranging from \$54 for an employee who earns wages (or certain other amounts treated as wages) of at least \$1,350 during at least one quarter of the employee's base period to \$370 for an employee who earns wages (or certain other amounts treated as wages) of at least \$9,250 during any such quarter. The bill does not affect the benefit rate of any employee who earns wages (or certain other amounts treated as wages) of at least \$1,350 during at least one quarter of the employee's base period or any employee who earns wages (or certain other amounts treated as wages) of at least \$9,075 during at least one quarter of the employee's base period.

OTHER BENEFIT CHANGES***Misconduct***

Currently, if an employee is discharged for misconduct connected with his or her employment (interpreted by the courts to include only misconduct that evinces such willful or wanton disregard of an employer's interests as is found in deliberate violations or disregard of standards of behavior that the employer has a right to expect of his or her employees, or in carelessness or negligence to such degree or recurrence as to manifest culpability, wrongful intent, or evil design of the same level of severity as that disregard, or to show an intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to the employer) the employee is ineligible to receive benefits until seven weeks have elapsed since the end of the week in which the discharge occurs and the employee earns wages, or certain other amounts treated as wages, after the week in which the discharge occurs equal to at least 14 times the employee's weekly benefit rate in employment covered by the unemployment insurance law of any state or the federal government. In addition, all wages earned with the employer that discharges the employee are excluded in determining the amount of any future benefits to which the employee is entitled. However, if an employee is discharged for failing to notify an employer of absenteeism or tardiness that becomes excessive under certain conditions, the employee is ineligible to receive benefits until at least six weeks have elapsed since the end of the week in which the discharge occurs and until the employee earns wages, or certain other amounts treated as wages, after the week in which the discharge occurs equal to at least six times the employee's weekly benefit rate in employment covered by the unemployment insurance law of any state or the federal government.

This bill deletes the current suspension and requalifying requirement for discharges resulting from absenteeism or tardiness but retains and modifies the current suspension and requalifying requirement for misconduct. The bill also creates a new suspension and requalifying requirement for discharges resulting

from substantial fault by an employee. The bill defines "misconduct" to mean "one or more actions or conduct evincing such willful or wanton disregard of an employer's interests as is found in deliberate violations or disregard of standards of behavior which an employer has a right to expect of his or her employees, or in carelessness or negligence of such degree or recurrence as to manifest culpability, wrongful intent, or evil design of equal severity to such disregard, or to show an intentional and substantial disregard of an employer's interests, or of an employee's duties and obligations to his or her employer." The bill also provides that "misconduct" specifically includes:

1. A violation by an employee of an employer's reasonable written policy concerning the use of alcohol beverages, or use of a controlled substance or controlled substance analog, if the employee had knowledge of the policy and either admitted to the use of alcohol beverages or a controlled substance or controlled substance analog or refused to take a test or tested positive for the use of alcohol beverages or a controlled substance or controlled substance analog in a test administered by the employer in accordance with a testing methodology approved by DWD.

2. Theft of an employer's property or services with intent to deprive the employer of the property or services permanently, theft of currency of any value, felonious conduct connected with an employee's employment, or intentional or negligent conduct by an employee that causes substantial damage to his or her employer's property.

3. Conviction of an employee of a crime or other offense subject to civil forfeiture, while on or off duty, if the conviction makes it impossible for the employee to perform the duties that the employee performs for the employer.

4. One or more threats or acts of harassment, assault, or other physical violence instigated by an employee at the workplace of his or her employer.

5. Absenteeism by an employee on more than two occasions within the 120-day period before the date of the employee's termination, unless otherwise specified by his or her employer in an employment manual of which the employee has acknowledged receipt with his or her signature, or excessive tardiness by an employee in violation of a policy of the employer that has been communicated to the employee, if the employee does not provide to his or her employer both notice and one or more valid reasons for the absenteeism or tardiness.

6. Unless directed by an employee's employer, falsifying business records of the employer.

7. Unless directed by the employer, a willful and deliberate violation of a written and uniformly applied standard or regulation of the federal government or a state or tribal government by an employee of an employer that is licensed or certified by a governmental agency, which standard or regulation has been communicated by the employer to the employee and which violation would cause the employer to be sanctioned or to have its license or certification suspended by the agency.

In addition, the bill provides that an employee whose work is terminated by his or her employer for substantial fault by the employee connected with the employee's work is ineligible to receive benefits until seven weeks have elapsed since the end of

the week in which the termination occurs and the employee earns wages, or certain other amounts treated as wages, after the week in which the termination occurs equal to at least 14 times the employee's weekly benefit rate in employment covered by the unemployment insurance law of any state or the federal government. The bill defines "substantial fault" to include those acts or omissions of an employee over which the employee exercised reasonable control and which violate reasonable requirements of the employee's employer but not to include:

1. One or more minor infractions of rules unless an infraction is repeated after the employer warns the employee about the infraction.
2. One or more inadvertent errors made by the employee.
3. Any failure of the employee to perform work because of insufficient skill, ability, or equipment.

Registration and search for work

Currently, with limited exceptions, in order to become and remain eligible to receive UI benefits for any week, a claimant is required, among other things, to register for work and to conduct a reasonable search for suitable work within that week, which must include at least two actions that constitute a reasonable search as prescribed by rule by the Department of Workforce Development (DWD).

This bill requires a claimant, subject to the same exceptions, to provide information or job application materials and to participate in a public employment office workshop or training program or in similar reemployment services that do not require a participation fee, if either is required by DWD for a given week other than the claimant's first week of benefits. The bill allows DWD to use the information or job application materials provided by a claimant to assess the claimant's efforts, skills, and ability to find or obtain work and to develop a list of potential opportunities for a claimant to obtain suitable work. However, the bill provides that a claimant who is subject to the work search requirement need not apply for a specific position on that list in order to satisfy that requirement.

Prohibiting concurrent receipt of UI and SSDI benefits

The bill disqualifies a claimant from receiving UI benefits during any week in which the claimant is actually receiving social security disability insurance (SSDI) benefits and requires a claimant, when the claimant first files for UI benefits and during each subsequent week the claimant files for UI benefits, to inform DWD whether he or she is receiving SSDI benefits.

Failure to accept suitable work or recall to former employer

Currently, with certain exceptions, if an employee fails, without good cause, to accept suitable work when offered or to return to work with a former employer that recalls the employee within 52 weeks after the employee last worked for the employer, the employee is ineligible to receive benefits until four weeks have elapsed since the end of the week in which the failure occurs and the employee earns wages, or certain other amounts treated as wages, equal to at least four times the employee's weekly benefit rate in employment covered by the unemployment insurance law of any state or the federal government.

Subject to all of the same exceptions and qualifications, the bill changes the amount of wages an employee must earn to requalify under these provisions to at

least *six* times the employee's weekly benefit rate. The bill eliminates the requirement that, in order to requalify under these provisions, four weeks must have elapsed since the end of the week in which the failure occurs.

Termination of work; general requirements to requalify for benefits

Currently, unless an exemption applies, if an employee voluntarily terminates his or her work with an employer, the employee is generally ineligible to receive benefits until the following requalification requirements are satisfied: 1) four weeks have elapsed since the end of the week in which the termination occurs and 2) the employee earns wages after the week in which the termination occurs equal to at least four times the employee's weekly benefit rate in employment covered by the unemployment insurance law of any state or the federal government.

The bill modifies the first requalification requirement so that an employee who voluntarily terminates his or her work with an employer is generally ineligible to receive benefits until the employee earns wages after the week in which the termination occurs equal to at least *six* times the employee's weekly benefit rate in employment covered by the unemployment insurance law of any state or the federal government. The bill eliminates the second requalification requirement that four weeks must have elapsed before the terminating employee may again become eligible for benefits.

Termination of work; exemptions from requalification requirements

Under current law, an employee who voluntarily terminates his or her work with an employer is exempt from the requalification requirements under certain circumstances, including all of the following:

1. The employee terminated his or her work to accept a recall to work for a former employer within 52 weeks after having last worked for that employer.
2. The employee maintained a temporary residence near the terminated work; the employee maintained a permanent residence in another locality; and the employee terminated the work and returned to his or her permanent residence because the work available to the employee had been reduced to less than 20 hours per week in at least two consecutive weeks.
3. The employee left or lost his or her work because the employee reached the employer's compulsory retirement age.
4. The employee terminated part-time work because a loss of other, full-time employment made it economically unfeasible for the employee to continue the part-time work.
5. The employee terminated his or her work with a labor organization if the termination caused the employee to lose seniority rights granted under a collective bargaining agreement and resulted in the loss of the employee's employment with the employer that is a party to that collective bargaining agreement.
6. The employee terminated his or her work in a position serving as a part-time elected or appointed member of a governmental body or representative of employees; the employee was engaged in work for an employer other than the employer in which the employee served as the member or representative; and the employee was paid wages in the terminated work constituting not more than 5 percent of the employee's base period wages for purposes of entitlement for benefits.

7. The employee terminated his or her work in one of two or more concurrently held positions, at least one of which was full-time work, if the employee terminated his or her work before receiving notice of termination from a full-time work position.

8. The employee owns or controls an ownership interest in a family corporation and the employee's employment was terminated because of an involuntary cessation of the business of the corporation under certain specified conditions.

The bill eliminates these eight exemptions from the requalification requirements for employees who voluntarily terminate employment.

Under current law, subject to certain limitations, an employee who voluntarily terminates his or her work with an employer is exempt from the requalification requirements if: 1) the employee accepted work that was not suitable work under the UI law or work that the employee could have refused for specified reasons related to protecting labor standards; and 2) the employee terminated the work within ten weeks after starting the work. Under the bill, this exemption only applies if the employee terminated that work within *30 calendar days* after starting the work.

Under current law, an employee who voluntarily terminates his or her work with an employer is exempt from the requalification requirements if the employee's spouse changed his or her place of employment to a place to which it is impractical to commute and the employee terminated his or her work to accompany the spouse to that place. The bill narrows this exemption so that it only applies if the employee's spouse is an active duty member of the U.S. Armed Forces who was required by the U.S. Armed Forces to relocate.

Under current law, an employee who voluntarily terminates his or her work with an employer is exempt from the requalification requirements if the employee terminated the work to accept other covered employment and earned wages in the subsequent employment equal to at least four times the employee's weekly benefit rate if the work in the subsequent employment: 1) offered average weekly wages at least equal to the average weekly wages that the employee earned in the terminated work; 2) offered the same or a greater number of hours of work than those performed in the work terminated; 3) offered the opportunity for significantly longer term work; or 4) offered the opportunity to accept a position for which the duties were primarily discharged at a location significantly closer to the employee than the terminated work. An employee who voluntarily terminates his or her work with an employer is also exempt from the requalification requirements if the employee, while claiming benefits for partial unemployment, terminated work to accept other covered employment that offered an average weekly wage greater than the average weekly wage earned in the work terminated.

The bill consolidates these two exemptions into one exemption, which applies if the employee terminated work to accept covered employment that satisfies one of the four conditions numbered above. The exemption as consolidated applies regardless of whether the employee is claiming benefits for partial unemployment or whether the employee earns a certain amount of wages in the subsequent work.

The bill does not affect any other exemptions from the requalification requirements for employees who voluntarily terminate employment.

Temporary help companies and work search

The bill provides that there is a rebuttable presumption that a claimant who is subject to the UI law's work search requirement has not conducted a reasonable search for suitable work in a given week if: 1) the claimant was last employed by a temporary help company, as defined under current law; 2) the temporary help company required the claimant to contact the temporary help company about available assignments weekly, or less often as prescribed by the temporary help company, and the temporary help company gave the claimant written notice of that requirement at the time the claimant was initially employed by the company; 3) during that week, the claimant was required to contact the temporary help company about available assignments and the claimant did not contact the temporary help company about available assignments; and 4) the temporary help company submits a notice within ten business days after the end of that week to DWD reporting that the claimant failed to so contact the temporary help company. The claimant may overcome the rebuttable presumption only by a showing that the claimant did in fact contact the temporary help company about available assignments or by showing that the claimant was not informed of this requirement or had other good cause for failing to do so.

The bill specifically provides that the claimant's contact of the temporary help company for a given week counts as one action toward the UI law's work search requirement for that week.

Extended training benefits

Currently, benefits may not be denied to an otherwise eligible claimant because the claimant is enrolled in a vocational training course or a basic education course that is a prerequisite to such training ("approved training") under certain conditions. Currently, a claimant may also qualify to receive benefits while participating in an extended training program under certain conditions, under such a program, if a claimant 1) has exhausted all other rights to benefits, 2) is currently enrolled in an approved training program and was so enrolled prior to the end of the claimant's benefit year (period during which benefits are payable) that qualified the claimant for benefits, 3) if not in a current benefit year, has a benefit year that ended no earlier than 52 weeks prior to the week for which the claimant first claims extended training benefits, and 4) is not receiving any similar stipends or other training allowances for nontraining costs, is entitled to extended training benefits of up to 26 times the same benefit rate that applied to the claimant during his or her most recent benefit year if the claimant is being trained for entry into a high-demand occupation. In addition, 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 extended training benefits while enrolled in a training program if the claimant first enrolled in the program within 52 weeks after the end of the claimant's benefit year that qualified the claimant for benefits. This bill deletes extended training benefits.

Treatment of cafeteria plan amounts in benefit calculations

Currently, employers must report wages to DWD and these reports are used to determine the UI benefit eligibility and amounts of benefits payable to UI claimants.

The wages reported do not include salary reduction amounts withheld from employees for cafeteria plan benefits (fringe benefits the value of which is excluded from gross income under the federal Internal Revenue Code). However, these amounts are included in the formula that is used to determine the benefit eligibility and amounts payable to claimants. DWD may require employers to report the amounts in their wage reports and employers must maintain records of these amounts.

This bill excludes salary reduction amounts for cafeteria plan benefits in calculating the wages that were paid to a claimant for purposes of determining the claimant's benefit eligibility and amounts. The bill also deletes reporting and record-keeping requirements for these amounts. The effect is to raise the threshold for benefit eligibility and to potentially decrease the amount of benefits that may become payable to certain claimants whose wages include deductions for these amounts.

Benefits for partial unemployment during weeks that include holidays

Under current law, a claimant may, under certain circumstances, receive some UI benefits while the claimant is only partially unemployed (benefits for partial unemployment). However, a claimant is ineligible to receive any benefits for partial unemployment for a week in which one or more of the following applies to the claimant for 32 or more hours in that week: 1) the claimant performs work; 2) the claimant receives certain amounts treated as wages for that week; or 3) the claimant receives holiday pay, vacation pay, termination pay, or sick pay that is treated as wages under current law.

Under the bill, for purposes of these provisions limiting the availability of benefits for partial unemployment, the 32-hour ceiling for a claimant is reduced for a given week by eight hours for each state or federal holiday that occurs during that week, if both of the following apply: 1) the claimant only has base period wages from a single employer; and 2) that employer previously provided a written notice to DWD designating that the employer will undergo a complete business shutdown on that holiday (or those holidays) and the employer does undergo a complete business shutdown on that holiday (or holiday). The bill allows an employer to designate up to seven holidays per calendar year for purposes of these provisions and requires the employer to provide the notice to DWD by December 1 of the year before the holidays. Finally, the bill provides that, if an employer that provides such a notice to DWD will not or does not actually undergo a complete business shutdown on a state or federal holiday as designated in the notice, the employer must, no later than the first business day following the week in which the state or federal holiday occurs, notify DWD in writing of that fact. The bill provides that a complete business shutdown means that all locations operated by an employer are closed for business completely and no employee employed by the business is required by the employer to report for work or be available for work.

Failure of claimants to provide requested information

Currently, DWD may require a claimant to answer questions relating to his or her UI benefit eligibility and to provide certain demographic information for auditing purposes. In addition, DWD must require each claimant to provide his or

her social security number. A claimant is not eligible to receive benefits for any week in which the claimant fails to comply with a request by DWD for information and for any subsequent week until the claimant provides the requested information or satisfies that DWD that he or she had good cause for failure to provide the information. Generally, if a claimant later complies with a request or satisfies DWD that he or she had good cause for failure to comply, the claimant is eligible to receive benefits beginning with the week in which the failure occurred, if otherwise qualified. With respect to certain specific information, however, if a claimant later provides the requested information but does not have good cause for the initial failure to provide the information, the claimant is eligible only to receive benefits that become payable in the week in which the information is provided. Under this bill, if a claimant later complies with a request, the claimant is eligible to receive benefits beginning with the week in which the failure occurred, regardless of whether the claimant satisfies DWD that he or she had good cause for failure to comply with the request. The change does not apply to a claimant's failure to provide DWD his or her social security number.

Treatment of services performed by prison inmates

Under current law, covered employment under the UI law generally does not include services by inmates of a custodial or penal institution for government units, Indian tribes, or nonprofit organizations. The bill provides that services performed for employers that are *not* government units, Indian tribes, or nonprofit organizations by inmates of state or federal prisons are also not covered employment under the UI law. As a consequence, wages paid by employers for those services are not subject to UI contribution requirements and those wages are not counted as base period wages for purposes of determining eligibility for UI benefits.

Claimant security credentials

This bill requires each claimant for UI benefits to create security credentials in order to engage in any transactions with DWD, including the filing of an initial or continued claim for benefits. The credentials may consist of a personal identification number, username, and password, or any other means prescribed by DWD. The bill provides that if a claimant's security credentials are used in any transaction with DWD, the individual using the credentials is presumed to be the claimant or the claimant's authorized agent. The presumption may be rebutted by a preponderance of evidence showing that the claimant who created the credentials or the claimant's authorized agent was not the person who used the credentials in a given transaction. The bill provides that if a claimant uses an agent to engage in any transaction with DWD using the claimant's security credentials, the claimant is responsible for the actions of the agent. The bill also provides that if a claimant who creates security credentials or the claimant's authorized agent divulges the credentials to another person, or fails to take adequate measures to protect the credentials from being divulged to an unauthorized person, and DWD pays benefits to an unauthorized person because of the claimant's action or inaction, DWD may recover from the claimant the benefits that were paid to the unauthorized person. In addition, the bill provides that if a claimant who creates security credentials or the claimant's authorized agent divulges the credentials to another person, or fails to take adequate

measures to protect the credentials from being divulged to an unauthorized person, DWD is not obligated to pursue recovery of, and is not liable to the claimant for, benefits payable to the claimant that were erroneously paid to another person. Current law contains no similar provisions.

Benefits paid to employees who lose licenses required to perform work

Currently, if an employee is required by law to have a license issued by a governmental agency to perform his or her customary work for an employer, and the employee's employment is suspended or terminated because the license is suspended, revoked, or not renewed due to the employee's fault, the employee is not eligible to receive benefits until five weeks have elapsed since the end of the week in which the suspension or termination occurs or until the license is reinstated or renewed, whichever occurs first. The wages paid by the employer who suspended or terminated the employee are excluded in determining the eligibility of and amount of benefits payable to the employee while the license suspension, revocation, or nonrenewal is in effect. If benefits are paid to an employee using wages that were paid or treated as having been paid during a period when the employee's license was suspended, revoked, or not renewed, the base period wages paid or treated as having been paid by the employer that suspended or terminated the employee are not charged to the employer's account for the period when the license suspension, revocation, or nonrenewal is in effect, but are instead charged to the balancing account of the unemployment reserve fund (pooled account financed by all employers who pay contributions that is used to pay benefits that are not chargeable to any employer's account). This bill provides that if an employee qualifies to receive benefits for any benefit year using base period wages paid or treated as having been paid during a period when wages are excluded from the employee's base period due to a license suspension, revocation, or nonrenewal, DWD must charge the cost of the benefits otherwise chargeable to the employer who suspended or terminated the employee to the balancing account for all weeks in that benefit year.

TAX CHANGES

Contribution and solvency rate schedules

Currently, all employers that engage employees in work that is covered under the UI law, other than governmental, nonprofit, and Indian tribe employers that elect to pay directly for the cost of benefits, must pay contributions (taxes) to finance UI benefits. The total contributions of an employer are the sum of the contributions payable as a result of the employer's contribution rate and the contributions payable as a result of the employer's solvency rate, each of which varies with the employment stability of the employer and the solvency of the unemployment reserve fund (fund), from which benefits are paid. An employer's contributions payable as a result of its contribution rate are credited to the employer's account in the fund, while an employer's contributions payable as a result of its solvency rate are credited to the fund's balancing account, which is used to finance benefits not payable from any employer's account.

An employer's contribution rate is determined based upon the employer's reserve percentage. The employer's reserve percentage is the net balance of the employer's account as of the computation date (generally June 30), stated as a

percentage of the employer's taxable payroll in the 12-month period ending on the computation date. Current law defines taxable payroll as the first \$14,000 of wages paid by an employer to each employee during a calendar year. An employer's solvency rate is determined by reference to the employer's contribution rate and rises as the contribution rate rises.

Currently, there are four schedules of contribution rates and four schedules of solvency rates. The schedule that applies for any year depends upon the solvency of the fund on June 30 of the preceding year. Currently, the highest contribution rate that must be paid by an employer applies to an overdrawn employer with a reserve percentage of 6.0 percent or greater. The contribution rate for such an employer is 8.50 percent of taxable payroll for each of the four schedules of contribution rates. Also currently, the highest solvency rates for such an employer are between 1.25 percent and 1.35 percent of taxable payroll, depending on which schedule is in effect.

This bill amends each of the four schedules of contribution rates so that overdrawn employers with reserve percentages greater than 6.0 percent have higher contribution rates than they do under current law. Specifically, the bill provides that: 1) if an overdrawn employer has a reserve percentage of 7.0 percent or greater, but less than 8.0 percent, the contribution rate for such an employer is 9.25 percent of taxable payroll; 2) if an overdrawn employer has a reserve percentage of 8.0 percent or greater, but less than 9.0 percent, the contribution rate for such an employer is 10.00 percent of taxable payroll; and 3) if an overdrawn employer has a reserve percentage of 9.0 percent or greater, the contribution rate for such an employer is 10.70 percent of taxable payroll.

The bill also amends each of the four schedules of solvency rates to specify the solvency rates for employers who are subject to the contribution rates created by the bill and to make minor adjustments to the maximum solvency rates under current law. The bill provides, for each of the added contribution rates in each of the four schedules, for a solvency rate of 1.30 percent of taxable payroll.

Interest on delinquent payments

Currently, if an employer does not make a payment required under the UI law to DWD by the due date, the employer must pay interest on the amount owed equal to a variable rate determined by law from the date that the payment became due. Revenues from interest payments are used to administer the UI program. This bill permits DWD to waive or decrease the interest charged to an employer in limited circumstances as prescribed by rule of DWD.

Treatment of limited liability companies consisting of the same members

Currently, for purposes of the UI law, multiple limited liability companies (LLCs) that consist of the same members are treated as a single employer unless, subject to certain provisions, each of those LLCs files a written request with DWD to be treated as a separate employer and DWD approves the request. Under the bill, consistent with the Federal Unemployment Tax Act (FUTA), multiple LLCs that consist of the same members are always treated as separate employers, for purposes of the UI law.

OTHER CHANGES***Loans by this state to the unemployment reserve fund***

Currently, with certain exceptions, the secretary of administration may reallocate, or borrow internally, from any state fund or account to ensure the continued solvency of another state fund or account if revenue to the fund or account to which the reallocation is made is expected to be sufficient to reverse the reallocation. The outstanding reallocations at any time may not exceed a total of \$400,000,000. If money from one state segregated fund is temporarily reallocated to another such fund, the secretary must charge interest to the receiving fund and credit this interest to the fund from which the reallocation is made.

This bill permits the secretary of workforce development to request the secretary of administration to reallocate moneys to the unemployment reserve fund from other state funds or accounts. Under the bill, the total outstanding amount of any reallocations may not exceed \$50,000,000 at any given time. This amount is in addition to the current limit upon reallocations of \$400,000,000. The bill prohibits the secretary of administration from assessing any interest to the unemployment reserve fund for moneys loaned to the fund. The bill provides that any loan to the unemployment reserve fund is subject to the approval of the Joint Committee on Finance. The bill directs the secretary of workforce development to request a loan from this state to the unemployment reserve fund whenever the secretary determines that employers in this state that are subject to a requirement to pay a federal unemployment tax might experience a lower tax rate if this state were to loan moneys to the fund and the loan could be made under the authority granted by the bill. The bill also directs the secretary of workforce development to repay this state for any loans made to the unemployment reserve fund whenever the secretary determines that repayment can be made without jeopardizing the ability of DWD to continue to pay other liabilities and costs chargeable to the fund. The bill directs the secretary to ensure that the timing of any repayment accords with federal requirements for ensuring a favorable tax experience for employers in this state.

Payment of interest on federal advances to reserve fund

Currently, if in any year the balance in the unemployment reserve fund is insufficient to make full payment of unemployment insurance benefits that become payable to claimants for that year, DWD secures an advance from the federal unemployment account to enable this state to make full payment of all benefits that become payable. Whenever the balance in the unemployment reserve fund is sufficient to repay the federal government for its advances and to continue to make payment of the benefits that become payable, DWD repays the federal government for its outstanding advances. Annually, the federal government assesses interest to this state on this state's outstanding advances that have not been repaid. Currently, if in any year DWD is unable to make full payment of the interest that becomes due from certain other limited sources, each employer must pay an assessment to the state unemployment interest payment fund in an amount specified by law sufficient to enable DWD to make full payment of the interest due for that year.

This bill appropriates a sum sufficient not exceeding \$30,000,000 from general purpose revenues to pay any interest that becomes due to the federal government

prior to July 1, 2015, on outstanding advances made to the unemployment reserve fund. Under the bill, DWD must first use any available moneys from this appropriation to make payment of the interest due for any year. If the amount appropriated, together with other available sources, is insufficient to make full payment of the interest that becomes due for any year, each employer must pay an assessment in the amount determined by DWD sufficient to cover the deficiency. If the moneys appropriated under the bill are not fully expended at the end of the 2013-15 fiscal biennium, the balance is retained in the general fund.

License revocations based on UI contribution delinquencies

Current law requires various state agencies and boards (licensing departments) that issue various licenses and other credentials (licenses) to revoke a license or deny an application for a license if the Department of Revenue (DOR) certifies that the license holder or applicant owes DOR delinquent taxes. Current law also allows the Wisconsin Supreme Court to decide whether to revoke or deny an application for a license to practice law if the license holder or applicant is certified by DOR to owe delinquent taxes. This bill creates similar provisions for license holders and applicants that DWD certifies are liable for delinquent UI contributions. UI contributions are taxes employers must pay to DWD for deposit with the federal government, and which are then used to pay the claims of claimants for UI benefits. The bill also includes within the definition of UI contributions other assessments, interest, fees, and penalties that have been imposed upon employers in connection with their UI contribution obligations. The provisions created in the bill apply only to delinquent UI contributions for which the employer has exhausted all legal rights to challenge the employer's liability.

Under the bill, each licensing department must enter into a memorandum of understanding with DWD. Under the memorandum, the licensing department must ask DWD to certify whether a license holder or applicant is liable for delinquent UI contributions. If DWD certifies to a licensing department that a license holder or applicant is liable for delinquent UI contributions, the licensing department must revoke the license or deny the application for a license. A licensing department must mail a notice of revocation or denial to the license holder or applicant, and the notice must inform the applicant or license holder of the right to a review of DWD's certification at a hearing conducted by DWD. The hearing is limited to questions of mistaken identity and prior payment of the delinquent UI contributions. Following the hearing, if DWD does not uphold its certification, DWD must issue the holder or applicant a nondelinquency certificate and the licensing department must reinstate the license or approve the application for a license without requiring any additional application, fee, or test, unless there are other grounds for denial or revocation. If DWD does uphold its certification, DWD must so inform the license holder or applicant and the licensing department. The license holder or applicant may seek judicial review of an adverse determination by DWD at the hearing by filing a petition for review in the Dane County circuit court and may appeal the court's decision. A license holder or applicant whose license has been revoked or denied because of delinquent UI contributions may also, after satisfying that debt, request DWD to issue a nondelinquency certificate, which the license holder or applicant

may then present to have the license reinstated, unless there are other grounds for not reinstating the license or for denying the application.

The bill includes the following within the definition of licensing department: the Department of Administration; the Board of Commissioners of Public Lands; the Department of Children and Families; the Government Accountability Board; the Department of Financial Institutions; the Department of Health Services; the Department of Natural Resources; the Department of Public Instruction; the Department of Revenue; the Department of Safety and Professional Services; the Office of the Commissioner of Insurance; and the Department of Transportation. The bill applies to various licenses administered by the aforementioned licensing departments.

The bill allows DWD to deny an application for or revoke various licenses administered by DWD if the license holder or applicant is liable for delinquent UI contributions. Such a license holder or applicant has the same rights to review by DWD and to judicial review as do holders of or applicants for licenses administered by other licensing departments.

The bill also requests the Wisconsin Supreme Court to enter into a similar memorandum of understanding with DWD. If DWD determines that a licensed attorney or an applicant for a license to practice law is liable for delinquent UI contributions, DWD may send the attorney or applicant a notice of that determination. The attorney or applicant has the same rights to a hearing and judicial review as do other license holders or applicants. However, DWD may not send the supreme court a certification of UI contribution delinquency until the attorney or applicant has exercised or exhausted his or her full rights to judicial review. If the determination is upheld following the holder or applicant's exercise or exhaustion of rights to judicial review, DWD may then certify to the supreme court that the attorney or applicant is liable for delinquent UI contributions. The supreme court may then decide whether to suspend, revoke, or deny the attorney's or applicant's license to practice law.

Financial record matching program

Currently, the Departments of Children and Families, Revenue, and Health Services (departments) operate financial records matching programs whereby the departments, for various asset verification or determination purposes, match data possessed by the departments with the records of financial institutions. This bill establishes a similar financial records matching program with DWD to allow DWD to identify the assets of persons who are delinquent in paying debts related to the UI program (UI debtors).

Under the program, financial institutions doing business in this state must enter into agreements with DWD to participate in a financial institution matching option or a state matching option. DWD may pay such a financial institution up to \$125 per calendar quarter for participating.

Under the financial institution matching option, at least once every calendar quarter DWD sends information to the financial institution, including names, addresses, and social security numbers, about UI debtors. The financial institution determines whether any UI debtor has an ownership interest in an account at the

financial institution and, if so, sends DWD information about the account, such as the type, number, and balance.

Under the state matching option, at least once every calendar quarter the financial institution sends DWD information about accounts maintained at the financial institution, including the name and social security number of each person having an ownership interest in each account. On the basis of that information, DWD determines whether any UI debtor has an ownership interest in an account at the financial institution and, if so, may request further information from the financial institution, including the person's address of record and the account balance.

The bill prohibits DWD from disclosing or retaining information concerning account holders who are not UI debtors; prohibits employees, agents, officers, and directors of financial institutions from disclosing or retaining information concerning UI debtors; and prohibits both DWD and financial institutions from using any information received under the program for any purpose not related to the program. The bill provides penalties for any employee, agent, officer, or director of a financial institution who violates any of the prohibitions. The bill also provides that a financial institution is not liable for disclosing financial information, or for taking any other action, in compliance with the program.

Departmental errors; payments to unintended payees; actions against third-party transferees

Currently, DWD is directed to waive recovery of benefits that were erroneously paid if the overpayment results from a departmental error and was not the fault of any employer, and the overpayment was not the fault of an employee or did not result from a claimant's false statement or misrepresentation. This bill directs DWD to waive recovery of an overpayment regardless of whether it results from the fault of an employer. The bill also provides specifically that "departmental error" does not include, and recovery is not waived, if DWD makes an error in computing, paying, or crediting benefits to any individual, whether or not a claimant, or in crediting contributions or reimbursements to one or more employers that results from: 1) a computer malfunction or programming error; 2) an error in transmitting data to or from a financial institution; 3) a typographical or keying error; 4) a bookkeeping or other payment processing error; 5) an action by DWD resulting from a false statement or representation by an individual; or 6) an action by DWD resulting from an unauthorized manipulation of an electronic system from within or outside DWD.

The bill provides that if DWD determines that a payment has been made to an unintended recipient erroneously without fault on the part of the intended payee, DWD may issue the correct payment to the intended payee if necessary and may recover the amount of the erroneous payment from the recipient using existing recovery procedures, if any, or a new recovery procedure created by the bill (see below). Currently, there is no similar provision.

Under current law, any person who knowingly makes a false statement or representation to obtain a benefit payment personally or for another person is guilty of a misdemeanor and may be fined not less than \$100 nor more than \$500, or imprisoned for not more than 90 days, or both, and in addition may be subject to

forfeiture of certain benefit payments that may be otherwise payable. Currently, DWD is not authorized to recover improper payments directly from third-party payees or transferees. This bill permits DWD to bring a legal action against any person, including a transferee, to preserve and recover the proceeds of any payment from the unemployment reserve fund not resulting from a departmental error if the person receives, possesses, or retains such a payment or if the proceeds are in an account at a financial institution. The bill permits DWD to bring a legal action to recover from any claimant the amount of any benefits that were erroneously paid to another person who was not entitled to receive the benefits because the claimant or the claimant's authorized agent divulged the claimant's security credentials to another person or failed to take adequate measures to protect the credentials from being divulged to an unauthorized person. The bill also permits DWD to sue for injunctive relief to require a payee, transferee, or other person, including a financial institution, in possession of the proceeds from any payment from the fund to preserve the proceeds and to prevent the transfer or use of the proceeds upon showing that the payee, transferee, or other person is not entitled to receive, possess, or retain the proceeds pending final disposition of the matter by the court.

Tardy filing fees

Currently, each employer must file a quarterly report with DWD identifying the name of and wages paid to each employee who is employed by the employer in employment covered by the UI law during the most recent calendar quarter. With limited exceptions, if an employer is delinquent in filing the report, the employer must pay a tardy filing fee of \$50. Revenue from tardy filing fees is used for various purposes to support the UI program. This bill increases the tardy filing fee to \$100 or \$20 per employee, whichever is greater, but provides that if the employer files the report within 30 days of its due date, the fee remains at \$50.

Work search audits of claimants

The bill requires DWD to conduct random audits on claimants for regular UI benefits to assess compliance with the UI law's work search requirement. The bill requires DWD to include in its annual fraud report that is presented to the Council on Unemployment Insurance information about these audits, including the number of audits conducted in the previous year and the results of those audits.

Online portal for filing complaints

The bill requires DWD to maintain a portal on the Internet that allows employers to log in and file complaints with DWD related to the administration of the UI law.

Fraud investigation positions

The bill requires DWD to request funding from the U.S. Department of Labor to hire additional employees to perform UI fraud investigation.

Social security numbers maintained by DOT

Under current law, an individual who applies to the Department of Transportation (DOT) for vehicle title, for a motor vehicle operator's license or an identification card, or for registration as a motor vehicle dealer must, with limited exceptions, state his or her social security number on the application. DOT is

generally required to maintain the confidentiality of these social security numbers but may disclose these social security numbers in limited circumstances, including to the Department of Children and Families and DOR for specified purposes.

This bill allows these social security numbers to also be disclosed to DWD for the sole purpose of enforcing or administering DWD's collection responsibilities related to UI.

Information relating to financing of UI system

This bill directs DWD to provide information to employers concerning the financing of the UI system, including the computation of reserve percentages and their effect upon the contribution and solvency rates of employers, and to post this information on the Internet. The bill, also directs DWD to include this information on any statements of account that DWD provides to employers and to provide this information in writing to each employer who becomes newly subject to a requirement to pay contributions or to reimburse for benefits paid under the UI law.

UI handbook for employers

The bill requires DWD to create and keep up-to-date a handbook for employers for the purpose of informing employers who are subject to the UI law about the provisions and requirements of the UI law. The handbook must include all of the following: 1) information about the function and purpose of UI; 2) a description of the rights and responsibilities of employers under the UI law, including the rights and responsibilities associated with hearings to determine whether claimants are eligible for benefits under the law; 3) a description of the circumstances under which workers are generally eligible and ineligible for UI benefits under the UI law; 4) disclaimers explaining that the contents of the handbook may not be relied upon as legally enforceable and that adherence to the contents does not guarantee a particular result for a decision on a UI matter; and 5) a line to allow an individual employed by the employer to sign to acknowledge that the individual is aware of the contents of the handbook. DWD must make the handbook available on the Internet and must, for a fee, distribute printed copies of the handbook to employers who so request.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the ***state and local*** 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. 13.63 (1) (b) of the statutes is amended to read:

1 13.63 (1) (b) Except as provided under par. (am), the board shall not issue a
2 license to an applicant who does not provide his or her social security number. The
3 board shall not issue a license to an applicant or shall revoke any license issued to
4 a lobbyist if the department of revenue certifies to the board that the applicant or
5 lobbyist is liable for delinquent taxes under s. 73.0301 or if the department of
6 workforce development certifies to the board that the applicant or lobbyist is liable
7 for delinquent unemployment insurance contributions under s. 108.227. The board
8 shall refuse to issue a license or shall suspend any existing license for failure of an
9 applicant or licensee to pay court-ordered payments of child or family support,
10 maintenance, birth expenses, medical expenses or other expenses related to the
11 support of a child or former spouse or failure of an applicant or licensee to comply,
12 after appropriate notice, with a subpoena or warrant issued by the department of
13 children and families or a county child support agency under s. 59.53 (5) and related
14 to paternity or child support proceedings, as provided in a memorandum of
15 understanding entered into under s. 49.857. No application may be disapproved by
16 the board except an application for a license by a person who is ineligible for licensure
17 under this subsection or s. 13.69 (4) or an application by a lobbyist whose license has
18 been revoked under this subsection or s. 13.69 (7) and only for the period of such
19 ineligibility or revocation.

20 **SECTION 2.** 13.63 (1) (c) of the statutes is amended to read:

21 13.63 (1) (c) Denial of a license on the basis of a certification by the department
22 of revenue or the department of workforce development may be reviewed under s.
23 73.0301 or 108.227, whichever is applicable. Except with respect to a license that is
24 denied or suspended pursuant to a memorandum of understanding entered into

1 under s. 49.857, denial or suspension of any other license may be reviewed under ch.
2 227.

3 **SECTION 3.** 16.531 (4) of the statutes is created to read:

4 16.531 (4) This section does not apply to actual or projected imbalances in the
5 unemployment reserve fund or to loans to the fund made under s. 20.002 (11) (b) 3m.

6 **SECTION 4.** 19.55 (2) (d) of the statutes is amended to read:

7 19.55 (2) (d) Records of the social security number of any individual who files
8 an application for licensure as a lobbyist under s. 13.63 or who registers as a principal
9 under s. 13.64, except to the department of children and families for purposes of
10 administration of s. 49.22 ~~or~~, to the department of revenue for purposes of
11 administration of s. 73.0301, and to the department of workforce development for
12 purposes of administration of s. 108.227.

13 **SECTION 5.** 20.002 (11) (a) of the statutes is amended to read:

14 20.002 (11) (a) All appropriations, special accounts and fund balances within
15 the general fund or any segregated fund may be made temporarily available for the
16 purpose of allowing encumbrances or financing expenditures of other general or
17 segregated fund activities ~~which do not have sufficient~~ or for the purpose of financing
18 unemployment insurance benefits from the unemployment reserve fund under par.
19 (b) 3m. whenever there are insufficient moneys in the funds or accounts from which
20 they the activities are financed but have or whenever there are insufficient moneys
21 in the unemployment reserve fund to pay unemployment insurance benefit
22 payments if there are accounts receivable balances or moneys anticipated to be
23 received from lottery proceeds, as defined in s. 25.75 (1) (c), tax or contribution
4 revenues, gifts, grants, fees, sales of service, or interest earnings recorded under s.
25 16.52 (2) that will be sufficient to repay the fund or account from which moneys are

1 transferred. The secretary of administration shall determine the composition and
2 allowability of the accounts receivable balances and anticipated moneys to be
3 received for this purpose in accordance with s. 20.903 (2) and shall specifically
4 approve the use of surplus moneys from the general or segregated funds after
5 consultation with the appropriate state agency head for use by specified accounts or
6 programs. The secretary of administration shall reallocate available moneys from
7 the budget stabilization fund under s. 16.465 prior to reallocating moneys from any
8 other fund.

9 **SECTION 6.** 20.002 (11) (b) 1. of the statutes is amended to read:

10 20.002 (11) (b) 1. The Except with respect to reallocations made under subd.
11 3m., the secretary of administration shall limit the total amount of any temporary
12 reallocations to a fund other than the general fund to \$400,000,000.

13 **SECTION 7.** 20.002 (11) (b) 3m. of the statutes is created to read:

14 20.002 (11) (b) 3m. Upon request of the secretary of workforce development
15 under s. 108.16 (13), the secretary of administration may temporarily transfer
16 moneys available under par. (a) to the unemployment reserve fund. The secretary
17 of administration shall credit repayments received from the unemployment reserve
18 fund to the funds or accounts from which the transfer was made. The transfers
19 outstanding under this subdivision may not exceed a total of \$50,000,000 at any
20 time. No transfer may be made under this subdivision unless the secretary of
21 administration first submits written notice to the cochairpersons of the joint
22 committee on finance that the transfer is proposed to be made. If the cochairpersons
23 of the committee do not notify the secretary of administration that the committee has
24 scheduled a meeting for the purpose of reviewing the proposed transfer within 30
25 days after the date of the secretary's notification, the transfer may be made as

SECTION 7

1 proposed by the secretary. If, within 30 days after the date of notification by the
2 secretary of administration, the cochairpersons of the committee notify the secretary
3 that the committee has scheduled a meeting for the purpose of reviewing the
4 proposed transfer, the transfer may be made under this subdivision only upon
5 approval of the committee.

6 SECTION 8. 20.002 (11) (c) of the statutes is amended to read:

7 20.002 (11) (c) The secretary may assess a special interest charge against the
8 programs or activities utilizing surplus moneys within the same fund under this
9 subsection in an amount not to exceed the daily interest earnings rate of the state
10 investment fund during the period of transfer of surplus moneys to other accounts
11 or programs. Except as provided in s. 16.465 and except with respect to transfers
12 made under par. (b) 3m., the secretary shall assess a special interest charge against
13 the fund utilizing surplus moneys under this subsection in an amount equal to the
14 rate of return the state investment fund earnings would have created to the fund
15 from which the reallocation was made. This interest shall be calculated and credited
16 to the appropriate fund at the same time the earnings from the state investment fund
17 are distributed and shall be considered an adjustment to those earnings.

18 SECTION 9. 20.002 (11) (d) (intro.) of the statutes is amended to read:

19 20.002 (11) (d) (intro.) This Except with respect to transfers made under par.
20 (b) 3m., this subsection applies only to those funds participating in the investment
21 fund for purposes of temporary reallocation between funds or accounts and does not
22 include. No transfer may be made under this subsection from any of the following
23 funds or specified accounts in these funds:

24 SECTION 10. 20.445 (1) (fx) of the statutes is created to read:

1 20.445 (1) (fx) *Interest on federal advances*. A sum sufficient, not exceeding
2 \$30,000,000, to pay interest on advances made by the federal government to the
3 unemployment reserve fund under s. 108.19 (1m).

4 **SECTION 11.** 20.445 (1) (fx) of the statutes, as created by 2013 Wisconsin Act
5 (this act), is repealed.

6 **SECTION 12.** 20.445 (1) (gm) of the statutes is created to read:

7 20.445 (1) (gm) *Unemployment insurance handbook*. All moneys received
8 under s. 108.14 (23) (d) for the costs of printing and distribution of the unemployment
9 insurance handbook, to pay for those costs.

10 **SECTION 13.** 29.024 (2r) (title) of the statutes is amended to read:

11 29.024 (2r) (title) DENIAL AND REVOCATION OF APPROVALS BASED ON TAX
12 ~~DELINQUENCY~~ DELINQUENT TAXES OR UNEMPLOYMENT INSURANCE CONTRIBUTIONS.

13 **SECTION 14.** 29.024 (2r) (c) of the statutes is amended to read:

14 29.024 (2r) (c) *Disclosure of numbers*. The department of natural resources
15 may not disclose any information received under par. (a) to any person except to the
16 department of revenue for the sole purpose of making certifications required under
17 s. 73.0301 and to the department of workforce development for the sole purpose of
18 making certifications required under s. 108.227.

19 **SECTION 15.** 29.024 (2r) (d) 1. of the statutes is amended to read:

20 29.024 (2r) (d) 1. Except as provided in subd. 2., the department shall deny an
21 application to issue or renew, or revoke if already issued, an approval specified in par.
22 (a) if the applicant for or the holder of the approval fails to provide the information
23 required under par. (a) ~~or~~, if the department of revenue certifies that the applicant
24 or approval holder is liable for delinquent taxes under s. 73.0301, or if the

1 department of workforce development certifies that the applicant or approval holder
2 is liable for delinquent unemployment insurance contributions under s. 108.227.

3 SECTION 16. 48.66 (2m) (c) of the statutes is amended to read:

4 48.66 (2m) (c) The subunit of the department that obtains a social security
5 number or a federal employer identification number under par. (a) 1. may not
6 disclose that information to any person except to the department of revenue for the
7 sole purpose of requesting certifications under s. 73.0301 and to the department of
8 workforce development for the sole purpose of requesting certifications under s.
9 108.227 or on the request of the subunit of the department that administers the child
10 and spousal support program under s. 49.22 (2m).

11 SECTION 17. 48.715 (7) of the statutes is amended to read:

12 48.715 (7) The department shall deny an application for the issuance or
13 continuation of a license under s. 48.66 (1) (a) or a probationary license under s. 48.69
14 to operate a child welfare agency, group home, shelter care facility, or child care
15 center, or revoke such a license already issued, if the department of revenue certifies
16 under s. 73.0301 that the applicant or licensee is liable for delinquent taxes or if the
17 department of workforce development certifies under s. 108.227 that the applicant
18 or licensee is liable for delinquent unemployment insurance contributions. An action
19 taken under this subsection is subject to review only as provided under s. 73.0301 (5)
20 or 108.227 (5) and not as provided in s. 48.72.

21 SECTION 18. 50.498 (title) of the statutes is amended to read:

22 50.498 (title) **Denial, nonrenewal and revocation of license,**
23 **certification or registration based on tax delinquency delinquent taxes or**
4 **unemployment insurance contributions.**

25 SECTION 19. 50.498 (2) of the statutes is amended to read:

1 50.498 (2) The department may not disclose any information received under
2 sub. (1) to any person except to the department of revenue for the sole purpose of
3 requesting certifications under s. 73.0301 and to the department of workforce
4 development for the sole purpose of requesting certifications under s. 108.227.

5 **SECTION 20.** 50.498 (4) of the statutes is renumbered 50.498 (4) (a).

6 **SECTION 21.** 50.498 (4) (b) of the statutes is created to read:

7 50.498 (4) (b) The department shall deny an application for the issuance of a
8 certificate of approval, license or provisional license specified in sub. (1) or shall
9 revoke a certificate of approval, license or provisional license specified in sub. (1), if
10 the department of workforce development certifies under s. 108.227 that the
11 applicant for or holder of the certificate of approval, license or provisional license is
12 liable for delinquent unemployment insurance contributions.

13 **SECTION 22.** 50.498 (5) of the statutes is amended to read:

14 50.498 (5) An action taken under sub. (3) or (4) is subject to review only as
15 provided under s. 73.0301 (2) (b) and (5) or s. 108.227 (5) and (6), whichever is
16 applicable.

17 **SECTION 23.** 51.032 (title) of the statutes is amended to read:

18 **51.032 (title) Denial and revocations of certification or approval based**
19 **on ~~tax delinquency~~ delinquent taxes or unemployment insurance**
20 **contributions.**

21 **SECTION 24.** 51.032 (2) of the statutes is amended to read:

22 51.032 (2) The department may not disclose any information received under
23 sub. (1) to any person except to the department of revenue for the sole purpose of
24 requesting certifications under s. 73.0301 and to the department of workforce
25 development for the sole purpose of requesting certifications under s. 108.227.

1 **SECTION 25.** 51.032 (4) of the statutes is amended to read:

2 51.032 (4) The department shall deny an application for the issuance of a
3 certification or approval specified in sub. (1) or shall revoke a certification or
4 approval specified in sub. (1) if the department of revenue certifies under s. 73.0301
5 that the applicant for or holder of a certification or approval is liable for delinquent
6 taxes or if the department of workforce development certifies under s. 108.227 that
7 the applicant for or holder of a certification or approval is liable for delinquent
8 unemployment insurance contributions.

9 **SECTION 26.** 51.032 (5) of the statutes is amended to read:

10 51.032 (5) An action taken under sub. (3) or (4) is subject to review only as
11 provided under s. 73.0301 (2) (b) and (5) or s. 108.227 (5) and (6), whichever is
12 applicable.

13 **SECTION 27.** 71.78 (4) (o) of the statutes is amended to read:

14 71.78 (4) (o) A licensing department or the supreme court, if the supreme court
15 agrees, for the purpose of denial, nonrenewal, discontinuation and revocation of a
16 license based on tax delinquency under s. 73.0301 or unemployment insurance
17 contribution delinquency under s. 108.227.

18 **SECTION 28.** 73.0301 (2) (c) 2. of the statutes is amended to read:

19 73.0301 (2) (c) 2. A licensing department may not disclose any information
20 received under subd. 1. a. or b. to any person except to the department of revenue for
21 the purpose of requesting certifications under par. ~~(b)~~ (a) 1. or 2. in accordance with
22 the memorandum of understanding under sub. (4) and administering state taxes ~~or,~~
23 to the department of workforce development for the purpose of requesting
24 certifications under s. 108.227 (2) (a) 1. or 2. in accordance with the memorandum
25 of understanding under s. 108.227 (4) and administering the unemployment

1 insurance program, and to the department of children and families for the purpose
2 of administering s. 49.22.

3 SECTION 29. 73.0302 (title) of the statutes is amended to read:

4 **73.0302 (title) Liability for delinquent taxes or unemployment**
5 **insurance contributions.**

6 SECTION 30. 73.0302 (5) of the statutes is created to read:

7 73.0302 (5) If the department of workforce development certifies under s.
8 108.227 that an applicant for certification or recertification under s. 73.03 (50) or a
9 person who holds a certificate issued under s. 73.03 (50) is liable for delinquent
10 unemployment insurance contributions, the department of revenue shall deny the
11 application or revoke the certificate. A person subject to a denial or revocation under
12 this subsection for delinquent unemployment insurance contributions is entitled to
13 a notice under s. 108.227 (2) (b) 1. b. and hearing under s. 108.227 (5) (a) but is not
14 entitled to any other notice or hearing under this chapter.

15 SECTION 31. 73.0302 (6) of the statutes is created to read:

16 73.0302 (6) The department of revenue may disclose a social security number
17 obtained under s. 73.03 (50) (c) to the department of workforce development for the
18 purpose of requesting certifications under s. 108.227.

19 SECTION 32. 73.09 (6m) of the statutes is amended to read:

20 73.09 (6m) SOCIAL SECURITY NUMBERS. Each applicant for certification or
21 recertification under this section shall provide the applicant's social security number
22 on the application. The department of revenue may not disclose a social security
23 number that it obtains under this subsection, except to the department of workforce
24 development for the purpose of requesting certifications under s. 108.227. The

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1 department of revenue may not certify or recertify any person who fails to provide
2 his or her social security number on his or her application.

3 **SECTION 33.** 73.09 (8) of the statutes is created to read:

4 **73.09 (8) LIABILITY FOR DELINQUENT UNEMPLOYMENT INSURANCE CONTRIBUTIONS.**

5 If the department of workforce development certifies under s. 108.227 that an
6 applicant for certification or recertification under this section is liable for delinquent
7 unemployment insurance contributions, the department of revenue shall deny the
8 application for certification or recertification or revoke the certificate. A person
9 subject to a denial or revocation under this subsection for delinquent unemployment
10 insurance contributions is entitled to a notice under s. 108.227 (2) (b) 1. b. and
11 hearing under s. 108.227 (5) (a) but is not entitled to any other notice or hearing
12 under this chapter.

13 **SECTION 34.** 101.02 (20) (b) of the statutes is amended to read:

14 101.02 (20) (b) Except as provided in par. (e), the department of safety and
15 professional services may not issue or renew a license unless each applicant who is
16 an individual provides the department of safety and professional services with his
17 or her social security number and each applicant that is not an individual provides
18 the department of safety and professional services with its federal employer
19 identification number. The department of safety and professional services may not
20 disclose the social security number or the federal employer identification number of
21 an applicant for a license or license renewal except to the department of revenue for
22 the sole purpose of requesting certifications under s. 73.0301 and to the department
23 of workforce development for the sole purpose of requesting certifications under s.
: 108.227.

25 **SECTION 35.** 101.02 (20) (c) of the statutes is amended to read:

1 101.02 (20) (c) The department of safety and professional services may not
2 issue or renew a license if the department of revenue certifies under s. 73.0301 that
3 the applicant or licensee is liable for delinquent taxes or if the department of
4 workforce development certifies under s. 108.227 that the applicant or licensee is
5 liable for delinquent unemployment insurance contributions.

6 **SECTION 36.** 101.02 (20) (d) of the statutes is amended to read:

7 101.02 (20) (d) The department of safety and professional services shall revoke
8 a license if the department of revenue certifies under s. 73.0301 that the licensee is
9 liable for delinquent taxes or if the department of workforce development certifies
10 under s. 108.227 that the licensee is liable for delinquent unemployment insurance
11 contributions.

12 **SECTION 37.** 102.17 (1) (c) of the statutes is amended to read:

13 102.17 (1) (c) Any party shall have the right to be present at any hearing, in
14 person or by attorney or any other agent, and to present such testimony as may be
15 pertinent to the controversy before the department. No person, firm, or corporation,
16 other than an attorney at law who is licensed to practice law in the state, may appear
17 on behalf of any party in interest before the department or any member or employee
18 of the department assigned to conduct any hearing, investigation, or inquiry relative
19 to a claim for compensation or benefits under this chapter, unless the person is 18
20 years of age or older, does not have an arrest or conviction record, subject to ss.
21 111.321, 111.322 and 111.335, is otherwise qualified, and has obtained from the
22 department a license with authorization to appear in matters or proceedings before
23 the department. Except as provided under pars. (cm) ~~and~~, (cr), and (ct), the license
24 shall be issued by the department under rules promulgated by the department. The
25 department shall maintain in its office a current list of persons to whom licenses have

1 been issued. Any license may be suspended or revoked by the department for fraud
2 or serious misconduct on the part of an agent, any license may be denied, suspended,
3 nonrenewed, or otherwise withheld by the department for failure to pay
4 court-ordered payments as provided in par. (cm) on the part of an agent, and any
5 license may be denied or revoked if the department of revenue certifies under s.
6 73.0301 that the applicant or licensee is liable for delinquent taxes or if the
7 department determines under par. (ct) that the applicant or licensee is liable for
8 delinquent contributions. Before suspending or revoking the license of the agent on
9 the grounds of fraud or misconduct, the department shall give notice in writing to the
10 agent of the charges of fraud or misconduct and shall give the agent full opportunity
11 to be heard in relation to those charges. In denying, suspending, restricting, refusing
12 to renew, or otherwise withholding a license for failure to pay court-ordered
13 payments as provided in par. (cm), the department shall follow the procedure
14 provided in a memorandum of understanding entered into under s. 49.857. The
15 license and certificate of authority shall, unless otherwise suspended or revoked, be
16 in force from the date of issuance until the June 30 following the date of issuance and
17 may be renewed by the department from time to time, but each renewed license shall
18 expire on the June 30 following the issuance of the renewed license.

19 **SECTION 38.** 102.17 (1) (ct) of the statutes is created to read:

20 102.17 (1) (ct) 1. The department may deny an application for the issuance or
21 renewal of a license under par. (c), or revoke such a license already issued, if the
22 department determines that the applicant or licensee is liable for delinquent
23 contributions, as defined in s. 108.227 (1) (d). Notwithstanding par. (c), an action
24 taken under this subdivision is subject to review only as provided under s. 108.227
25 (5) and not as provided in ch. 227.

1 2. If the department denies an application or revokes a license under subd. 1.,
2 the department shall mail a notice of denial or revocation to the applicant or license
3 holder. The notice shall include a statement of the facts that warrant the denial or
4 revocation and a statement that the applicant or license holder may, within 30 days
5 after the date on which the notice of denial or revocation is mailed, file a written
6 request with the department to have the determination that the applicant or license
7 holder is liable for delinquent contributions reviewed at a hearing under s. 108.227
8 (5) (a).

9 3. If, after a hearing under s. 108.227 (5) (a), the department affirms a
10 determination under subd. 1. that an applicant or license holder is liable for
11 delinquent contributions, the department shall affirm its denial or revocation. An
12 applicant or license holder may seek judicial review under s. 108.227 (6) of an
13 affirmation by the department of a denial or revocation under this subdivision.

14 4. If, after a hearing under s. 108.227 (5) (a), the department determines that
15 a person whose license is revoked or whose application is denied under subd. 1. is not
16 liable for delinquent contributions, as defined in s. 108.227 (1) (d), the department
17 shall reinstate the license or approve the application, unless there are other grounds
18 for revocation or denial. The department may not charge a fee for reinstatement of
19 a license under this subdivision.

20 **SECTION 39.** 103.005 (10) of the statutes is amended to read:

21 103.005 (10) Except as provided in ss. 103.06 (5) (d), 103.275 (2) (bm) ~~and~~, (br),
22 ~~and~~ (bt), 103.34 (10) (b) ~~and~~, (c), and (d), 103.91 (4) (b) ~~and~~, (c), and (d), 103.92 (6) ~~and~~,
23 (7), and (8), 104.07 (5) ~~and~~, (6), and (7), and 105.13 (2) ~~and~~, (3), and (4), orders of the
24 department under chs. 103 to 106 shall be subject to review in the manner provided
25 in ch. 227.

1 **SECTION 40.** 103.275 (2) (b) (intro.) of the statutes is amended to read:

2 103.275 (2) (b) (intro.) Except as provided under pars. (bm) ~~and~~, (br), and (bt),
3 upon receipt of a properly completed application, the department shall issue a
4 house-to-house employer certificate if all of the following apply:

5 **SECTION 41.** 103.275 (2) (bt) of the statutes is created to read:

6 103.275 (2) (bt) 1. The department may deny an application for the issuance
7 or renewal of a house-to-house employer certificate, or revoke such a certificate
8 already issued, if the department determines that the applicant or house-to-house
9 employer is liable for delinquent contributions, as defined in s. 108.227 (1) (d).
10 Notwithstanding sub. (7) and s. 103.005 (10), an action taken under this subdivision
11 is subject to review only as provided under s. 108.227 (5) and not as provided in sub.
12 (7) and ch. 227.

13 2. If the department denies an application or revokes a certificate under subd.
14 1., the department shall mail a notice of denial or revocation to the applicant or
15 house-to-house employer. The notice shall include a statement of the facts that
16 warrant the denial or revocation and a statement that the applicant or
17 house-to-house employer may, within 30 days after the date on which the notice of
18 denial or revocation is mailed, file a written request with the department to have the
19 determination that the applicant or house-to-house employer is liable for
20 delinquent contributions reviewed at a hearing under s. 108.227 (5) (a).

21 3. If, after a hearing under s. 108.227 (5) (a), the department affirms a
22 determination under subd. 1. that an applicant or house-to-house employer is liable
23 for delinquent contributions, the department shall affirm its denial or revocation.
24 An applicant or house-to-house employer may seek judicial review under s. 108.227

1 (6) of an affirmation by the department of a denial or revocation under this
2 subdivision.

3 4. If, after a hearing under s. 108.227 (5) (a), the department determines that
4 a person whose certificate is revoked or whose application is denied under subd. 1.
5 is not liable for delinquent contributions, as defined in s. 108.227 (1) (d), the
6 department shall reinstate the certificate or approve the application, unless there
7 are other grounds for revocation or denial. The department may not charge a fee for
8 reinstatement of a certificate under this subdivision.

9 **SECTION 42.** 103.275 (7) (b) of the statutes is amended to read:

10 103.275 (7) (b) Except as provided in sub. (2) (bm) ~~and~~, (br), and (bt), after
11 providing at least 10 days' notice to a house-to-house employer, the department may,
12 on its own or upon a written and signed complaint, suspend the house-to-house
13 employer's certificate. The department shall serve a copy of the complaint with
14 notice of a suspension of the certificate on the person complained against, and the
15 person shall file an answer to the complaint with the department and the
16 complainant within 10 days after service. After receiving the answer, the
17 department shall set the matter for hearing as promptly as possible and within 30
18 days after the date of filing the complaint. Either party may appear at the hearing
19 in person or by attorney or agent. The department shall make its findings and
20 determination concerning the suspension within 90 days after the date that the
21 hearing is concluded and send a copy to each interested party.

22 **SECTION 43.** 103.275 (7) (c) of the statutes is amended to read:

23 103.275 (7) (c) Except as provided in sub. (2) (bm) ~~and~~, (br), and (bt), the
24 department may revoke a certificate issued under sub. (2) after holding a public
25 hearing at a place designated by the department. At least 10 days prior to the

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1 revocation hearing, the department shall send written notice of the time and place
2 of the revocation hearing to the person holding the certificate and to the person's
3 attorney or agent of record by mailing the notice to their last-known address. The
4 testimony presented and proceedings at the revocation hearing shall be recorded and
5 preserved as the records of the department. The department shall, as soon after the
6 hearing as possible, make its findings and determination concerning revocation and
7 send a copy to each interested party.

8 **SECTION 44.** 103.34 (3) (c) of the statutes is amended to read:

9 103.34 (3) (c) Subject to par. (d) and sub. (10) (b) ~~and, (c), and (d)~~, after
10 completing the investigation under par. (b), the department shall issue a certificate
11 of registration to the applicant if the department determines that the applicant
12 meets the minimum requirements under this section and rules promulgated under
13 sub. (13) for issuance of a certificate of registration and is satisfied that the applicant
14 will comply with this section and those rules.

15 **SECTION 45.** 103.34 (10) (title) of the statutes is amended to read:

16 103.34 (10) (title) CHILD SUPPORT; DELINQUENT TAXES OR UNEMPLOYMENT
17 INSURANCE CONTRIBUTIONS.

18 **SECTION 46.** 103.34 (10) (d) of the statutes is created to read:

19 103.34 (10) (d) 1. The department may deny an application for the issuance or
20 renewal of a certificate of registration, or revoke a certificate of registration already
21 issued, if the department determines that the applicant or registrant is liable for
22 delinquent contributions, as defined in s. 108.227 (1) (d). Notwithstanding s. 103.005
3 (10), an action taken under this subdivision is subject to review only as provided
24 under s. 108.227 (5) and not as provided in ch. 227.

1 2. If the department denies an application or revokes a certificate of
2 registration under subd. 1., the department shall mail a notice of denial or revocation
3 to the applicant or registrant. The notice shall include a statement of the facts that
4 warrant the denial or revocation and a statement that the applicant or registrant
5 may, within 30 days after the date on which the notice of denial or revocation is
6 mailed, file a written request with the department to have the determination that
7 the applicant or registrant is liable for delinquent contributions reviewed at a
8 hearing under s. 108.227 (5) (a).

9 3. If, after a hearing under s. 108.227 (5) (a), the department affirms a
10 determination under subd. 1. that an applicant or registrant is liable for delinquent
11 contributions, the department shall affirm its denial or revocation. An applicant or
12 registrant may seek judicial review under s. 108.227 (6) of an affirmation by the
13 department of a denial or revocation under this subdivision.

14 4. If, after a hearing under s. 108.227 (5) (a), the department determines that
15 a person whose certificate of registration is revoked or whose application is denied
16 under subd. 1. is not liable for delinquent contributions, as defined in s. 108.227 (1)
17 (d), the department shall reinstate the certificate of registration or approve the
18 application, unless there are other grounds for revocation or denial. The department
19 may not charge a fee for reinstatement of a certificate under this subdivision.

20 **SECTION 47.** 103.91 (4) (d) of the statutes is created to read:

21 103.91 (4) (d) 1. The department may deny an application for the issuance or
22 renewal of a certificate of registration under sub. (1), or revoke such a certificate
23 already issued, if the department determines that the applicant or registrant is
24 liable for delinquent contributions, as defined in s. 108.227 (1) (d). Notwithstanding

1 s. 103.005 (10), an action taken under this subdivision is subject to review only as
2 provided under s. 108.227 (5) and not as provided in ch. 227.

3 2. If the department denies an application or revokes a certificate of
4 registration under subd. 1., the department shall mail a notice of denial or revocation
5 to the applicant or registrant. The notice shall include a statement of the facts that
6 warrant the denial or revocation and a statement that the applicant or registrant
7 may, within 30 days after the date on which the notice of denial or revocation is
8 mailed, file a written request with the department to have the determination that
9 the applicant or registrant is liable for delinquent contributions reviewed at a
10 hearing under s. 108.227 (5) (a).

11 3. If, after a hearing under s. 108.227 (5) (a), the department affirms a
12 determination under subd. 1. that an applicant or registrant is liable for delinquent
13 contributions, the department shall affirm its denial or revocation. An applicant or
14 registrant may seek judicial review under s. 108.227 (6) of an affirmation by the
15 department of a denial or revocation under this subdivision.

16 4. If, after a hearing under s. 108.227 (5) (a), the department determines that
17 a person whose certificate is revoked or whose application is denied under subd. 1.
18 is not liable for delinquent contributions, as defined in s. 108.227 (1) (d), the
19 department shall reinstate the certificate or approve the application, unless there
20 are other grounds for revocation or denial. The department may not charge a fee for
21 reinstatement of a certificate under this subdivision.

22 **SECTION 48.** 103.92 (3) of the statutes is amended to read:

23 103.92 (3) CERTIFICATE. The department shall inspect each camp for which
4 application to operate is made, to determine if it is in compliance with the rules of
25 the department establishing minimum standards for migrant labor camps. Except

1 as provided under subs. (6) ~~and~~, (7), and (8), if the department finds that the camp
2 is in compliance with the rules, it shall issue a certificate authorizing the camp to
3 operate until March 31 of the next year. The department shall refuse to issue a
4 certificate if it finds that the camp is in violation of such rules, if the person
5 maintaining the camp has failed to pay court-ordered payments as provided in sub.
6 (6) or if the person maintaining the camp is liable for delinquent taxes as provided
7 in sub. (7) or delinquent unemployment insurance contributions as provided in sub.
8 (8).

9 SECTION 49. 103.92 (8) of the statutes is created to read:

10 103.92 (8) LIABILITY FOR DELINQUENT UNEMPLOYMENT INSURANCE CONTRIBUTIONS.

11 (a) The department may deny an application for the issuance or renewal of a
12 certificate to operate a migrant labor camp, or revoke such a certificate already
13 issued, if the department determines that the applicant or person operating the
14 camp is liable for delinquent contributions, as defined in s. 108.227 (1) (d).
15 Notwithstanding s. 103.005 (10), an action taken under this paragraph is subject to
16 review only as provided under s. 108.227 (5) and not as provided in ch. 227.

17 (b) If the department denies an application or revokes a certificate under par.
18 (a), the department shall mail a notice of denial or revocation to the applicant or
19 person operating the camp. The notice shall include a statement of the facts that
20 warrant the denial or revocation and a statement that the applicant or person
21 operating the camp may, within 30 days after the date on which the notice of denial
22 or revocation is mailed, file a written request with the department to have the
23 determination that the applicant or person operating the camp is liable for
24 delinquent contributions reviewed at a hearing under s. 108.227 (5) (a).

1 (c) If, after a hearing under s. 108.227 (5) (a), the department affirms a
2 determination under par. (a) that an applicant or person operating a camp is liable
3 for delinquent contributions, the department shall affirm its denial or revocation.
4 An applicant or person operating a camp may seek judicial review under s. 108.227
5 (6) of an affirmation by the department of a denial or revocation under this
6 paragraph.

7 (d) If, after a hearing under s. 108.227 (5) (a), the department determines that
8 a person whose certificate is revoked or whose application is denied under par. (a) is
9 not liable for delinquent contributions, as defined in s. 108.227 (1) (d), the
10 department shall reinstate the certificate or approve the application, unless there
11 are other grounds for revocation or denial. The department may not charge a fee for
12 reinstatement of a certificate under this paragraph.

13 **SECTION 50.** 104.07 (1) and (2) of the statutes are amended to read:

14 104.07 (1) The department shall make rules, and, except as provided under
15 subs. (5) ~~and~~, (6), and (7), grant licenses to any employer who employs any employee
16 who is unable to earn the living wage determined by the department, permitting the
17 employee to work for a wage that is commensurate with the employee's ability. Each
18 license so granted shall establish a wage for the licensee.

19 (2) The department shall make rules, and, except as provided under subs. (5)
20 ~~and~~, (6), and (7), grant licenses to sheltered workshops, to permit the employment
21 of workers with disabilities who are unable to earn the living wage at a wage that
22 is commensurate with their ability and productivity. A license granted to a sheltered
23 workshop under this subsection may be issued for the entire workshop or a
4 department of the workshop.

25 **SECTION 51.** 104.07 (7) of the statutes is created to read:

1 104.07 (7) (a) The department may deny an application for the issuance or
2 renewal of a license under sub. (1) or (2), or revoke such a license already issued, if
3 the department determines that the applicant or licensee is liable for delinquent
4 contributions, as defined in s. 108.227 (1) (d). Notwithstanding s. 103.005 (10), an
5 action taken under this paragraph is subject to review only as provided under s.
6 108.227 (5) and not as provided in ch. 227.

7 (b) If the department denies an application or revokes a license under par. (a),
8 the department shall mail a notice of denial or revocation to the applicant or licensee.
9 The notice shall include a statement of the facts that warrant the denial or revocation
10 and a statement that the applicant or licensee may, within 30 days after the date on
11 which the notice of denial or revocation is mailed, file a written request with the
12 department to have the determination that the applicant or licensee is liable for
13 delinquent contributions reviewed at a hearing under s. 108.227 (5) (a).

14 (c) If, after a hearing under s. 108.227 (5) (a), the department affirms a
15 determination under par. (a) that an applicant or licensee is liable for delinquent
16 contributions, the department shall affirm its denial or revocation. An applicant or
17 licensee may seek judicial review under s. 108.227 (6) of an affirmation by the
18 department of a denial or revocation under this paragraph.

19 (d) If, after a hearing under s. 108.227 (5) (a), the department determines that
20 a person whose license is revoked or whose application is denied under par. (a) is not
21 liable for delinquent contributions, as defined in s. 108.227 (1) (d), the department
22 shall reinstate the license or approve the application, unless there are other grounds
23 for revocation or denial. The department may not charge a fee for reinstatement of
24 a license under this paragraph.

25 **SECTION 52.** 105.13 (1) of the statutes is amended to read:

1 105.13 (1) The department may issue licenses to employment agents, and
2 refuse to issue a license whenever, after investigation, the department finds that the
3 character of the applicant makes the applicant unfit to be an employment agent, that
4 the applicant has failed to pay court-ordered payments as provided in sub. (2) ~~or~~, that
5 the applicant is liable for delinquent taxes as provided in sub. (3), or that the
6 applicant is liable for delinquent unemployment insurance contributions as
7 provided in sub. (4), or when the premises for conducting the business of an
8 employment agent is found upon investigation to be unfit for such use. Any license
9 granted by the department may be suspended or revoked by it upon notice to the
10 licensee and good cause. Failure to comply with this chapter and rules promulgated
11 thereunder, or with any lawful orders of the department, is cause to suspend or
12 revoke a license. Failure to pay court-ordered payments as provided in sub. (2) is
13 cause to deny, suspend, restrict, refuse to renew or otherwise withhold a license.
14 Liability for delinquent taxes as provided in sub. (3) or delinquent unemployment
15 insurance contributions as provided in sub. (4) is cause to deny or revoke a license.

16 **SECTION 53.** 105.13 (4) of the statutes is created to read:

17 105.13 (4) (a) The department may deny an application for the issuance or
18 renewal of an employment agent's license, or revoke such a license already issued,
19 if the department determines that the applicant or licensee is liable for delinquent
20 contributions, as defined in s. 108.227 (1) (d). Notwithstanding s. 103.005 (10), an
21 action taken under this paragraph is subject to review only as provided under s.
22 108.227 (5) and not as provided in ch. 227.

23 (b) If the department denies an application or revokes a license under par. (a),
24 the department shall mail a notice of denial or revocation to the applicant or licensee.
25 The notice shall include a statement of the facts that warrant the denial or revocation

1 and a statement that the applicant or licensee may, within 30 days after the date on
2 which the notice of denial or revocation is mailed, file a written request with the
3 department to have the determination that the applicant or licensee is liable for
4 delinquent contributions reviewed at a hearing under s. 108.227 (5) (a).

5 (c) If, after a hearing under s. 108.227 (5) (a), the department affirms a
6 determination under par. (a) that an applicant or licensee is liable for delinquent
7 contributions, the department shall affirm its denial or revocation. An applicant or
8 licensee may seek judicial review under s. 108.227 (6) of an affirmation by the
9 department of a denial or revocation under this paragraph.

10 (d) If, after a hearing under s. 108.227 (5) (a), the department determines that
11 a person whose license is revoked or whose application is denied under par. (a) is not
12 liable for delinquent contributions, as defined in s. 108.227 (1) (d), the department
13 shall reinstate the license or approve the application, unless there are other grounds
14 for revocation or denial. The department may not charge a fee for reinstatement of
15 a license under this paragraph.

16 SECTION 54. 108.02 (3) of the statutes is created to read:

17 108.02 (3) ALCOHOL BEVERAGES. “Alcohol beverages” has the meaning given in
18 s. 125.02 (1).

19 SECTION 55. 108.02 (4m) (a) of the statutes is amended to read:

20 108.02 (4m) (a) All earnings for wage-earning service which are paid to an
21 employee during his or her base period as a result of employment for an employer
22 except any payment made to or on behalf of an employee or his or her beneficiary
23 under a cafeteria plan within the meaning of 26 USC 125, if the payment would not
24 be treated as wages without regard to that plan and if 26 USC 125 would not treat
25 the payment as constructively received;

1 **SECTION 56.** 108.02 (4m) (g) of the statutes is repealed.

2 **SECTION 57.** 108.02 (9) of the statutes is created to read:

3 108.02 (9) CONTROLLED SUBSTANCE. “Controlled substance” has the meaning
4 given in s. 961.01 (4).

5 **SECTION 58.** 108.02 (9m) of the statutes is created to read:

6 108.02 (9m) CONTROLLED SUBSTANCE ANALOG. “Controlled substance analog”
7 has the meaning given in s. 961.01 (4m).

8 **SECTION 59.** 108.02 (10e) (intro.) of the statutes is renumbered 108.02 (10e)
9 (am) (intro.) and amended to read:

10 108.02 (10e) (am) (intro.) “Departmental error” means an error made by the
11 department in computing or paying benefits which results exclusively from:

12 **SECTION 60.** 108.02 (10e) (a) and (b) of the statutes are renumbered 108.02
13 (10e) (am) 1. and 2.

14 **SECTION 61.** 108.02 (10e) (bm) of the statutes is created to read:

15 108.02 (10e) (bm) “Departmental error” does not include an error made by the
16 department in computing, paying, or crediting benefits to any individual, whether
17 or not a claimant, or in crediting contributions or reimbursements to one or more
18 employers that results from any of the following:

- 19 1. A computer malfunction or programming error.
- 20 2. An error in transmitting data to or from a financial institution.
- 21 3. A typographical or keying error.
- 22 4. A bookkeeping or other payment processing error.
- 23 5. An action by the department resulting from a false statement or
24 representation by an individual, including a statement or representation relating to
25 the individual’s identity.

1 6. An action by the department resulting from an unauthorized manipulation
2 of an electronic system from within or outside the department.

3 **SECTION 62.** 108.02 (13) (a) of the statutes is amended to read:

4 108.02 (13) (a) "Employer" means every government unit and Indian tribe, and
5 any person, association, corporation, whether domestic or foreign, or legal
6 representative, debtor in possession or trustee in bankruptcy or receiver or trustee
7 of a person, partnership, association, or corporation, or guardian of the estate of a
8 person, or legal representative of a deceased person, any partnership or partnerships
9 consisting of the same partners, except as provided in par. (L), any limited liability
10 company ~~or limited liability companies consisting of the same members, except as~~
11 ~~provided in par. (kL)~~, and any fraternal benefit society as defined in s. 614.01 (1) (a),
12 which is subject to this chapter under the statutes of 1975, or which has had
13 employment in this state and becomes subject to this chapter under this subsection
14 and, notwithstanding any other provisions of this section, any service insurance
15 corporation organized or operating under ch. 613, except as provided in s. 108.152
16 (6) (a) 3.

17 **SECTION 63.** 108.02 (13) (kL) of the statutes is repealed.

18 **SECTION 64.** 108.02 (15) (kt) of the statutes is created to read:

19 108.02 (15) (kt) "Employment", as applied to work for a given employer other
20 than a government unit, an Indian tribe, or a nonprofit organization, except as the
21 employer elects otherwise with the department's approval, does not include service
22 performed by an inmate of a state prison, as defined in s. 302.01, or a federal prison.

23 **SECTION 65.** 108.02 (15m) (intro.) of the statutes is amended to read:

24 108.02 (15m) FAMILY CORPORATION. (intro.) ~~Except as provided in s. 108.04 (7)~~
25 (r), "family Family corporation" means:

1 **SECTION 66.** 108.04 (1) (f) of the statutes is amended to read:

2 108.04 (1) (f) If an employee is required by law to have a license issued by a
3 governmental agency to perform his or her customary work for an employer, and the
4 employee's employment is suspended or terminated because the employee's license
5 has been suspended, revoked or not renewed due to the employee's fault, the
6 employee is not eligible to receive benefits until 5 weeks have elapsed since the end
7 of the week in which the suspension or termination occurs or until the license is
8 reinstated or renewed, whichever occurs first. The wages paid by the employer with
9 which an employee's employment is suspended or terminated shall be excluded from
10 the employee's base period wages under s. 108.06 (1) for purposes of benefit
11 entitlement while the suspension, revocation or nonrenewal of the license is in effect.
12 This paragraph does not preclude an employee from establishing a benefit year using
13 the wages excluded under this paragraph if the employee qualifies to establish a
14 benefit year under s. 108.06 (2) (a). The department shall charge to the fund's
15 balancing account any benefits paid during a benefit year otherwise chargeable to
16 the account of an employer that is subject to the contribution requirements of ss.
17 108.17 and 108.18 from which base period wages are excluded under this paragraph
18 if an employee qualifies to receive benefits for any week in that benefit year using
19 wages that were excluded under this paragraph.

20 **SECTION 67.** 108.04 (1) (g) (intro.) of the statutes is amended to read:

21 108.04 (1) (g) (intro.) Except as provided in par. (gm) and ~~s. 108.06 (7) (d)~~, the
22 base period wages utilized to compute total benefits payable to an individual under
23 s. 108.06 (1) as a result of the following employment shall not exceed 10 times the
individual's weekly benefit rate based solely on that employment under s. 108.05 (1):

25 **SECTION 68.** 108.04 (1) (hm) of the statutes is amended to read:

1 108.04 (1) (hm) The department may require any claimant to appear before it
2 and to answer truthfully, orally or in writing, any questions relating to the claimant's
3 eligibility for benefits ~~and~~ or to provide such demographic information as may be
4 necessary to permit the department to conduct a statistically valid sample audit of
5 compliance with this chapter. A claimant is not eligible to receive benefits for any
6 week in which the claimant fails to comply with a request by the department to
7 provide the information required under this paragraph, or any subsequent week,
8 until the claimant complies or satisfies the department that he or she had good cause
9 for failure to comply with a request of the department under this paragraph. If
10 Except as provided in s. 108.04 (2) (e) and (f), if a claimant later complies with a
11 request by the department ~~or satisfies the department that he or she had good cause~~
12 ~~for failure to comply with a request~~, the claimant is eligible to receive benefits as of
13 the week in which the failure occurred, if otherwise qualified.

14 **SECTION 69.** 108.04 (1) (i) of the statutes is repealed.

15 **SECTION 70.** 108.04 (2) (a) 3. c. of the statutes is amended to read:

16 108.04 (2) (a) 3. c. Whether the individual has recall rights with the employer
17 under the terms of any applicable collective bargaining agreement; and

18 **SECTION 71.** 108.04 (2) (a) 4. of the statutes is created to read:

19 108.04 (2) (a) 4. If the claimant is claiming benefits for a week other than an
20 initial week, the claimant provides information or job application materials that are
21 requested by the department and participates in a public employment office
22 workshop or training program or in similar reemployment services that are required
23 by the department under sub. (15) (a) 2.

24 **SECTION 72.** 108.04 (2) (g) of the statutes is created to read:

1 108.04 (2) (g) 1. Each claimant shall create security credentials in order to
2 engage in transactions with the department, including the filing of an initial or
3 continued claim for benefits. The security credentials may consist of a personal
4 identification number, username, and password, or any other means prescribed by
5 the department.

6 2. If a claimant's security credentials are used in the filing of an initial or
7 continued claim for benefits or any other transaction, the individual using the
8 security credentials is presumed to have been the claimant or the claimant's
9 authorized agent. This presumption may be rebutted by a preponderance of evidence
10 showing that the claimant who created the security credentials or the claimant's
11 authorized agent was not the person who used the credentials in a given transaction.

12 If a claimant uses an agent to engage in any transaction with the department using
13 the claimant's security credentials, the claimant is responsible for the actions of the
14 agent. If a claimant who created security credentials or the claimant's authorized
15 agent divulges the credentials to another person, or fails to take adequate measures
16 to protect the credentials from being divulged to an unauthorized person, and the
17 department pays benefits to an unauthorized person because of the claimant's action
18 or inaction, the department may recover from the claimant the benefits that were
19 paid to the unauthorized person in the same manner as provided for overpayments
20 to claimants under s. 108.22 (8) or under 108.245. If a claimant who created security
21 credentials or the claimant's authorized agent divulges the credentials to another
22 person, or fails to take adequate measures to protect the credentials from being
23 divulged to an unauthorized person, the department is not obligated to pursue
24 recovery of, or to reimburse the claimant for, benefits payable to the claimant that
25 were erroneously paid to another person.

1 SECTION 73. 108.04 (2) (h) of the statutes is created to read:

2 108.04 (2) (h) A claimant shall, when the claimant first files a claim for benefits
3 under this chapter and during each subsequent week the claimant files for benefits
4 under this chapter, inform the department whether he or she is receiving social
5 security disability insurance benefits under 42 USC ch. 7 subch. II.

6 SECTION 74. 108.04 (2) (i) of the statutes is created to read:

7 108.04 (2) (i) 1. There is a rebuttable presumption that a claimant who is
8 subject to the requirement under par. (a) 3. to conduct a reasonable search for
9 suitable work has not conducted a reasonable search for suitable work in a given
10 week if all of the following apply:

11 a. The claimant was last employed by a temporary help company.

12 b. The temporary help company required the claimant to contact the temporary
13 help company about available assignments weekly, or less often as prescribed by the
14 temporary help company, and the company gave the claimant written notice of that
15 requirement at the time the claimant was initially employed by the company.

16 c. During that week, the claimant was required to contact the temporary help
17 company about available assignments and the claimant did not contact the
18 temporary help company about available assignments.

19 d. The temporary help company submits a ^{written} notice to the department within 10
20 business days after the end of that week reporting that the claimant did not contact
21 the company about available assignments.

22 2. A claimant may only rebut the presumption under subd. 1. if the claimant
23 demonstrates one of the following to the department for a given week:

24 a. That the claimant did contact the temporary help company about available
25 assignments during that week.

1 b. That the claimant was not informed by the temporary help company of the
2 requirement to contact the temporary help company or had other good cause for his
3 or her failure to contact the temporary help company about available assignments
4 during that week.

5 3. If a claimant who was last employed by a temporary help company contacts
6 the temporary help company during a given week about available assignments, that
7 contact constitutes one action that constitutes a reasonable search for suitable work,
8 for purposes of par. (a) 3.

9 SECTION 75. 108.04 (5) of the statutes is renumbered 108.04 (5) (intro.) and
10 amended to read:

11 108.04 (5) DISCHARGE FOR MISCONDUCT. (intro.) ~~Unless sub. (5g) results in~~
12 ~~disqualification, an~~ An employee whose work is terminated by an employing unit for
13 misconduct by the employee connected with the employee's work is ineligible to
14 receive benefits until 7 weeks have elapsed since the end of the week in which the
15 discharge occurs and the employee earns wages after the week in which the
16 discharge occurs equal to at least 14 times the employee's weekly benefit rate under
17 s. 108.05 (1) in employment or other work covered by the unemployment insurance
18 law of any state or the federal government. For purposes of requalification, the
19 employee's weekly benefit rate shall be ~~that the rate which that~~ that would have been paid
20 had the discharge not occurred. The wages paid to an employee by an employer
21 which terminates employment of the employee for misconduct connected with the
22 employee's employment shall be excluded from the employee's base period wages
23 under s. 108.06 (1) for purposes of benefit entitlement. This subsection does not
24 preclude an employee who has employment with an employer other than the
25 employer which terminated the employee for misconduct from establishing a benefit

1 year using the base period wages excluded under this subsection if the employee
2 qualifies to establish a benefit year under s. 108.06 (2) (a). The department shall
3 charge to the fund's balancing account any benefits otherwise chargeable to the
4 account of an employer that is subject to the contribution requirements under ss.
5 108.17 and 108.18 from which base period wages are excluded under this subsection.
6 For purposes of this subsection, "misconduct" means one or more actions or conduct
7 evinced such willful or wanton disregard of an employer's interest as is found in
8 deliberate violations or disregard of standards of behavior which an employer has a
9 right to expect of his or her employees, or in carelessness or negligence of such degree
10 or recurrence as to manifest culpability, wrongful intent, or evil design of equal
11 severity to such disregard, or to show an intentional and substantial disregard of an
12 employer's interests, or of an employee's duties and obligations to his or her
13 employer. In addition, "misconduct" includes:

14 SECTION 76. 108.04 (5) (a) to (g) of the statutes are created to read:

15 108.04 (5) (a) A violation by an employee of an employer's reasonable written
16 policy concerning the use of alcohol beverages, or use of a controlled substance or a
17 controlled substance analog, if the employee:

- 18 1. Had knowledge of the alcohol beverage or controlled substance policy; and
- 19 2. Admitted to the use of alcohol beverages or a controlled substance or
20 controlled substance analog or refused to take a test or tested positive for the use of
21 alcohol beverages or a controlled substance or controlled substance analog in a test
22 used by the employer in accordance with a testing methodology approved by the
23 department.

24 (b) Theft of an employer's property or services with intent to deprive the
25 employer of the property or services permanently, theft of currency of any value,

1 felonious conduct connected with an employee's employment with his or her
2 employer, or intentional or negligent conduct by an employee that causes substantial
3 damage to his or her employer's property.

4 (c) Conviction of an employee of a crime or other offense subject to civil
5 forfeiture, while on or off duty, if the conviction makes it impossible for the employee
6 to perform the duties that the employee performs for his or her employer.

7 (d) One or more threats or acts of harassment, assault, or other physical
8 violence instigated by an employee at the workplace of his or her employer.

9 (e) Absenteeism by an employee on more than 2 occasions within the 120-day
10 period before the date of the employee's termination, unless otherwise specified by
11 his or her employer in an employment manual of which the employee has
12 acknowledged receipt with his or her signature, or excessive tardiness by an
13 employee in violation of a policy of the employer that has been communicated to the
14 employee, if the employee does not provide to his or her employer both notice and one
15 or more valid reasons for the absenteeism or tardiness.

16 (f) Unless directed by an employee's employer, falsifying business records of the
17 employer.

18 (g) Unless directed by the employer, a willful and deliberate violation of a
19 written and uniformly applied standard or regulation of the federal government or
20 a state or tribal government by an employee of an employer that is licensed or
21 certified by a governmental agency, which standard or regulation has been
22 communicated by the employer to the employee and which violation would cause the
23 employer to be sanctioned or to have its license or certification suspended by the
24 agency.

25 SECTION 77. 108.04 (5g) of the statutes is repealed and recreated to read:

1 108.04 (5g) DISCHARGE FOR SUBSTANTIAL FAULT. (a) An employee whose work is
2 terminated by an employing unit for substantial fault by the employee connected
3 with the employee's work is ineligible to receive benefits until 7 weeks have elapsed
4 since the end of the week in which the termination occurs and the employee earns
5 wages after the week in which the termination occurs equal to at least 14 times the
6 employee's weekly benefit rate under s. 108.05 (1) in employment or other work
7 covered by the unemployment insurance law of any state or the federal government.
8 For purposes of requalification, the employee's benefit rate shall be the rate that
9 would have been paid had the discharge not occurred. For purposes of this
10 paragraph, "substantial fault" includes those acts or omissions of an employee over
11 which the employee exercised reasonable control and which violate reasonable
12 requirements of the employee's employer but does not include any of the following:

13 1. One or more minor infractions of rules unless an infraction is repeated after
14 the employer warns the employee about the infraction.

15 2. One or more inadvertent errors made by the employee.

16 3. Any failure of the employee to perform work because of insufficient skill,
17 ability, or equipment.

18 (b) The department shall charge to the fund's balancing account the cost of any
19 benefits paid to an employee that are otherwise chargeable to the account of an
20 employer that is subject to the contribution requirements under ss. 108.17 and
21 108.18 if the employee is discharged by the employer and paragraph (a) applies.

22 **SECTION 78.** 108.04 (7) (a) of the statutes is amended to read:

23 108.04 (7) (a) If an employee terminates work with an employing unit, the
24 employee is ineligible to receive benefits until ~~4 weeks have elapsed since the end~~
25 ~~of the week in which the termination occurs and the employee earns wages after the~~

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1 week in which the termination occurs equal to at least ~~4~~ 6 times the employee's
2 weekly benefit rate under s. 108.05 (1) in employment or other work covered by the
3 unemployment insurance law of any state or the federal government. For purposes
4 of requalification, the employee's weekly benefit rate shall be that rate which would
5 have been paid had the termination not occurred. This paragraph does not preclude
6 an employee from establishing a benefit year by using the base period wages paid by
7 the employer from which the employee voluntarily terminated, if the employee is
8 qualified to establish a benefit year under s. 108.06 (2) (a).

9 SECTION 79. 108.04 (7) (d), (g), (j), (k), (m), (n), (o), (p) and (r) of the statutes are
10 repealed.

11 SECTION 80. 108.04 (7) (e) of the statutes is amended to read:

2 108.04 (7) (e) Paragraph (a) does not apply if the department determines that
13 the employee accepted work which the employee could have failed to accept with good
14 cause under sub. (8) and terminated such work with the same good cause and within
15 the first ~~10 weeks~~ 30 calendar days after starting the work, or that the employee
16 accepted work which the employee could have refused under sub. (9) and terminated
17 such work within the first ~~10 weeks~~ 30 calendar days after starting the work. For
18 purposes of this paragraph, an employee has the same good cause for voluntarily
19 terminating work if the employee could have failed to accept the work under sub. (8)
20 (d) when it was offered, regardless of the reason articulated by the employee for the
21 termination.

22 SECTION 81. 108.04 (7) (h) of the statutes is amended to read:

23 108.04 (7) (h) The department shall charge to the fund's balancing account
4 benefits paid to an employee that are otherwise chargeable to the account of an
25 employer that is subject to the contribution requirements of ss. 108.17 and 108.18

1 if the employee voluntarily terminates employment with that employer and par. (a),
2 (c), ~~(d)~~, (e), ~~(k)~~, (L), ~~(o)~~, ~~(p)~~, (q), (s), or (t) applies.

3 SECTION 82. 108.04 (7) (L) (intro.) of the statutes is amended to read:

4 108.04 (7) (L) (intro.) Paragraph (a) does not apply if the department
5 determines that the employee terminated work to accept employment or other work
6 covered by the unemployment insurance law of any state or the federal government,
7 ~~and earned wages in the subsequent work equal to at least 4 times the employee's~~
8 ~~weekly benefit rate under s. 108.05 (1) if the work:~~

9 SECTION 83. 108.04 (7) (t) of the statutes is renumbered 108.04 (7) (t) (intro.)
10 and amended to read:

11 108.04 (7) (t) (intro.) Paragraph (a) does not apply if the department
12 determines that ~~the~~ all of the following apply to an employee:

13 1. The employee's spouse changed his or her place of employment is a member
14 of the U.S. armed forces on active duty.

15 2. The employee's spouse was required by the U.S. armed forces to relocate to
16 a place to which it is impractical for the employee to commute and the.

17 3. The employee terminated his or her work to accompany the spouse to that
18 place.

19 SECTION 84. 108.04 (8) (a) and (c) of the statutes are amended to read:

20 108.04 (8) (a) If an employee fails, without good cause, to accept suitable work
21 when offered, the employee is ineligible to receive benefits until ~~4 weeks have~~
22 ~~elapsed since the end of the week in which the failure occurs and~~ the employee earns
23 wages after the week in which the failure occurs equal to at least ~~4~~ 6 times the
24 employee's weekly benefit rate under s. 108.05 (1) in employment or other work
25 covered by the unemployment insurance law of any state or the federal government.

1 For purposes of requalification, the employee's weekly benefit rate shall be that rate
2 which would have been paid had the failure not occurred. This paragraph does not
3 preclude an employee from establishing a benefit year during a period in which the
4 employee is ineligible to receive benefits under this paragraph if the employee
5 qualifies to establish a benefit year under s. 108.06 (2) (a). The department shall
6 charge to the fund's balancing account any benefits otherwise chargeable to the
7 account of an employer that is subject to the contribution requirements under ss.
8 108.17 and 108.18 whenever an employee of that employer fails, without good cause,
9 to accept suitable work offered by that employer.

10 (c) If an employee fails, without good cause, to return to work with a former
11 employer that recalls the employee within 52 weeks after the employee last worked
12 for that employer, the employee is ineligible to receive benefits until ~~4 weeks have~~
13 ~~elapsed since the end of the week in which the failure occurs and~~ the employee earns
14 wages after the week in which the failure occurs equal to at least ~~4~~ 6 times the
15 employee's weekly benefit rate under s. 108.05 (1) in employment or other work
16 covered by the unemployment insurance law of any state or the federal government.
17 For purposes of requalification, the employee's weekly benefit rate shall be that rate
18 which would have been paid had the failure not occurred. This paragraph does not
19 preclude an employee from establishing a benefit year during a period in which the
20 employee is ineligible to receive benefits under this paragraph if the employee
21 qualifies to establish a benefit year under s. 108.06 (2) (a). The department shall
22 charge to the fund's balancing account any benefits otherwise chargeable to the
23 account of any employer that is subject to the contribution requirements under ss.
24 108.17 and 108.18 whenever an employee of that employer fails, without good cause,

1 to return to work with that employer. If an employee receives actual notice of a recall
2 to work, par. (a) applies in lieu of this paragraph.

3 **SECTION 85.** 108.04 (12) (f) of the statutes is created to read:

4 108.04 (12) (f) 1. Any individual who actually receives social security disability
5 insurance benefits under 42 USC ch. 7 subch. II in a given week is ineligible for
6 benefits paid or payable in that same week under this chapter.

7 2. Information that the department receives or acquires from the federal social
8 security administration that an individual is receiving social security disability
9 insurance benefits under 42 USC ch. 7 subch. II in a given week is considered
10 conclusive, absent clear and convincing evidence that the information was
11 erroneous.

12 **SECTION 86.** 108.04 (15) of the statutes is created to read:

13 108.04 (15) DEPARTMENT POWERS TO ASSIST CLAIMANTS. (a) Except as provided
14 in par. (b), the department may do any of the following for the purpose of assisting
15 claimants to find or obtain work:

16 1. Use the information or materials provided under sub. (2) (a) 4. to assess a
17 claimant's efforts, skills, and ability to find or obtain work and to develop a list of
18 potential opportunities for a claimant to obtain suitable work. A claimant who
19 otherwise satisfies the requirement under sub. (2) (a) 3. is not required to apply for
20 any specific positions on the list in order to satisfy that requirement.

21 2. Require a claimant to participate in a public employment office workshop or
22 training program or in similar reemployment services that do not charge the
23 claimant a participation fee and that offer instruction to improve the claimant's
24 ability to obtain suitable work.

1 (b) This subsection does not apply with respect to a claimant who is exempt
2 from any of the requirements in sub. (2) (a) 2. or 3. in a given week.

3 SECTION 87. 108.05 (1) (n) to (p) of the statutes are repealed.

4 SECTION 88. 108.05 (1) (q) (intro.) of the statutes is amended to read:

5 108.05 (1) (q) (intro.) Each eligible employee shall be paid benefits for each
6 week of total unemployment that commences on or after January 4, 2009, and before
7 January 5, 2014, at the weekly benefit rate specified in this paragraph. Unless sub.
8 (1m) applies, the weekly benefit rate shall equal 4 percent of the employee's base
9 period wages that were paid during that quarter of the employee's base period in
10 which the employee was paid the highest total wages, rounded down to the nearest
11 whole dollar, except that, if that amount is less than the minimum amount shown
12 in the following schedule, no benefits are payable to the employee and, if that amount
13 is more than the maximum amount shown in the following schedule, the employee's
14 weekly benefit rate shall be the maximum amount shown in the following schedule
15 and except that, if the employee's benefits are exhausted during any week under s.
16 108.06 (1), the employee shall be paid the remaining amount of benefits payable to
17 the employee in lieu of the amount shown in the following schedule: [See Figure
18 108.05 (1) (q) following]

11

19 SECTION 89. 108.05 (1) (q) (intro.) of the statutes, as affected by 2013 Wisconsin
20 Acts ... (Assembly Bill 15) and ... (this act), is repealed and recreated to read:

21 108.05 (1) (q) (intro.) Except as provided in s. 108.062 (6) (a), each eligible
22 employee shall be paid benefits for each week of total unemployment that
23 commences on or after January 4, 2009, and before January 5, 2014, at the weekly
24 benefit rate specified in this paragraph. Unless sub. (1m) applies, the weekly benefit
25 rate shall equal 4 percent of the employee's base period wages that were paid during

1 that quarter of the employee's base period in which the employee was paid the
2 highest total wages, rounded down to the nearest whole dollar, except that, if that
3 amount is less than the minimum amount shown in the following schedule, no
4 benefits are payable to the employee and, if that amount is more than the maximum
5 amount shown in the following schedule, the employee's weekly benefit rate shall be
6 the maximum amount shown in the following schedule and except that, if the
7 employee's benefits are exhausted during any week under s. 108.06 (1), the employee
8 shall be paid the remaining amount of benefits payable to the employee in lieu of the
9 amount shown in the following schedule: [See Figure 108.05 (1) (q) following]

10 SECTION 90. 108.05 (1) (r) (intro.) of the statutes, as created by 2013 Wisconsin
11 Act (this act), is repealed and recreated to read:

12 108.05 (1) (r) (intro.) Except as provided in s. 108.062 (6) (a), each eligible
13 employee shall be paid benefits for each week of total unemployment that
14 commences on or after January 5, 2014, at the weekly benefit rate specified in this
15 paragraph. Unless sub. (1m) applies, the weekly benefit rate shall equal 4 percent
16 of the employee's base period wages that were paid during that quarter of the
17 employee's base period in which the employee was paid the highest total wages,
18 rounded down to the nearest whole dollar, except that, if that amount is less than the
19 minimum amount shown in the following schedule, no benefits are payable to the
20 employee and, if that amount is more than the maximum amount shown in the
21 following schedule, the employee's weekly benefit rate shall be the maximum
22 amount shown in the following schedule and except that, if the employee's benefits
23 are exhausted during any week under s. 108.06 (1), the employee shall be paid the
24 remaining amount of benefits payable to the employee in lieu of the amount shown
25 in the following schedule: [See Figure 108.05 (1) (r) following]

1 **SECTION 91.** 108.05 (1) (r) of the statutes is created to read:

2 108.05 (1) (r) Each eligible employee shall be paid benefits for each week of total
3 unemployment that commences on or after January 5, 2014, at the weekly benefit
4 rate specified in this paragraph. Unless sub. (1m) applies, the weekly benefit rate
5 shall equal 4 percent of the employee's base period wages that were paid during that
6 quarter of the employee's base period in which the employee was paid the highest
7 total wages, rounded down to the nearest whole dollar, except that, if that amount
8 is less than the minimum amount shown in the following schedule, no benefits are
9 payable to the employee and, if that amount is more than the maximum amount
10 shown in the following schedule, the employee's weekly benefit rate shall be the
11 maximum amount shown in the following schedule and except that, if the employee's
12 benefits are exhausted during any week under s. 108.06 (1), the employee shall be
13 paid the remaining amount of benefits payable to the employee in lieu of the amount
14 shown in the following schedule: [See Figure 108.05 (1) (r) following]

Figure 108.05 (1) (r):

Line	Highest Quarterly Wages Paid	Weekly Benefit Rate
1.	Under \$1,350.00	\$ 0
2.	1,350.00 to 1,374.99	54
3.	1,375.00 to 1,399.99	55
4.	1,400.00 to 1,424.99	56
5.	1,425.00 to 1,449.99	57
6.	1,450.00 to 1,474.99	58
7.	1,475.00 to 1,499.99	59

8.	1,500.00	to	1,524.99	60
9.	1,525.00	to	1,549.99	61
10.	1,550.00	to	1,574.99	62
11.	1,575.00	to	1,599.99	63
12.	1,600.00	to	1,624.99	64
13.	1,625.00	to	1,649.99	65
14.	1,650.00	to	1,674.99	66
15.	1,675.00	to	1,699.99	67
16.	1,700.00	to	1,724.99	68
17.	1,725.00	to	1,749.99	69
18.	1,750.00	to	1,774.99	70
19.	1,775.00	to	1,799.99	71
20.	1,800.00	to	1,824.99	72
21.	1,825.00	to	1,849.99	73
22.	1,850.00	to	1,874.99	74
23.	1,875.00	to	1,899.99	75
24.	1,900.00	to	1,924.99	76
25.	1,925.00	to	1,949.99	77
26.	1,950.00	to	1,974.99	78
27.	1,975.00	to	1,999.99	79
28.	2,000.00	to	2,024.99	80
29.	2,025.00	to	2,049.99	81
30.	2,050.00	to	2,074.99	82
31.	2,075.00	to	2,099.99	83

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32.	2,100.00	to	2,124.99	84
33.	2,125.00	to	2,149.99	85
34.	2,150.00	to	2,174.99	86
35.	2,175.00	to	2,199.99	87
36.	.....	2,200.00	to	2,224.99	.....	88
37.	.....	2,225.00	to	2,249.99	.....	89
38.	.....	2,250.00	to	2,274.99	.....	90
39.	.....	2,275.00	to	2,299.99	.....	91
40.	.....	2,300.00	to	2,324.99	.....	92
41.	.....	2,325.00	to	2,349.99	.....	93
42.	.....	2,350.00	to	2,374.99	.....	94
43.	.....	2,375.00	to	2,399.99	.....	95
44.	.....	2,400.00	to	2,424.99	.....	96
45.	.....	2,425.00	to	2,449.99	.....	97
46.	.....	2,450.00	to	2,474.99	.....	98
47.	.....	2,475.00	to	2,499.99	.....	99
48.	.....	2,500.00	to	2,524.99	.....	100
49.	.....	2,525.00	to	2,549.99	.....	101
50.	.....	2,550.00	to	2,574.99	.....	102
51.	.....	2,575.00	to	2,599.99	.....	103
52.	.....	2,600.00	to	2,624.99	.....	104
53.	.....	2,625.00	to	2,649.99	.....	105
54.	.....	2,650.00	to	2,674.99	.....	106
55.	.....	2,675.00	to	2,699.99	.....	107

56.	.....	2,700.00	to	2,724.99	.....	108
57.	.....	2,725.00	to	2,749.99	.....	109
58.	.....	2,750.00	to	2,774.99	.....	110
59.	.....	2,775.00	to	2,799.99	.....	111
60.	.....	2,800.00	to	2,824.99	.....	112
61.	.....	2,825.00	to	2,849.99	.....	113
62.	.....	2,850.00	to	2,874.99	.....	114
63.	.....	2,875.00	to	2,899.99	.....	115
64.	.....	2,900.00	to	2,924.99	.....	116
65.	.....	2,925.00	to	2,949.99	.....	117
66.	.....	2,950.00	to	2,974.99	.....	118
67.	.....	2,975.00	to	2,999.99	.....	119
68.	.....	3,000.00	to	3,024.99	.....	120
69.	.....	3,025.00	to	3,049.99	.....	121
70.	.....	3,050.00	to	3,074.99	.....	122
71.	.....	3,075.00	to	3,099.99	.....	123
72.	.....	3,100.00	to	3,124.99	.....	124
73.	.....	3,125.00	to	3,149.99	.....	125
74.	.....	3,150.00	to	3,174.99	.....	126
75.	.....	3,175.00	to	3,199.99	.....	127
76.	3,200.00	to	3,224.99	128
77.	3,225.00	to	3,249.99	129
78.	3,250.00	to	3,274.99	130
79.	3,275.00	to	3,299.99	131

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80.	3,300.00	to	3,324.99	132
81.	3,325.00	to	3,349.99	133
82.	3,350.00	to	3,374.99	134
83.	3,375.00	to	3,399.99	135
84.	.....	3,400.00	to	3,424.99	.....	136
85.	.....	3,425.00	to	3,449.99	.....	137
86.	.....	3,450.00	to	3,474.99	.....	138
87.	.....	3,475.00	to	3,499.99	.....	139
88.	.....	3,500.00	to	3,524.99	.....	140
89.	.....	3,525.00	to	3,549.99	.....	141
90.	.....	3,550.00	to	3,574.99	.....	142
91.	.....	3,575.00	to	3,599.99	.....	143
92.	.....	3,600.00	to	3,624.99	.....	144
93.	.....	3,625.00	to	3,649.99	.....	145
94.	.....	3,650.00	to	3,674.99	.....	146
95.	.....	3,675.00	to	3,699.99	.....	147
96.	.....	3,700.00	to	3,724.99	.....	148
97.	.....	3,725.00	to	3,749.99	.....	149
98.	.....	3,750.00	to	3,774.99	.....	150
99.	.....	3,775.00	to	3,799.99	.....	151
100.	.....	3,800.00	to	3,824.99	.....	152
101.	.....	3,825.00	to	3,849.99	.....	153
102.	.....	3,850.00	to	3,874.99	.....	154
103.	.....	3,875.00	to	3,899.99	.....	155

104.	.....	3,900.00	to	3,924.99	.....	156
105.	.....	3,925.00	to	3,949.99	.....	157
106.	.....	3,950.00	to	3,974.99	.....	158
107.	.....	3,975.00	to	3,999.99	.....	159
108.	.....	4,000.00	to	4,024.99	.....	160
109.	.....	4,025.00	to	4,049.99	.....	161
110.	.....	4,050.00	to	4,074.99	.....	162
111.	.....	4,075.00	to	4,099.99	.....	163
112.	.....	4,100.00	to	4,124.99	.....	164
113.	.....	4,125.00	to	4,149.99	.....	165
114.	.....	4,150.00	to	4,174.99	.....	166
115.	.....	4,175.00	to	4,199.99	.....	167
116.	.....	4,200.00	to	4,224.99	.....	168
117.	.....	4,225.00	to	4,249.99	.....	169
118.	.....	4,250.00	to	4,274.99	.....	170
119.	.....	4,275.00	to	4,299.99	.....	171
120.	.....	4,300.00	to	4,324.99	.....	172
121.	.....	4,325.00	to	4,349.99	.....	173
122.	.....	4,350.00	to	4,374.99	.....	174
123.	.....	4,375.00	to	4,399.99	.....	175
124.	.....	4,400.00	to	4,424.99	.....	176
125.	4,425.00	to	4,449.99	177
126.	4,450.00	to	4,474.99	178
127.	4,475.00	to	4,499.99	179

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128.	4,500.00	to	4,524.99	180
129.	4,525.00	to	4,549.99	181
130.	4,550.00	to	4,574.99	182
131.	4,575.00	to	4,599.99	183
132.	.....	4,600.00	to	4,624.99	.....	184
133.	.....	4,625.00	to	4,649.99	.....	185
134.	.....	4,650.00	to	4,674.99	.....	186
135.	.....	4,675.00	to	4,699.99	.....	187
136.	.....	4,700.00	to	4,724.99	.....	188
137.	.....	4,725.00	to	4,749.99	.....	189
138.	.....	4,750.00	to	4,774.99	.....	190
139.	.....	4,775.00	to	4,799.99	.....	191
140.	.....	4,800.00	to	4,824.99	.....	192
141.	.....	4,825.00	to	4,849.99	.....	193
142.	.....	4,850.00	to	4,874.99	.....	194
143.	.....	4,875.00	to	4,899.99	.....	195
144.	.....	4,900.00	to	4,924.99	.....	196
145.	.....	4,925.00	to	4,949.99	.....	197
146.	.....	4,950.00	to	4,974.99	.....	198
147.	.....	4,975.00	to	4,999.99	.....	199
148.	.....	5,000.00	to	5,024.99	.....	200
149.	.....	5,025.00	to	5,049.99	.....	201
150.	.....	5,050.00	to	5,074.99	.....	202
151.	.....	5,075.00	to	5,099.99	.....	203

152.	5,100.00	to	5,124.99	204
153.	5,125.00	to	5,149.99	205
154.	5,150.00	to	5,174.99	206
155.	5,175.00	to	5,199.99	207
156.	5,200.00	to	5,224.99	208
157.	5,225.00	to	5,249.99	209
158.	5,250.00	to	5,274.99	210
159.	5,275.00	to	5,299.99	211
160.	5,300.00	to	5,324.99	212
161.	5,325.00	to	5,349.99	213
162.	5,350.00	to	5,374.99	214
163.	5,375.00	to	5,399.99	215
164.	5,400.00	to	5,424.99	216
165.	5,425.00	to	5,449.99	217
166.	5,450.00	to	5,474.99	218
167.	5,475.00	to	5,499.99	219
168.	5,500.00	to	5,524.99	220
169.	5,525.00	to	5,549.99	221
170.	5,550.00	to	5,574.99	222
171.	5,575.00	to	5,599.99	223
172.	5,600.00	to	5,624.99	224
173.	5,625.00	to	5,649.99	225
174.	5,650.00	to	5,674.99	226
175.	5,675.00	to	5,699.99	227

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176.	5,700.00	to	5,724.99	228
177.	5,725.00	to	5,749.99	229
178.	5,750.00	to	5,774.99	230
179.	5,775.00	to	5,799.99	231
180.	.....	5,800.00	to	5,824.99	.....	232
181.	.....	5,825.00	to	5,849.99	.....	233
182.	.....	5,850.00	to	5,874.99	.....	234
183.	.....	5,875.00	to	5,899.99	.....	235
184.	.....	5,900.00	to	5,924.99	.....	236
185.	.....	5,925.00	to	5,949.99	.....	237
186.	.....	5,950.00	to	5,974.99	.....	238
187.	.....	5,975.00	to	5,999.99	.....	239
188.	.....	6,000.00	to	6,024.99	.....	240
189.	.....	6,025.00	to	6,049.99	.....	241
190.	.....	6,050.00	to	6,074.99	.....	242
191.	.....	6,075.00	to	6,099.99	.....	243
192.	.....	6,100.00	to	6,124.99	.....	244
193.	.....	6,125.00	to	6,149.99	.....	245
194.	.....	6,150.00	to	6,174.99	.....	246
195.	.....	6,175.00	to	6,199.99	.....	247
196.	.....	6,200.00	to	6,224.99	.....	248
197.	.....	6,225.00	to	6,249.99	.....	249
198.	.....	6,250.00	to	6,274.99	.....	250
199.	.....	6,275.00	to	6,299.99	.....	251

200.	.....	6,300.00	to	6,324.99	.....	252
201.	.....	6,325.00	to	6,349.99	.....	253
202.	.....	6,350.00	to	6,374.99	.....	254
203.	.....	6,375.00	to	6,399.99	.....	255
204.	.....	6,400.00	to	6,424.99	.....	256
205.	.....	6,425.00	to	6,449.99	.....	257
206.	.....	6,450.00	to	6,474.99	.....	258
207.	.....	6,475.00	to	6,499.99	.....	259
208.	.....	6,500.00	to	6,524.99	.....	260
209.	.....	6,525.00	to	6,549.99	.....	261
210.	.....	6,550.00	to	6,574.99	.....	262
211.	.....	6,575.00	to	6,599.99	.....	263
212.	.....	6,600.00	to	6,624.99	.....	264
213.	.....	6,625.00	to	6,649.99	.....	265
214.	.....	6,650.00	to	6,674.99	.....	266
215.	.....	6,675.00	to	6,699.99	.....	267
216.	.....	6,700.00	to	6,724.99	.....	268
217.	.....	6,725.00	to	6,749.99	.....	269
218.	.....	6,750.00	to	6,774.99	.....	270
219.	.....	6,775.00	to	6,799.99	.....	271
220.	.....	6,800.00	to	6,824.99	.....	272
221.	6,825.00	to	6,849.99	273
222.	6,850.00	to	6,874.99	274
223.	6,875.00	to	6,899.99	275

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224.	6,900.00	to	6,924.99	276
225.	6,925.00	to	6,949.99	277
226.	6,950.00	to	6,974.99	278
227.	6,975.00	to	6,999.99	279
228.	.....	7,000.00	to	7,024.99	.....	280
229.	.....	7,025.00	to	7,049.99	.....	281
230.	.....	7,050.00	to	7,074.99	.....	282
231.	.....	7,075.00	to	7,099.99	.....	283
232.	.....	7,100.00	to	7,124.99	.....	284
233.	.....	7,125.00	to	7,149.99	.....	285
234.	.....	7,150.00	to	7,174.99	.....	286
235.	.....	7,175.00	to	7,199.99	.....	287
236.	.....	7,200.00	to	7,224.99	.....	288
237.	.....	7,225.00	to	7,249.99	.....	289
238.	.....	7,250.00	to	7,274.99	.....	290
239.	.....	7,275.00	to	7,299.99	.....	291
240.	.....	7,300.00	to	7,324.99	.....	292
241.	.....	7,325.00	to	7,349.99	.....	293
242.	.....	7,350.00	to	7,374.99	.....	294
243.	.....	7,375.00	to	7,399.99	.....	295
244.	.....	7,400.00	to	7,424.99	.....	296
245.	.....	7,425.00	to	7,449.99	.....	297
246.	.....	7,450.00	to	7,474.99	.....	298
247.	.....	7,475.00	to	7,499.99	.....	299

248.	.....	7,500.00	to	7,524.99	.....	300
249.	.....	7,525.00	to	7,549.99	.....	301
250.	.....	7,550.00	to	7,574.99	.....	302
251.	.....	7,575.00	to	7,599.99	.....	303
252.	.....	7,600.00	to	7,624.99	.....	304
253.	.....	7,625.00	to	7,649.99	.....	305
254.	.....	7,650.00	to	7,674.99	.....	306
255.	.....	7,675.00	to	7,699.99	.....	307
256.	.....	7,700.00	to	7,724.99	.....	308
257.	.....	7,725.00	to	7,749.99	.....	309
258.	.....	7,750.00	to	7,774.99	.....	310
259.	.....	7,775.00	to	7,799.99	.....	311
260.	.....	7,800.00	to	7,824.99	.....	312
261.	.....	7,825.00	to	7,849.99	.....	313
262.	.....	7,850.00	to	7,874.99	.....	314
263.	.....	7,875.00	to	7,899.99	.....	315
264.	.....	7,900.00	to	7,924.99	.....	316
265.	.....	7,925.00	to	7,949.99	.....	317
266.	.....	7,950.00	to	7,974.99	.....	318
267.	.....	7,975.00	to	7,999.99	.....	319
268.	.....	8,000.00	to	8,024.99	.....	320
269.	8,025.00	to	8,049.99	321
270.	8,050.00	to	8,074.99	322
271.	8,075.00	to	8,099.99	323

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272.	8,100.00	to	8,124.99	324
273.	8,125.00	to	8,149.99	325
274.	8,150.00	to	8,174.99	326
275.	8,175.00	to	8,199.99	327
276.	8,200.00	to	8,224.99	328
277.	8,225.00	to	8,249.99	329
278.	8,250.00	to	8,274.99	330
279.	8,275.00	to	8,299.99	331
280.	8,300.00	to	8,324.99	332
281.	8,325.00	to	8,349.99	333
282.	8,350.00	to	8,374.99	334
283.	8,375.00	to	8,399.99	335
284.	8,400.00	to	8,424.99	336
285.	8,425.00	to	8,449.99	337
286.	8,450.00	to	8,474.99	338
287.	8,475.00	to	8,499.99	339
288.	8,500.00	to	8,524.99	340
289.	8,525.00	to	8,549.99	341
290.	8,550.00	to	8,574.99	342
291.	8,575.00	to	8,599.99	343
292.	8,600.00	to	8,624.99	344
293.	8,625.00	to	8,649.99	345
294.	8,650.00	to	8,674.99	346
295.	8,675.00	to	8,699.99	347

296.	8,700.00	to	8,724.99	348
297.	8,725.00	to	8,749.99	349
298.	8,750.00	to	8,774.99	350
299.	8,775.00	to	8,799.99	351
300.	8,800.00	to	8,824.99	352
301.	8,825.00	to	8,849.99	353
302.	8,850.00	to	8,874.99	354
303.	8,875.00	to	8,899.99	355
304.	8,900.00	to	8,924.99	356
305.	8,925.00	to	8,949.99	357
306.	8,950.00	to	8,974.99	358
307.	8,975.00	to	8,999.99	359
308.	9,000.00	to	9,024.99	360
309.	9,025.00	to	9,049.99	361
310.	9,050.00	to	9,074.99	362
311.	9,075.00	to	9,099.99	363
312.	9,100.00	to	9,124.99	364
313.	9,125.00	to	9,149.99	365
314.	9,150.00	to	9,174.99	366
315.	9,175.00	to	9,199.99	367
316.	9,200.00	to	9,224.99	368
317.	9,225.00	to	9,249.99	369
318.	9,250.00	and over		370

1

SECTION 92. 108.05 (2) (c) of the statutes is amended to read:

1 108.05 (2) (c) This chapter's maximum weekly benefit rate, as to weeks of
2 unemployment in the ensuing half year, shall equal the result obtained by rounding
3 $66\frac{2}{3}\%$ of the "average wages per average week" to the nearest multiple of one
4 dollar, and the minimum weekly benefit rate shall be an amount which is ~~15%~~ 14.6
5 percent of the maximum rate and adjusted, if not a multiple of one dollar, to the next
6 lower multiple of one dollar.

7 **SECTION 93.** 108.05 (3) (a) of the statutes is amended to read:

8 108.05 (3) (a) Except as provided in pars. (c), (d) and (dm) if an eligible employee
9 earns wages in a given week, the first \$30 of the wages shall be disregarded and the
10 employee's applicable weekly benefit payment shall be reduced by 67% of the
11 remaining amount, except that no such employee is eligible for benefits if the
12 employee's benefit payment would be less than \$5 for any week. For purposes of this
13 paragraph, "wages" includes ~~any salary reduction amounts earned that are not~~
14 ~~wages and that are deducted from the salary of a claimant by an employer pursuant~~
15 ~~to a salary reduction agreement under a cafeteria plan, within the meaning of 26~~
16 ~~USC 125, and any amount that a claimant would have earned in available work~~
17 under s. 108.04 (1) (a) which is treated as wages under s. 108.04 (1) (bm), but excludes
18 any amount that a claimant earns for services performed as a volunteer fire fighter,
19 volunteer emergency medical technician, or volunteer first responder. In applying
20 this paragraph, the department shall disregard discrepancies of less than \$2
21 between wages reported by employees and employers.

22 **SECTION 94.** 108.05 (3) (a) of the statutes, as affected by 2013 Wisconsin Acts

23 ~~.... (Assembly Bill 15)~~ ⁽¹⁾ and (this act), is repealed and recreated to read:

24 108.05 (3) (a) Except as provided in pars. (c), (d) and (dm) and s. 108.062, if an
25 eligible employee earns wages in a given week, the first \$30 of the wages shall be

1 disregarded and the employee's applicable weekly benefit payment shall be reduced
2 by 67% of the remaining amount, except that no such employee is eligible for benefits
3 if the employee's benefit payment would be less than \$5 for any week. For purposes
4 of this paragraph, "wages" includes any amount that a claimant would have earned
5 in available work under s. 108.04 (1) (a) which is treated as wages under s. 108.04
6 (1) (bm), but excludes any amount that a claimant earns for services performed as
7 a volunteer fire fighter, volunteer emergency medical technician, or volunteer first
8 responder. In applying this paragraph, the department shall disregard
9 discrepancies of less than \$2 between wages reported by employees and employers.

10 SECTION 95. 108.05 (3) (c) (intro.) of the statutes is amended to read:

11 108.05 (3) (c) (intro.) ~~A~~ Except as provided in par. (cm), a claimant is ineligible
12 to receive any benefits for a week in which one or more of the following applies to the
13 claimant for 32 or more hours in that week:

14 SECTION 96. 108.05 (3) (c) (intro.) of the statutes, as affected by 2013 Wisconsin
15 Acts (Assembly Bill 15) and ^{q (11)} (this act), is repealed and recreated to read:

16 108.05 (3) (c) (intro.) Except when otherwise authorized in an approved
17 work-share program under s. 108.062 and except as provided in par. (cm), a claimant
18 is ineligible to receive any benefits for a week in which one or more of the following
19 applies to the claimant for 32 or more hours in that week:

20 SECTION 97. 108.05 (3) (cm) of the statutes is created to read:

21 108.05 (3) (cm) 1. In this paragraph:

22 a. "Complete business shutdown" means that all locations operated by an
23 employer are closed for business completely and no employee employed by the
24 business is required by the employer to report for work or be available for work.

1 b. “State or federal holiday” means a day specified in s. 230.35 (4) (a) or in 5 USC
2 6103 (a).

3 2. An employer may, on or before December 1, provide to the department a
4 written notice designating that the employer will undergo a complete business
5 shutdown on one or more state or federal holidays in the succeeding calendar year.
6 An employer may not designate more than 7 state or federal holidays under this
7 subdivision for a complete business shutdown during the succeeding calendar year.

8 3. A notice under subd. 2. is not valid for any year subsequent to the succeeding
9 calendar year.

10 4. The number of hours specified in par. (c), as it applies to a claimant, is
11 reduced by 8 hours for the week during which a state or federal holiday occurs if all
12 of the following apply:

13 a. The claimant has base period wages only from the employer under subd. 2.

14 b. The employer designated the state or federal holiday for a complete business
15 shutdown under subd. 2. and underwent a complete business shutdown on that day.

16 5. If an employer that provides a notice under subd. 2. will not or does not
17 undergo a complete business shutdown on a state or federal holiday as designated
18 in the notice, the employer shall, no later than the first business day following the
19 week in which the state or federal holiday occurs, provide the department with a
20 written notice indicating that the complete business shutdown will not or did not
21 occur.

22 **SECTION 98.** 108.06 (1) of the statutes is amended to read:

23 108.06 (1) Except as provided in subs. sub. (6) and ~~(7)~~ and ss. 108.141 and
24 108.142, no claimant may receive total benefits based on employment in a base
25 period greater than ~~26 times~~ the number of weeks determined under s. 108.06 (1m)

1 multiplied by the claimant's weekly benefit rate under s. 108.05 (1) or 40% of the
 2 claimant's base period wages, whichever is lower. Except as provided in subs. sub.
 3 (6) and (7) and ss. 108.141 and 108.142, if a claimant's base period wages are reduced
 4 or canceled under s. 108.04 (5) or (18), or suspended under s. 108.04 (1) (f), (10) (a),
 5 or (17), the claimant may not receive total benefits based on employment in a base
 6 period greater than ~~26 times~~ the number of weeks determined under s. 108.06 (1m)
 7 multiplied by the claimant's weekly benefit rate under s. 108.05 (1) or 40% of the base
 8 period wages not reduced, canceled or suspended which were paid or payable to the
 9 claimant, whichever is lower.

10 SECTION 99. 108.06 (1m) of the statutes is created to read:

11 108.06 (1m) (a) The department shall determine the maximum number of
 12 weeks of regular benefits under sub. (1) by ^{WIS 77-12} ~~calculating the average Wisconsin rate~~
 13 ~~of insured unemployment, as defined in s. 108.141 (1) (i), for each 12-month period~~
 14 ~~ending on March 31 and September 30 of each year.~~ For benefit years ~~beginning after~~
 15 ~~the next June 30 or December 31 following each~~ ^{to which} ~~calculation~~ ^{determination applies}, the maximum number
 16 of weeks of regular benefits is as follows: [See Figure 108.06 (1m) (a) following]

Figure 108.06 (1m) (a):

^{Statewide average} Wisconsin rate of insured unemployment rate	Maximum weeks of benefits
8 percent or higher	26
At least 7.5 percent but less than 8 percent	(25)
At least 7.0 percent but less than 7.5 percent	(24)
At least 6.5 percent but less than 7.0 percent	(23)
At least 6.0 percent but less than 6.5 percent	(22)
At least 5.5 percent but less than 6.0 percent	(21)
At least 5.0 percent but less than 5.5 percent	(20)
Less than ^{5.5} 6.0 percent	(20)

1 (b) The maximum number of weeks of regular benefits payable to a claimant
2 under sub. (1) in the first week of the claimant's benefit year remains the same
3 regardless of the maximum number of weeks of regular benefits in effect in any
4 subsequent week that benefits become payable to the claimant.

5 **SECTION 100.** 108.06 (2) (c) of the statutes is amended to read:

6 108.06 (2) (c) No benefits are payable to a claimant for any week of
7 unemployment not occurring during the claimant's benefit year except under ~~sub. (7)~~
8 ~~and~~ ss. 108.141 and 108.142.

9 **SECTION 101.** 108.06 (2) (cm) of the statutes is amended to read:

10 108.06 (2) (cm) If an employee qualifies to receive benefits using the base period
11 described in s. 108.02 (4) (b), the wages used to compute the employee's benefit
12 entitlement are not available for use in any subsequent benefit computation for the
13 same employee, except under ~~sub. (7)~~ and s. 108.141 or 108.142.

14 **SECTION 102.** 108.06 (3) of the statutes is amended to read:

15 108.06 (3) There shall be payable to an employee, for weeks ending within the
16 employee's benefit year, only those benefits computed for that benefit year based on
17 the wages paid to the employee in the immediately preceding base period. Wages
18 used in a given benefit computation are not available for use in any subsequent
19 benefit computation except under ~~sub. (7)~~ and s. 108.141.

20 **SECTION 103.** 108.06 (6) (intro.) of the statutes is amended to read:

21 108.06 (6) (intro.) If a claimant has established a benefit year prior to the
22 effective date of any increase in the maximum weekly benefit rate provided under
23 s. 108.05 (1), the claimant has not exhausted his or her total benefit entitlement
24 under sub. (1) for that benefit year on that effective date, and the claimant was
25 entitled to receive the maximum weekly benefit rate under s. 108.05 (1) that was in

1 effect prior to that effective date, the limitation on the total benefits authorized to
2 be paid to a claimant under sub. (1) does not apply to that claimant in that benefit
3 year. Unless ~~sub. (7) or~~ s. 108.141 or 108.142 applies, the claimant's remaining
4 benefit entitlement in that benefit year for the period beginning on that effective date
5 shall be computed by:

6 **SECTION 104.** 108.06 (7) of the statutes is repealed.

7 **SECTION 105.** 108.07 (8) of the statutes is repealed.

8 **SECTION 106.** 108.10 (intro.) of the statutes is amended to read:

9 **108.10 Settlement of issues other than benefit claims.** (intro.) ~~In~~ Except
10 as provided in s. 108.245 (3), in connection with any issue arising under this chapter
11 as to the status or liability of an employing unit in this state, for which no review is
12 provided under s. 108.09 or 108.227 (5) and whether or not a penalty is provided in
13 s. 108.24, the following procedure shall apply:

14 **SECTION 107.** 108.14 (8n) (e) of the statutes is amended to read:

15 108.14 (8n) (e) The department shall charge this state's share of any benefits
16 paid under this subsection to the account of each employer by which the employee
17 claiming benefits was employed in the applicable base period, in proportion to the
18 total amount of wages he or she earned from each employer in the base period, except
19 that if s. 108.04 (1) (f), (5), (7) (a), (c), ~~(d)~~, (e), ~~(k)~~, (L), ~~(o)~~, ~~(p)~~, (q), (s), or (t), (7m) or (8)
20 (a) or 108.07 (3), (3r), or (5) (b) ~~or (8)~~ would have applied to employment by such an
21 employer who is subject to the contribution requirements of ss. 108.17 and 108.18,
22 the department shall charge the share of benefits based on employment with that
23 employer to the fund's balancing account, or, if s. 108.04 (1) (f) or (5) or 108.07 (3)
24 would have applied to an employer that is not subject to the contribution
25 requirements of ss. 108.17 and 108.18, the department shall charge the share of

1 benefits based on that employment in accordance with s. 108.07 (5) (a) and (b). The
2 department shall also charge the fund's balancing account with any other state's
3 share of such benefits pending reimbursement by that state.

4 **SECTION 108.** 108.14 (19) of the statutes is amended to read:

5 108.14 (19) On or about February 15 annually, the department shall prepare
6 and furnish to the council on unemployment insurance a report summarizing the
7 department's activities related to detection and prosecution of unemployment
8 insurance fraud in the preceding year. The department shall include in the report
9 information about audits conducted by the department under sub. (20), including the
10 number and results of audits performed, in the previous year.

11 **SECTION 109.** 108.14 (20) of the statutes is created to read:

12 108.14 (20) The department shall conduct random audits on claimants for
13 benefits under this chapter to assess compliance with the work search requirements
14 under s. 108.04 (2) (a) 3.

15 **SECTION 110.** 108.14 (21) of the statutes is created to read:

16 108.14 (21) The department shall maintain a portal on the Internet that allows
17 employers to log in and file with the department complaints related to the
18 administration of this chapter.

19 **SECTION 111.** 108.14 (23) of the statutes is created to read:

20 108.14 (23) (a) The department shall create and keep up-to-date a handbook
21 for the purpose of informing employers that are subject to this chapter about the
22 provisions and requirements of this chapter.

23 (b) The department shall include all of the following in the handbook:

24 1. Information about the function and purpose of unemployment insurance
25 under this chapter.

1 2. A description of the rights and responsibilities of employers under this
2 chapter, including the rights and responsibilities associated with hearings to
3 determine whether claimants are eligible for benefits under this chapter.

4 3. A description of the circumstances under which workers are generally
5 eligible and ineligible for benefits under this chapter.

6 4. Disclaimers explaining that the contents of the handbook may not be relied
7 upon as legally enforceable and that adherence to the content does not guarantee a
8 particular result for a decision under this chapter.

9 5. A line to allow an individual employed by an employer to sign to acknowledge
10 that the individual is aware of the contents of the handbook.

11 (c) The department shall make the handbook available on the Internet.

12 (d) The department shall distribute printed copies of the handbook to persons
13 who request a copy and may charge a fee as provided in s. 20.908 for the costs of
14 printing and distribution.

15 **SECTION 112.** 108.14 (24) of the statutes is created to read:

16 108.14 (24) The department shall provide information to employers concerning
17 the financing of the unemployment insurance system, including the computation of
18 reserve percentages and their effect upon the contribution and solvency rates of
19 employers, and shall post this information on the Internet. If the department
20 provided a statement of account to any employer, the department shall include the
21 same information on the statement. In addition, the department shall provide the
22 same information in writing to each employer who becomes newly subject to a
23 requirement to pay contributions or reimbursements under this chapter.

24 **SECTION 113.** 108.141 (7) (a) of the statutes is amended to read:

1 108.141 (7) (a) The department shall charge the state's share of each week of
2 extended benefits to each employer's account in proportion to the employer's share
3 of the total wages of the employee receiving the benefits in the employee's base
4 period, except that if the employer is subject to the contribution requirements of ss.
5 108.17 and 108.18 the department shall charge the share of extended benefits to
6 which s. 108.04 (1) (f), (5), (7) (a), (c), ~~(d)~~, (e), ~~(k)~~, (L), ~~(o)~~, ~~(p)~~, (q), (s), or (t), (7m) or (8)
7 (a) or 108.07 (3), (3r), or (5) (b) ~~or~~ (8) applies to the fund's balancing account.

8 **SECTION 114.** 108.142 (4) of the statutes is amended to read:

9 108.142 (4) DURATION OF WISCONSIN SUPPLEMENTAL BENEFITS. During a
10 Wisconsin supplemental benefit period, no claimant may receive total benefits based
11 on employment in a base period greater than 34 times the sum of the number of
12 weeks determined under s. 108.06 (1m) and 8, multiplied by the claimant's weekly
13 benefit rate under s. 108.05 (1) or 40% of wages paid or payable to the claimant in
14 his or her base period under s. 108.04 (4) (a), whichever is lower.

15 **SECTION 115.** 108.16 (2) (g) and (h) of the statutes are amended to read:

16 108.16 (2) (g) Whenever the department receives a request of 2 or more
17 partnerships ~~or limited liability companies~~ consisting of the same partners ~~or~~
18 ~~members~~ to be treated as separate employers prior to October 1 of any year, the
19 department shall apportion the balance in any existing account of the partnerships
20 ~~or limited liability companies~~ among the separate employers on January 1 following
21 the date of receipt of the request in proportion to the payrolls incurred in the
22 businesses operated by each of the employers in the 4 completed calendar quarters
23 ending on the computation date preceding the date of receipt of the request and shall
4 calculate the reserve percentage of each separate employer in accordance with the
25 proportion of the payroll attributable to that employer. Section 108.18 (2) is not made

1 applicable to the separate employers by reason of such treatment. For purposes of
2 s. 108.18 (7), the department shall treat the partnerships ~~or limited liability~~
3 ~~companies~~ as separate employers on November 1 preceding that January 1. For
4 purposes of s. 108.18 (7) (b) and (c), the department shall treat the separate
5 employers as existing employers on that January 1.

6 (h) Whenever, prior to October 1 of any year, the department receives a written
7 request by all partnerships ~~or limited liability companies~~ consisting of the same
8 partners ~~or members~~ which have elected to be treated as separate employers for the
9 partnerships ~~or limited liability companies~~ to be treated as a single employer, the
10 department shall combine the balances in the existing accounts of the separate
11 employers into a new account on January 1 following the date of receipt of the request
12 and shall calculate the reserve percentage of the single employer in accordance with
13 the combined payroll attributable to each of the separate employers in the 4
14 completed calendar quarters ending on the computation date preceding that
15 January 1. Section 108.18 (2) is not made applicable to the single employer by reason
16 of such treatment. For purposes of s. 108.18 (7), the department shall treat the
17 partnerships ~~or limited liability companies~~ as a single employer on November 1
18 preceding that January 1. For purposes of s. 108.18 (7) (b) and (c), the department
19 shall treat the single employer as an existing employer on that January 1.

20 **SECTION 116.** 108.16 (3) (c) of the statutes is created to read:

21 108.16 (3) (c) Any nonrecoverable payment made without fault on the part of
22 the intended payee.

23 **SECTION 117.** 108.16 (6) (o) of the statutes is created to read:

24 108.16 (6) (o) Any erroneous payment recovered under s. 108.22 (8e).

25 **SECTION 118.** 108.16 (6m) (a) of the statutes is amended to read:

1 108.16 (6m) (a) The benefits thus chargeable under s. 108.04 (1) (f), (5), (5g),
2 (7) (h), (8) (a), (13) (c) or (d) or (16) (e), 108.07 (3), (3r), (5) (b), (5m), or (6), ~~or (8)~~, 108.14
3 (8n) (e), 108.141, 108.151, or 108.152 or sub. (6) (e) or (7) (a) and (b).

4 **SECTION 119.** 108.16 (6m) (h) of the statutes is created to read:

5 108.16 (6m) (h) Any amount paid to correct a payment under s. 108.22 (8e) that
6 is not recovered or recoverable.

7 **SECTION 120.** 108.16 (13) of the statutes is created to read:

8 108.16 (13) If the secretary determines that employers in this state that are
9 subject to a requirement to pay a federal unemployment tax might experience a lower
10 tax rate if this state were to loan moneys to the fund under s. 20.002 (11) (b) 3m., the
11 secretary shall request the secretary of administration to make one or more transfers
12 to the fund in the amount required to maintain a favorable federal tax experience for
13 employers. The secretary shall not request a transfer under this subsection if the
14 outstanding balance of such transfers at the time of the request would exceed
15 \$50,000,000. Whenever the secretary determines that the balance of the fund
16 permits repayment of a transfer, in whole or in part, without jeopardizing the ability
17 of the department to continue to pay other liabilities and costs chargeable to the fund,
18 the secretary shall repay the department of administration for the amount that the
19 secretary determines is available for repayment. The secretary shall ensure that the
20 timing of any repayment accords with federal requirements for ensuring a favorable
21 tax experience for employers in this state.

22 **SECTION 121.** 108.18 (4) (figure) Schedule A line 23. of the statutes is amended
23 to read:

Figure 108.18 (4):

Schedule A

Line	Reserve Percentage	Contribution Rate
23.	Overdrawn by <u>at least 6.0%</u> or more <u>but under 7.0%</u>	8.50

1 **SECTION 122.** 108.18 (4) (figure) Schedule A lines 24. to 26. of the statutes are
2 created to read:

Figure 108.18 (4):

Schedule A

Line	Reserve Percentage	Contribution Rate
24.	Overdrawn by at least 7.0% but under 8.0%	9.25
25.	Overdrawn by at least 8.0% but under 9.0%	10.00
26.	Overdrawn by 9.0% or more	10.70

3 **SECTION 123.** 108.18 (4) (figure) Schedule B line 23. of the statutes is amended
4 to read:

Figure 108.18 (4):

Schedule B

Line	Reserve Percentage	Contribution Rate
23.	Overdrawn by <u>at least 6.0%</u> or more <u>but under 7.0%</u>	8.50

5 **SECTION 124.** 108.18 (4) (figure) Schedule B lines 24. to 26. of the statutes are
6 created to read:

Figure 108.18 (4):

Schedule B

Line	Reserve Percentage	Contribution Rate
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24.	Overdrawn by at least 7.0% but under 8.0%	9.25
25.	Overdrawn by at least 8.0% but under 9.0%	10.00
26.	Overdrawn by 9.0% or more	10.70

1 **SECTION 125.** 108.18 (4) (figure) Schedule C line 23. of the statutes is amended
2 to read:

Figure 108.18 (4):

Schedule C

Line	Reserve Percentage	Contribution Rate
23.	Overdrawn by <u>at least 6.0% or more but under 7.0%</u>	8.50

3 **SECTION 126.** 108.18 (4) (figure) Schedule C lines 24. to 26. of the statutes are
4 created to read:

Figure: 108.18 (4)

Schedule C

Line	Reserve Percentage	Contribution Rate
24.	Overdrawn by at least 7.0% but under 8.0%	9.25
25.	Overdrawn by at least 8.0% but under 9.0%	10.00
26.	Overdrawn by 9.0% or more	10.70

5 **SECTION 127.** 108.18 (4) (figure) Schedule D line 23. of the statutes is amended
6 to read:

Figure 108.18 (4):

Schedule D

Line	Reserve Percentage	Contribution Rate
23.	Overdrawn by <u>at least 6.0% or more but under 7.0%</u>	8.50

1 **SECTION 128.** 108.18 (4) (figure) Schedule D lines 24. to 26. of the statutes are
2 created to read:

Figure 108.18 (4):

Schedule D

Line	Reserve Percentage	Contribution Rate
24.	Overdrawn by at least 7.0% but under 8.0%	9.25
25.	Overdrawn by at least 8.0% but under 9.0%	10.00
26.	Overdrawn by 9.0% or more	10.70

3 **SECTION 129.** 108.18 (9) (figure) Schedule A lines 25 to 27 of the statutes are
4 created to read:

Figure 108.18 (9):

Schedule A

Line	Contribution Rate	Solvency Rate	
		Employers	Employers
		with payroll under \$500,000	with payroll of \$500,000 or more
25	9.25	1.30	1.30
26	10.00	1.30	1.30
27	10.70	1.30	1.30

1 **SECTION 130.** 108.18 (9) (figure) Schedule B lines 25 to 27 of the statutes are
 2 created to read:

Figure 108.18 (9):

Schedule B			
Line	Contribution Rate	Solvency Rate	
		Employers with payroll under \$500,000	Employers with payroll of \$500,000 or more
		25	9.25 .....	1.30 .....	1.30
26	10.00	1.30	1.30
27	10.70	1.30	1.30

3 **SECTION 131.** 108.18 (9) (figure) Schedule C line 24 of the statutes is amended
 4 to read:

Figure 108.18 (9):

Schedule C			
Line	Contribution Rate	Solvency Rate	
		Employers with payroll under \$500,000	Employers with payroll of \$500,000 or more
		24	8.50

1 **SECTION 132.** 108.18 (9) (figure) Schedule C lines 25 to 27 of the statutes are
2 created to read:

Figure 108.18 (9):

Schedule C

Line	Contribution Rate	Solvency Rate	
		Employers with payroll under \$500,000	Employers with payroll of \$500,000 or more
		25	9.25 .....	1.30 .....	1.30
26	10.00	1.30	1.30
27	10.70	1.30	1.30

3 **SECTION 133.** 108.18 (9) (figure) Schedule D lines 25 to 27 of the statutes are
4 created to read:

Figure 108.18 (9):

Schedule D

Line	Contribution Rate	Solvency Rate	
		Employers with payroll under \$500,000	Employers with payroll of \$500,000 or more
		25	9.25 .....	1.30 .....	1.30
26	10.00	1.30	1.30
27	10.70	1.30	1.30

5 **SECTION 134.** 108.19 (1m) of the statutes is amended to read:

1 108.19 (1m) ~~Each~~ The department shall pay any interest due on advances from
2 the federal unemployment account to the unemployment reserve fund under Title
3 XII of the federal social security act (42 USC 1321 to 1324) by first applying any
4 amount available for that purpose from the appropriation under s. 20.445 (1) (fx).
5 If the amount appropriated under s. 20.445 (1) (fx) is insufficient to make full
6 payment of the amount due for any year, the department shall then apply any
7 unencumbered balance in the unemployment interest payment fund and any
8 amounts paid under s. 108.20 (2m). If those amounts are insufficient to make full
9 payment of the amount due for any year, the department shall require each employer
10 subject to this chapter as of the date a rate is established under this subsection ~~shall~~
11 to pay an assessment to the unemployment interest payment fund at a rate
12 established by the department sufficient to pay interest due on those advances ~~from~~
13 ~~the federal unemployment account under title XII of the social security act (42 USC~~
14 ~~1321 to 1324)~~. The rate established by the department for employers who finance
15 benefits under s. 108.15 (2), 108.151 (2), or 108.152 (1) shall be 75% of the rate
16 established for other employers. The amount of any employer's assessment shall be
17 the product of the rate established for that employer multiplied by the employer's
18 payroll of the previous calendar year as taken from quarterly employment and wage
19 reports filed by the employer under s. 108.205 (1) or, in the absence of the filing of
20 such reports, estimates made by the department. Each assessment made under this
21 subsection is due on the 30th day commencing after the date on which notice of the
22 assessment is mailed by the department. If the amounts collected from employers
23 under this subsection are in excess of the amounts needed to pay interest due, the
24 department shall use any excess to pay interest owed in subsequent years on
25 advances from the federal unemployment account. If the department determines

1 that additional interest obligations are unlikely, the department shall transfer the
2 excess to the balancing account of the fund.

3 SECTION 135. 108.19 (1m) of the statutes, as affected by 2013 Wisconsin Act
4 (this act), is amended to read:

5 108.19 (1m) ~~The department shall pay any interest due on advances from the~~
6 ~~federal unemployment account to the unemployment reserve fund under Title XII of~~
7 ~~the federal social security act (42 USC 1321 to 1324) by first applying any amount~~
8 ~~available for that purpose from the appropriation under s. 20.445 (1) (fx). If the~~
9 ~~amount appropriated under s. 20.445 (1) (fx) is insufficient to make full payment of~~
10 ~~the amount due for any year, the department shall then apply any unencumbered~~
11 ~~balance in the unemployment interest payment fund and any amounts paid under~~
12 ~~s. 108.20 (2m). If those amounts are insufficient to make full payment of the amount~~
13 ~~due for any year, the department shall require each~~ Each employer subject to this
14 chapter as of the date a rate is established under this subsection ~~to~~ shall pay an
15 assessment to the unemployment interest payment fund at a rate established by the
16 department sufficient to pay interest due on ~~those advances from the federal~~
17 unemployment account under Title XII of the social security act (42 USC 1321 to
18 1324). The rate established by the department for employers who finance benefits
19 under s. 108.15 (2), 108.151 (2), or 108.152 (1) shall be 75% of the rate established
20 for other employers. The amount of any employer's assessment shall be the product
21 of the rate established for that employer multiplied by the employer's payroll of the
22 previous calendar year as taken from quarterly employment and wage reports filed
23 by the employer under s. 108.205 (1) or, in the absence of the filing of such reports,
24 estimates made by the department. Each assessment made under this subsection
25 is due on the 30th day commencing after the date on which notice of the assessment

1 is mailed by the department. If the amounts collected from employers under this
2 subsection are in excess of the amounts needed to pay interest due, the department
3 shall use any excess to pay interest owed in subsequent years on advances from the
4 federal unemployment account. If the department determines that additional
5 interest obligations are unlikely, the department shall transfer the excess to the
6 balancing account of the fund.

7 **SECTION 136.** 108.205 (1) of the statutes is amended to read:

8 108.205 (1) Each employer shall file with the department, in such form as the
9 department by rule requires, a quarterly report showing the name, social security
10 number and wages paid to each employee who is employed by the employer in
11 employment with the employer during the quarter. ~~The department may also by rule~~
12 ~~require each employer to include in the report any salary reduction amounts that are~~
13 ~~not wages and that would have been paid to each such employee by the employer as~~
14 ~~salary during the quarter but for a salary reduction agreement under a cafeteria~~
15 ~~plan, within the meaning of 26 USC 125. The employer shall file the report no later~~
16 ~~than the last day of the month following the completion of each quarter.~~

17 **SECTION 137.** 108.21 (1) of the statutes is amended to read:

18 108.21 (1) Every employing unit which employs one or more individuals to
19 perform work in this state shall keep an accurate work record for each individual
20 employed by it, including full name, address and social security number, which will
21 permit determination of the weekly wages earned by each such individual, the wages
22 paid within each quarter to that individual ~~and the salary reduction amounts that~~
23 ~~are not wages and that would have been paid by the employing unit to that individual~~
24 ~~as salary but for a salary reduction agreement under a cafeteria plan, within the~~
25 ~~meaning of 26 USC 125. Each such employing unit shall permit any authorized~~

1 representative of the department to examine, at any reasonable time, the work
2 record and any other records which may show any wages paid by the employing unit,
3 ~~or any salary reduction amounts that are not wages and that would have been paid~~
4 ~~by the employing unit as salary but for a salary reduction agreement under a~~
5 ~~cafeteria plan, within the meaning of 26 USC 125, regardless of the format in which~~
6 such a record is maintained. If such a record is maintained by an employing unit in
7 machine-readable format, the employing unit shall provide the department with
8 information necessary to retrieve the record. If the department determines that the
9 employing unit is unable to provide access to such a record or that the retrieval
10 capability at the site where the record is maintained is not adequate for efficient
11 examination, the employing unit shall provide a copy of the record to the department
12 and shall allow the department to remove the copy from that site for such period as
13 will permit examination at another location. Each such employing unit shall furnish
14 to the department upon demand a sworn statement of the information contained in
15 any such record.

16 **SECTION 138.** 108.22 (1) (a) of the statutes is amended to read:

17 108.22 (1) (a) ~~If Except as provided in par. (cm),~~ if any employer, other than an
18 employer which has ceased business and has not paid or incurred a liability to pay
19 wages in any quarter following the cessation of business, is delinquent in making by
20 the assigned due date any payment to the department required of it under this
21 chapter, the employer shall pay interest on the delinquent payment at that monthly
22 rate that annualized is equal to 9 percent or to 2 percent more than the prime rate
23 as published in the Wall Street Journal as of September 30 of the preceding year,
24 whichever is greater, for each month or fraction thereof that the employer is
25 delinquent from the date such payment became due. If any such employer is

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1 delinquent in ~~making filing~~ any quarterly report under s. 108.205 (1) by the assigned
2 due date, the ~~employer shall pay~~ department may assess a tardy filing fee of \$50 to
3 the employer for each delinquent quarterly report in the amount of \$100 or \$20 per
4 employee, as reported on the employer's most recent quarterly report, whichever is
5 greater, or, if the report is filed within 30 days of its due date, in the amount of \$50.
6 If the department cannot determine the number of the employer's employees from
7 the employer's most recent quarterly report, the department may reasonably
8 estimate the number of the employer's employees for purposes of this paragraph.

9 SECTION 139. 108.22 (1) (cm) of the statutes is created to read:

10 108.22 (1) (cm) In limited circumstances as prescribed by rule of the
11 department, the department may waive or decrease the interest charged under par.
12 (a).

13 SECTION 140. 108.22 (8) (c) 1. a. of the statutes is amended to read:

14 108.22 (8) (c) 1. a. The overpayment was the result of a departmental error and
15 ~~was not the fault of any employer under s. 108.04 (13) (f); and~~

16 SECTION 141. 108.22 (8e) of the statutes is created to read:

17 108.22 (8e) If the department determines a payment has been made to an
18 unintended recipient erroneously without fault on the part of the intended payee, the
19 department may issue the correct payment to the intended payee if necessary, and
20 may recover the amount of the erroneous payment from the recipient under this
21 section or s. 108.225 or 108.245.

22 SECTION 142. 108.223 of the statutes is created to read:

23 108.223 **Financial record matching program.** (1) DEFINITIONS. In this
24 section:

1 (a) "Account" means a demand deposit account, checking account, negotiable
2 withdrawal order account, savings account, time deposit account, or money market
3 mutual fund account.

4 (b) "Debtor" has the meaning given in s. 108.225 (1) (c).

5 (c) "Financial institution" has the meaning given in 12 USC 3401 (1).

6 (2) MATCHING PROGRAM AND AGREEMENTS. (a) The department shall operate a
7 financial record matching program under this section for the purpose of identifying
8 the assets of debtors.

9 (b) The department shall enter into agreements with financial institutions
10 doing business in this state to operate the financial record matching program under
11 this section. An agreement shall require the financial institution to participate in
12 the financial record matching program by electing either the financial institution
13 matching option under sub. (3) or the state matching option under sub. (4). The
14 financial institution and the department may by mutual agreement make changes
15 to the agreement. A financial institution that wishes to choose a different matching
16 option shall provide the department with at least 60 days notice. The department
17 shall furnish the financial institution with a signed copy of the agreement.

18 (c) The department may reimburse a financial institution up to \$125 per
19 calendar quarter for participating in the financial record matching program under
20 this section. The department shall make reimbursements under this paragraph
21 from the appropriation under s. 20.445 (1) (n).

22 (d) To the extent feasible, the information to be exchanged under the matching
23 program shall be provided by electronic data exchange as prescribed by the
24 department in the agreement under par. (b).

1 (3) FINANCIAL INSTITUTION MATCHING OPTION. If a financial institution with
2 which the department has an agreement under sub. (2) elects the financial
3 institution matching option under this subsection, all of the following apply:

4 (a) At least once each calendar quarter, the department shall provide to the
5 financial institution, in the manner specified in the agreement under sub. (2) (b),
6 information regarding debtors. The information shall include names and social
7 security or other taxpayer identification numbers.

8 (b) Based on the information received under par. (a), the financial institution
9 shall take actions necessary to determine whether any debtor has an ownership
10 interest in an account maintained at the financial institution. If the financial
11 institution determines that a debtor has an ownership interest in an account at the
12 financial institution, the financial institution shall provide the department with a
13 notice containing the debtor's name, address of record, social security number or
14 other taxpayer identification number, and account information. The account
15 information shall include the account number, the account type, the nature of the
16 ownership interest in the account, and the balance of the account at the time that the
17 record match is made. The notice under this paragraph shall be provided in the
18 manner specified in the agreement under sub. (2) (b) and, to the extent feasible, by
19 an electronic data exchange.

20 (4) STATE MATCHING OPTION. If a financial institution with which the department
21 has an agreement under sub. (2) elects the state matching option under this
22 subsection, all of the following apply:

23 (a) At least once each calendar quarter, the financial institution shall provide
24 the department with information concerning all accounts maintained at the
25 financial institution. For each account maintained at the financial institution, the

1 financial institution shall notify the department of the name and social security
2 number or other tax identification number of each person having an ownership
3 interest in the account, together with a description of each person's interest. The
4 information required under this paragraph shall be provided in the manner specified
5 in the agreement under sub. (2) (b) and, to the extent feasible, by an electronic data
6 exchange.

7 (b) The department shall take actions necessary to determine whether any
8 debtor has an ownership interest in an account maintained at the financial
9 institution providing information under par. (a). Upon the request of the
10 department, the financial institution shall provide to the department, for each
11 debtor who matches information provided by the financial institution under par. (a),
12 the address of record, the account number and account type, and the balance of the
13 account.

14 (5) USE OF INFORMATION BY FINANCIAL INSTITUTION; PENALTY. A financial
15 institution participating in the financial record matching program under this
16 section, and the employees, agents, officers, and directors of the financial institution,
17 may use information received from the department under sub. (3) only for the
18 purpose of matching records and may use information provided by the department
19 in requesting additional information under sub. (4) only for the purpose of providing
20 the additional information. Neither the financial institution nor any employee,
21 agent, officer, or director of the financial institution may disclose or retain
22 information received from the department concerning debtors. Any person who
23 violates this subsection may be fined not less than \$50 nor more than \$1,000 or
24 imprisoned in the county jail for not less than 10 days or more than one year or both.

1 (6) USE OF INFORMATION BY DEPARTMENT. The department may use information
2 provided by a financial institution under this section only for matching records under
3 sub. (4), for administering the financial record matching program under this section,
4 and for pursuing the collection of amounts owed to the department by debtors. The
5 department may not disclose or retain information received from a financial
6 institution under this section concerning account holders who are not debtors.

7 (7) FINANCIAL INSTITUTION LIABILITY. A financial institution is not liable to any
8 person for disclosing information to the department in accordance with an
9 agreement under this section or for any other action that the financial institution
10 takes in good faith to comply with this section.

11 **SECTION 143.** 108.225 (1) (b) of the statutes is amended to read:

12 108.225 (1) (b) "Debt" means a delinquent contribution or repayment of a
13 benefit overpayment, a delinquent assessment under s. 108.04 (11) (cm) or 108.19
14 (1m), a liability incurred under s. 108.04 (11) (bh), an erroneous payment from the
15 fund recovered under s. 108.245, or any liability of a 3rd party for failure to surrender
16 to the department property or rights to property subject to levy after proceedings
17 under sub. (4) (b) and s. 108.10 to determine that liability.

18 **SECTION 144.** 108.227 of the statutes is created to read:

19 **108.227 License denial, nonrenewal, discontinuation, suspension and**
20 **revocation based on delinquent unemployment insurance contributions.**

21 **(1) DEFINITIONS.** In this section:

22 (a) "Contribution" includes contributions under ss. 108.17 and 108.18, interest
23 for a nontimely payment or a fee assessed on an employer, an assessment under s.
24 108.19, any payment due for a forfeiture imposed upon an employing unit under s.

1 108.04 (11) (c), and any other penalty assessed by the department under this chapter
2 against an employing unit.

3 (b) "Credential" has the meaning given in s. 440.01 (2) (a), but does not include
4 a registration as an inactive licensee under s. 452.12 (6) (b).

5 (c) "Credentialing board" means a board, examining board or affiliated
6 credentialing board in the department of safety and professional services that grants
7 a credential.

8 (d) "Liable for delinquent contributions" means that a person has exhausted
9 all of the person's remedies under s. 108.10 to challenge the assertion that the person
10 owes the department any contributions and the person is delinquent in the payment
11 of those contributions.

12 (e) "License" means any of the following:

13 1. An approval specified in s. 29.024 (2r) or a license specified in s. 169.35.

14 2. A license issued by the department of children and families under s. 48.66
15 (1) (a) to a child welfare agency, group home, shelter care facility, or child care center,
16 as required by s. 48.60, 48.625, 48.65, or 938.22 (7).

17 3. A license, certificate of approval, provisional license, conditional license,
18 certification, certification card, registration, permit, training permit or approval
19 specified in s. 50.35, 50.49 (6) (a) or (10), 51.038, 51.04, 51.42 (7) (b) 11., 51.421 (3)
20 (a), 51.45 (8), 146.40 (3) or (3m), 252.23 (2), 252.24 (2), 254.176, 254.20 (3), 255.08 (2)
21 (a), 256.15 (5) (a) or (b), (6g) (a), (7), or (8) (a) or (f) or 343.305 (6) (a) or a permit for
22 operation of a campground specified in s. 254.47 (1).

23 5. A license, as defined in s. 101.02 (20) (a).

24 6. A license or certificate of registration issued by the department of financial
25 institutions, or a division of it, under ss. 138.09, 138.12, 138.14, 217.06, 218.0101 to

1 218.0163, 218.02, 218.04, 218.05, 224.72, 224.725, 224.93 or under subch. IV of ch.
2 551.

3 7. A license described in s. 218.0114 (14) (a) and (g), a license described in s.
4 218.0114 (14) (b), (c) or (e), a license issued under s. 218.11, 218.12, 218.22, 218.32,
5 218.41, 343.61 or 343.62, a buyer identification card issued under s. 218.51 or a
6 certificate of registration issued under s. 341.51.

7 7m. A license issued under s. 562.05 or 563.24.

8 8. A license, registration or certification specified in s. 299.07 (1) (a).

9 9. A credential.

10 10. A license or permit granted by the department of public instruction.

11 11. A license to practice law.

12 12. A license issued under s. 628.04, 632.69 (2), or 633.14 or a temporary license
13 issued under s. 628.09.

14 13. A license issued by the government accountability board under s. 13.63 (1).

15 14. A permit under s. 170.12.

16 15. A certificate under s. 73.03 (50) or a certification under s. 73.09.

17 (f) "Licensing department" means the department of administration; the board
18 of commissioners of public lands; the department of children and families; the
19 government accountability board; the department of financial institutions; the
20 department of health services; the department of natural resources; the department
21 of public instruction; the department of revenue; the department of safety and
22 professional services; the office of the commissioner of insurance; or the department
23 of transportation.



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1975/PH/12
JTK&MED:cjs:jf

Wed 5/22 - 8:30 AM

Stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

the only
change
is on p. 4

Gen Cat

1 AN ACT *to repeal* 20.445 (1) (fx), 108.02 (4m) (g), 108.02 (13) (kL), 108.04 (1) (i),
2 108.04 (7) (d), (g), (j), (k), (m), (n), (o), (p) and (r), 108.05 (1) (n) to (p), 108.06 (7)
3 and 108.07 (8); *to renumber* 50.498 (4) and 108.02 (10e) (a) and (b); *to*
4 *renumber and amend* 108.02 (10e) (intro.), 108.04 (5), 108.04 (7) (t) and
5 440.12; *to amend* 13.63 (1) (b), 13.63 (1) (c), 19.55 (2) (d), 20.002 (11) (a), 20.002
6 (11) (b) 1., 20.002 (11) (c), 20.002 (11) (d) (intro.), 29.024 (2r) (title), 29.024 (2r)
7 (c), 29.024 (2r) (d) 1., 48.66 (2m) (c), 48.715 (7), 50.498 (title), 50.498 (2), 50.498
8 (5), 51.032 (title), 51.032 (2), 51.032 (4), 51.032 (5), 71.78 (4) (o), 73.0301 (2) (c)
9 2., 73.0302 (title), 73.09 (6m), 101.02 (20) (b), 101.02 (20) (c), 101.02 (20) (d),
10 102.17 (1) (c), 103.005 (10), 103.275 (2) (b) (intro.), 103.275 (7) (b), 103.275 (7)
11 (c), 103.34 (3) (c), 103.34 (10) (title), 103.92 (3), 104.07 (1) and (2), 105.13 (1),
12 108.02 (4m) (a), 108.02 (13) (a), 108.02 (15m) (intro.), 108.04 (1) (f), 108.04 (1)
13 (g) (intro.), 108.04 (1) (hm), 108.04 (2) (a) 3. c., 108.04 (7) (a), 108.04 (7) (e),
14 108.04 (7) (h), 108.04 (7) (L) (intro.), 108.04 (8) (a) and (c), 108.05 (1) (q) (intro.),
15 108.05 (2) (c), 108.05 (3) (a), 108.05 (3) (c) (intro.), 108.06 (1), 108.06 (2) (c),

1 108.06 (2) (cm), 108.06 (3), 108.06 (6) (intro.), 108.10 (intro.), 108.14 (8n) (e),
2 108.14 (19), 108.141 (7) (a), 108.142 (4), 108.16 (2) (g) and (h), 108.16 (6m) (a),
3 108.18 (4) (figure) Schedule A line 23., 108.18 (4) (figure) Schedule B line 23.,
4 108.18 (4) (figure) Schedule C line 23., 108.18 (4) (figure) Schedule D line 23.,
5 108.18 (9) (figure) Schedule C line 24, 108.19 (1m), 108.19 (1m), 108.205 (1),
6 108.21 (1), 108.22 (1) (a), 108.22 (8) (c) 1. a., 108.225 (1) (b), 115.31 (6m), 118.19
7 (1m) (a), 118.19 (1m) (b), 138.09 (1m) (b) 2. a., 138.09 (3) (am) 2., 138.09 (4) (c),
8 138.12 (3) (d) 2. a., 138.12 (5) (am) 1. b., 138.12 (5) (am) 3., 138.14 (4) (a) 2. a.,
9 138.14 (9) (d), 146.40 (4d) (b), 146.40 (4d) (d), 146.40 (4d) (e), 169.35 (title),
10 169.35 (2), 169.35 (3), 170.12 (3m) (b) 1., 217.05 (1m) (b) 1., 217.09 (4), 217.09
11 (6), 218.0114 (21e) (a), 218.0114 (21g) (b) 1., 218.0116 (1g) (b), 218.02 (2) (a) 2.
12 a., 218.04 (3) (a) 2. a., 218.04 (5) (b), 218.05 (3) (am) 2. a., 218.05 (12) (b), 218.05
13 (12) (e), 218.11 (2) (am) 3., 218.12 (2) (am) 2., 218.21 (2m) (b), 218.31 (1m) (b),
14 218.41 (2) (am) 2., 218.51 (3) (am) 2., 224.72 (2) (c) 2. a., 224.725 (2) (b) 1. a.,
15 224.927 (1), 227.53 (1) (a) 3., 252.241 (title), 252.241 (2), 254.115 (title), 254.115
16 (2), 254.176 (5), 254.20 (7), 256.18 (title), 256.18 (2), 256.18 (5), 299.07 (title),
17 299.07 (1) (b) 1., 299.08 (1) (b) 2., 341.51 (4g) (b), 342.06 (1) (eg), 343.14 (1),
18 343.14 (2j), 343.305 (6) (e) 3. b., 343.61 (2) (b), 343.62 (2) (b), 343.69 (1), 440.03
19 (11m) (c), 452.18, 551.412 (4g) (a) 1., 551.605 (2), 562.05 (8m) (a), 562.05 (8m)
20 (b), 563.285 (title), 563.285 (2) (a), 563.285 (2) (b), 628.095 (4) (b), 628.097 (title),
21 628.097 (2m), 628.10 (2) (cm), 632.69 (2) (c), 632.69 (2) (d) 2., 632.69 (4) (d),
22 633.14 (2c) (b), 633.14 (2m) (b), 633.15 (2) (d), 751.155 (title), 751.155 (1),
23 751.155 (2) and 751.155 (3); **to repeal and recreate** 108.04 (5g), 108.05 (1) (q)
24 (intro.), 108.05 (1) (r) (intro.), 108.05 (3) (a) and 108.05 (3) (c) (intro.); and **to**
25 **create** 16.531 (4), 20.002 (11) (b) 3m., 20.445 (1) (fx), 20.445 (1) (gm), 50.498 (4)

1 (b), 73.0302 (5), 73.0302 (6), 73.09 (8), 102.17 (1) (ct), 103.275 (2) (bt), 103.34 (10)
2 (d), 103.91 (4) (d), 103.92 (8), 104.07 (7), 105.13 (4), 108.02 (3), 108.02 (9), 108.02
3 (9m), 108.02 (10e) (bm), 108.02 (15) (kt), 108.04 (2) (a) 4., 108.04 (2) (g), 108.04
4 (2) (h), 108.04 (2) (i), 108.04 (5) (a) to (g), 108.04 (12) (f), 108.04 (15), 108.05 (1)
5 (r), 108.05 (3) (cm), 108.06 (1m), 108.14 (20), 108.14 (21), 108.14 (23), 108.14
6 (24), 108.16 (3) (c), 108.16 (6) (o), 108.16 (6m) (h), 108.16 (13), 108.18 (4) (figure)
7 Schedule A lines 24. to 26., 108.18 (4) (figure) Schedule B lines 24. to 26., 108.18
8 (4) (figure) Schedule C lines 24. to 26., 108.18 (4) (figure) Schedule D lines 24.
9 to 26., 108.18 (9) (figure) Schedule A lines 25 to 27, 108.18 (9) (figure) Schedule
10 B lines 25 to 27, 108.18 (9) (figure) Schedule C lines 25 to 27, 108.18 (9) (figure)
11 Schedule D lines 25 to 27, 108.22 (1) (cm), 108.22 (8e), 108.223, 108.227,
12 108.245, 138.12 (4) (a) 1m., 138.12 (4) (b) 5m., 138.14 (5) (b) 2m., 138.14 (9) (cm),
13 170.12 (8) (b) 1. bm., 170.12 (8) (b) 4., 217.06 (5m), 217.09 (1t), 218.0116 (1m)
14 (a) 2m., 218.0116 (1m) (d), 218.02 (3) (dm), 218.02 (6) (d), 218.02 (9) (a) 1m.,
15 218.04 (4) (am) 2m., 218.04 (5) (at), 218.05 (4) (c) 2m., 218.05 (11) (bm), 218.05
16 (12) (at), 218.11 (6m) (c), 218.12 (3m) (c), 218.22 (3m) (c), 218.32 (3m) (c), 218.41
17 (3m) (b) 3., 218.51 (4m) (b) 3., 224.44, 224.72 (7m) (bm), 224.725 (6) (bm), 224.77
18 (2m) (e), 224.95 (1) (bm), 252.241 (5), 254.115 (5), 256.18 (4m), 299.07 (3), 341.51
19 (4m) (c), 343.305 (6) (e) 6., 343.66 (3m), 440.12 (2), 551.406 (6) (a) 1m., 551.412
20 (4g) (a) 2m., 551.412 (4g) (d), 562.05 (5) (a) 11., 562.05 (8) (f) and 563.285 (1m)
21 of the statutes; **relating to:** various changes in the unemployment insurance
22 law; loans by this state to the unemployment reserve fund; payment of interest
23 on advances made by the federal government to the unemployment reserve
24 fund; license revocations based on delinquency in payment of unemployment

1 insurance contributions; granting rule-making authority; providing a penalty;
2 and making appropriations.

Analysis by the Legislative Reference Bureau

~~NOTE. The items contained in this draft are the initial LRB draft of the items. DWD has not completed its review of these items. Some of the language may also require review by the U.S. Department of Labor. In the past, DWD has requested considerable changes to initial LRB drafts after internal review by DWD.~~

This bill makes various changes in the unemployment insurance (UI) law. Significant changes include:

BENEFIT DURATION AND AMOUNTS

Maximum benefit duration for total unemployment

Currently, the maximum number of weeks of regular UI benefits payable to an eligible claimant who is totally unemployed and who earns sufficient wages to qualify for those benefits is 26 weeks. The cost of these benefits is paid for by employers of this state. During periods of high unemployment, an eligible claimant may qualify to receive up to an additional 13 weeks of "extended benefits." Fifty percent of the cost of these benefits is paid for by employers of this state and 50 percent of the cost is paid for by the federal government.

This bill changes the maximum number of weeks of regular benefits payable to an eligible claimant who is totally unemployed to an amount that varies depending upon the seasonally adjusted statewide average unemployment rate for the first or third calendar quarter immediately preceding the beginning of the claimant's benefit year (period during which benefits are payable following the filing of a benefit claim). For claimants whose benefit years begin during the first half of each year, the claimant's maximum benefits are calculated based upon the rate for the third quarter of the preceding year, and for claimants whose benefit years begin during the second half of each year, the claimant's maximum benefits are calculated based upon the rate for the first quarter of that year. Under the bill, once a claimant begins a benefit year, the maximum number of weeks of regular benefits is fixed for that benefit year. Because the maximum number of weeks of extended benefits payable to a claimant is calculated in part based upon the maximum number of weeks of regular benefits payable to a claimant, the change also reduces the maximum number of weeks of extended benefits payable to a claimant. Under the bill, the maximum number of weeks of regular benefits for total unemployment is determined as follows:

<u>Statewide unemployment rate</u>	<u>Maximum weeks of benefits</u>
8 percent or higher	26
At least 7.5 percent but less than 8 percent	25
At least 7.0 percent but less than 7.5 percent	24
At least 6.5 percent but less than 7.0 percent	23
At least 6.0 percent but less than 6.5 percent	22

At least 5.5 percent but less than 6.0 percent	21
Less than 5.5 percent	20

Benefit amounts

Currently, weekly UI benefit rates for total unemployment range from \$54 for an employee who earns wages (or certain other amounts treated as wages) of at least \$1,350 during at least one quarter of the employee's base period (period preceding a claim during which benefit rights accrue) to \$363 for an employee who earns wages (or certain other amounts treated as wages) of at least \$9,075 during any such quarter. This bill adjusts weekly benefit rates for weeks of unemployment beginning on or after January 5, 2014, to rates ranging from \$54 for an employee who earns wages (or certain other amounts treated as wages) of at least \$1,350 during at least one quarter of the employee's base period to \$370 for an employee who earns wages (or certain other amounts treated as wages) of at least \$9,250 during any such quarter. The bill does not affect the benefit rate of any employee who earns wages (or certain other amounts treated as wages) of at least \$1,350 during at least one quarter of the employee's base period or any employee who earns wages (or certain other amounts treated as wages) of at least \$9,075 during at least one quarter of the employee's base period.

OTHER BENEFIT CHANGES

Misconduct

Currently, if an employee is discharged for misconduct connected with his or her employment (interpreted by the courts to include only misconduct that evinces such willful or wanton disregard of an employer's interests as is found in deliberate violations or disregard of standards of behavior that the employer has a right to expect of his or her employees, or in carelessness or negligence to such degree or recurrence as to manifest culpability, wrongful intent, or evil design of the same level of severity as that disregard, or to show an intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to the employer) the employee is ineligible to receive benefits until seven weeks have elapsed since the end of the week in which the discharge occurs and the employee earns wages, or certain other amounts treated as wages, after the week in which the discharge occurs equal to at least 14 times the employee's weekly benefit rate in employment covered by the unemployment insurance law of any state or the federal government. In addition, all wages earned with the employer that discharges the employee are excluded in determining the amount of any future benefits to which the employee is entitled. However, if an employee is discharged for failing to notify an employer of absenteeism or tardiness that becomes excessive under certain conditions, the employee is ineligible to receive benefits until at least six weeks have elapsed since the end of the week in which the discharge occurs and until the employee earns wages, or certain other amounts treated as wages, after the week in which the discharge occurs equal to at least six times the employee's weekly benefit rate in employment covered by the unemployment insurance law of any state or the federal government.

This bill deletes the current suspension and requalifying requirement for discharges resulting from absenteeism or tardiness but retains and modifies the current suspension and requalifying requirement for misconduct. The bill also creates a new suspension and requalifying requirement for discharges resulting from substantial fault by an employee. The bill defines "misconduct" to mean "one or more actions or conduct evincing such willful or wanton disregard of an employer's interests as is found in deliberate violations or disregard of standards of behavior which an employer has a right to expect of his or her employees, or in carelessness or negligence of such degree or recurrence as to manifest culpability, wrongful intent, or evil design of equal severity to such disregard, or to show an intentional and substantial disregard of an employer's interests, or of an employee's duties and obligations to his or her employer." The bill also provides that "misconduct" specifically includes:

1. A violation by an employee of an employer's reasonable written policy concerning the use of alcohol beverages, or use of a controlled substance or controlled substance analog, if the employee had knowledge of the policy and either admitted to the use of alcohol beverages or a controlled substance or controlled substance analog or refused to take a test or tested positive for the use of alcohol beverages or a controlled substance or controlled substance analog in a test administered by the employer in accordance with a testing methodology approved by DWD.

2. Theft of an employer's property or services with intent to deprive the employer of the property or services permanently, theft of currency of any value, felonious conduct connected with an employee's employment, or intentional or negligent conduct by an employee that causes substantial damage to his or her employer's property.

3. Conviction of an employee of a crime or other offense subject to civil forfeiture, while on or off duty, if the conviction makes it impossible for the employee to perform the duties that the employee performs for the employer.

4. One or more threats or acts of harassment, assault, or other physical violence instigated by an employee at the workplace of his or her employer.

5. Absenteeism by an employee on more than two occasions within the 120-day period before the date of the employee's termination, unless otherwise specified by his or her employer in an employment manual of which the employee has acknowledged receipt with his or her signature, or excessive tardiness by an employee in violation of a policy of the employer that has been communicated to the employee, if the employee does not provide to his or her employer both notice and one or more valid reasons for the absenteeism or tardiness.

6. Unless directed by an employee's employer, falsifying business records of the employer.

7. Unless directed by the employer, a willful and deliberate violation of a written and uniformly applied standard or regulation of the federal government or a state or tribal government by an employee of an employer that is licensed or certified by a governmental agency, which standard or regulation has been communicated by the employer to the employee and which violation would cause the

employer to the sanctioned or to have its license or certification suspended by the agency.

In addition, the bill provides that an employee whose work is terminated by his or her employer for substantial fault by the employee connected with the employee's work is ineligible to receive benefits until seven weeks have elapsed since the end of the week in which the termination occurs and the employee earns wages, or certain other amounts treated as wages, after the week in which the termination occurs equal to at least 14 times the employee's weekly benefit rate in employment covered by the unemployment insurance law of any state or the federal government. The bill defines "substantial fault" to include those acts or omissions of an employee over which the employee exercised reasonable control and which violate reasonable requirements of the employee's employer but not to include:

1. One or more minor infractions of rules unless an infraction is repeated after the employer warns the employee about the infraction.
2. One or more inadvertent errors made by the employee.
3. Any failure of the employee to perform work because of insufficient skill, ability, or equipment.

Registration and search for work

Currently, with limited exceptions, in order to become and remain eligible to receive UI benefits for any week, a claimant is required, among other things, to register for work and to conduct a reasonable search for suitable work within that week, which must include at least two actions that constitute a reasonable search as prescribed by rule by the Department of Workforce Development (DWD).

This bill requires a claimant, subject to the same exceptions, to provide information or job application materials and to participate in a public employment office workshop or training program or in similar reemployment services that do not require a participation fee, if either is required by DWD for a given week other than the claimant's first week of benefits. The bill allows DWD to use the information or job application materials provided by a claimant to assess the claimant's efforts, skills, and ability to find or obtain work and to develop a list of potential opportunities for a claimant to obtain suitable work. However, the bill provides that a claimant who is subject to the work search requirement need not apply for a specific position on that list in order to satisfy that requirement.

Prohibiting concurrent receipt of UI and SSDI benefits

The bill disqualifies a claimant from receiving UI benefits during any week in which the claimant is actually receiving social security disability insurance (SSDI) benefits and requires a claimant, when the claimant first files for UI benefits and during each subsequent week the claimant files for UI benefits, to inform DWD whether he or she is receiving SSDI benefits.

Failure to accept suitable work or recall to former employer

Currently, with certain exceptions, if an employee fails, without good cause, to accept suitable work when offered or to return to work with a former employer that recalls the employee within 52 weeks after the employee last worked for the employer, the employee is ineligible to receive benefits until four weeks have elapsed since the end of the week in which the failure occurs and the employee earns wages,

or certain other amounts treated as wages, equal to at least four times the employee's weekly benefit rate in employment covered by the unemployment insurance law of any state or the federal government.

Subject to all of the same exceptions and qualifications, the bill changes the amount of wages an employee must earn to requalify under these provisions to at least *six* times the employee's weekly benefit rate. The bill eliminates the requirement that, in order to requalify under these provisions, four weeks must have elapsed since the end of the week in which the failure occurs.

Termination of work; general requirements to requalify for benefits

Currently, unless an exemption applies, if an employee voluntarily terminates his or her work with an employer, the employee is generally ineligible to receive benefits until the following requalification requirements are satisfied: 1) four weeks have elapsed since the end of the week in which the termination occurs and 2) the employee earns wages after the week in which the termination occurs equal to at least four times the employee's weekly benefit rate in employment covered by the unemployment insurance law of any state or the federal government.

The bill modifies the first requalification requirement so that an employee who voluntarily terminates his or her work with an employer is generally ineligible to receive benefits until the employee earns wages after the week in which the termination occurs equal to at least *six* times the employee's weekly benefit rate in employment covered by the unemployment insurance law of any state or the federal government. The bill eliminates the second requalification requirement that four weeks must have elapsed before the terminating employee may again become eligible for benefits.

Termination of work; exemptions from requalification requirements

Under current law, an employee who voluntarily terminates his or her work with an employer is exempt from the requalification requirements under certain circumstances, including all of the following:

1. The employee terminated his or her work to accept a recall to work for a former employer within 52 weeks after having last worked for that employer.

2. The employee maintained a temporary residence near the terminated work; the employee maintained a permanent residence in another locality; and the employee terminated the work and returned to his or her permanent residence because the work available to the employee had been reduced to less than 20 hours per week in at least two consecutive weeks.

3. The employee left or lost his or her work because the employee reached the employer's compulsory retirement age.

4. The employee terminated part-time work because a loss of other, full-time employment made it economically unfeasible for the employee to continue the part-time work.

5. The employee terminated his or her work with a labor organization if the termination caused the employee to lose seniority rights granted under a collective bargaining agreement and resulted in the loss of the employee's employment with the employer that is a party to that collective bargaining agreement.

6. The employee terminated his or her work in a position serving as a part-time elected or appointed member of a governmental body or representative of employees; the employee was engaged in work for an employer other than the employer in which the employee served as the member or representative; and the employee was paid wages in the terminated work constituting not more than 5 percent of the employee's base period wages for purposes of entitlement for benefits.

7. The employee terminated his or her work in one of two or more concurrently held positions, at least one of which was full-time work, if the employee terminated his or her work before receiving notice of termination from a full-time work position.

8. The employee owns or controls an ownership interest in a family corporation and the employee's employment was terminated because of an involuntary cessation of the business of the corporation under certain specified conditions.

The bill eliminates these eight exemptions from the requalification requirements for employees who voluntarily terminate employment.

Under current law, subject to certain limitations, an employee who voluntarily terminates his or her work with an employer is exempt from the requalification requirements if: 1) the employee accepted work that was not suitable work under the UI law or work that the employee could have refused for specified reasons related to protecting labor standards; and 2) the employee terminated the work within ten weeks after starting the work. Under the bill, this exemption only applies if the employee terminated that work within *30 calendar days* after starting the work.

Under current law, an employee who voluntarily terminates his or her work with an employer is exempt from the requalification requirements if the employee's spouse changed his or her place of employment to a place to which it is impractical to commute and the employee terminated his or her work to accompany the spouse to that place. The bill narrows this exemption so that it only applies if the employee's spouse is an active duty member of the U.S. Armed Forces who was required by the U.S. Armed Forces to relocate.

Under current law, an employee who voluntarily terminates his or her work with an employer is exempt from the requalification requirements if the employee terminated the work to accept other covered employment and earned wages in the subsequent employment equal to at least four times the employee's weekly benefit rate if the work in the subsequent employment: 1) offered average weekly wages at least equal to the average weekly wages that the employee earned in the terminated work; 2) offered the same or a greater number of hours of work than those performed in the work terminated; 3) offered the opportunity for significantly longer term work; or 4) offered the opportunity to accept a position for which the duties were primarily discharged at a location significantly closer to the employee than the terminated work. An employee who voluntarily terminates his or her work with an employer is also exempt from the requalification requirements if the employee, while claiming benefits for partial unemployment, terminated work to accept other covered employment that offered an average weekly wage greater than the average weekly wage earned in the work terminated.

The bill consolidates these two exemptions into one exemption, which applies if the employee terminated work to accept covered employment that satisfies one of

the four conditions numbered above. The exemption as consolidated applies regardless of whether the employee is claiming benefits for partial unemployment or whether the employee earns a certain amount of wages in the subsequent work.

The bill does not affect any other exemptions from the requalification requirements for employees who voluntarily terminate employment.

Temporary help companies and work search

The bill provides that there is a rebuttable presumption that a claimant who is subject to the UI law's work search requirement has not conducted a reasonable search for suitable work in a given week if: 1) the claimant was last employed by a temporary help company, as defined under current law; 2) the temporary help company required the claimant to contact the temporary help company about available assignments weekly, or less often as prescribed by the temporary help company, and the temporary help company gave the claimant written notice of that requirement at the time the claimant was initially employed by the company; 3) during that week, the claimant was required to contact the temporary help company about available assignments and the claimant did not contact the temporary help company about available assignments; and 4) the temporary help company submits a written notice within ten business days after the end of that week to DWD reporting that the claimant failed to so contact the temporary help company. The claimant may overcome the rebuttable presumption only by a showing that the claimant did in fact contact the temporary help company about available assignments or by showing that the claimant was not informed of this requirement or had other good cause for failing to do so.

The bill specifically provides that the claimant's contact of the temporary help company for a given week counts as one action toward the UI law's work search requirement for that week.

Extended training benefits

Currently, benefits may not be denied to an otherwise eligible claimant because the claimant is enrolled in a vocational training course or a basic education course that is a prerequisite to such training ("approved training") under certain conditions. Currently, a claimant may also qualify to receive benefits while participating in an extended training program under certain conditions, under such a program, if a claimant 1) has exhausted all other rights to benefits, 2) is currently enrolled in an approved training program and was so enrolled prior to the end of the claimant's benefit year (period during which benefits are payable) that qualified the claimant for benefits, 3) if not in a current benefit year, has a benefit year that ended no earlier than 52 weeks prior to the week for which the claimant first claims extended training benefits, and 4) is not receiving any similar stipends or other training allowances for nontraining costs, is entitled to extended training benefits of up to 26 times the same benefit rate that applied to the claimant during his or her most recent benefit year if the claimant is being trained for entry into a high-demand occupation. In addition, 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 extended training benefits while enrolled in a training program if the claimant first enrolled in the program within 52 weeks after the end of the claimant's benefit

year that qualified the claimant for benefits. This bill deletes extended training benefits.

Treatment of cafeteria plan amounts in benefit calculations

Currently, employers must report wages to DWD and these reports are used to determine the UI benefit eligibility and amounts of benefits payable to UI claimants. The wages reported do not include salary reduction amounts withheld from employees for cafeteria plan benefits (fringe benefits the value of which is excluded from gross income under the federal Internal Revenue Code). However, these amounts are included in the formula that is used to determine the benefit eligibility and amounts payable to claimants. DWD may require employers to report the amounts in their wage reports and employers must maintain records of these amounts.

This bill excludes salary reduction amounts for cafeteria plan benefits in calculating the wages that were paid to a claimant for purposes of determining the claimant's benefit eligibility and amounts. The bill also deletes reporting and record-keeping requirements for these amounts. The effect is to raise the threshold for benefit eligibility and to potentially decrease the amount of benefits that may become payable to certain claimants whose wages include deductions for these amounts.

Benefits for partial unemployment during weeks that include holidays

Under current law, a claimant may, under certain circumstances, receive some UI benefits while the claimant is only partially unemployed (benefits for partial unemployment). However, a claimant is ineligible to receive any benefits for partial unemployment for a week in which one or more of the following applies to the claimant for 32 or more hours in that week: 1) the claimant performs work; 2) the claimant receives certain amounts treated as wages for that week; or 3) the claimant receives holiday pay, vacation pay, termination pay, or sick pay that is treated as wages under current law.

Under the bill, for purposes of these provisions limiting the availability of benefits for partial unemployment, the 32-hour ceiling for a claimant is reduced for a given week by eight hours for each state or federal holiday that occurs during that week, if both of the following apply: 1) the claimant only has base period wages from a single employer; and 2) that employer previously provided a written notice to DWD designating that the employer will undergo a complete business shutdown on that holiday (or those holidays) and the employer does undergo a complete business shutdown on that holiday (or holiday). The bill allows an employer to designate up to seven holidays per calendar year for purposes of these provisions and requires the employer to provide the notice to DWD by December 1 of the year before the holidays. Finally, the bill provides that, if an employer that provides such a notice to DWD will not or does not actually undergo a complete business shutdown on a state or federal holiday as designated in the notice, the employer must, no later than the first business day following the week in which the state or federal holiday occurs, notify DWD in writing of that fact. The bill provides that a complete business shutdown means that all locations operated by an employer are closed for business completely

and no employee employed by the business is required by the employer to report for work or be available for work.

Failure of claimants to provide requested information

Currently, DWD may require a claimant to answer questions relating to his or her UI benefit eligibility and to provide certain demographic information for auditing purposes. In addition, DWD must require each claimant to provide his or her social security number. A claimant is not eligible to receive benefits for any week in which the claimant fails to comply with a request by DWD for information and for any subsequent week until the claimant provides the requested information or satisfies that DWD that he or she had good cause for failure to provide the information. Generally, if a claimant later complies with a request or satisfies DWD that he or she had good cause for failure to comply, the claimant is eligible to receive benefits beginning with the week in which the failure occurred, if otherwise qualified. With respect to certain specific information, however, if a claimant later provides the requested information but does not have good cause for the initial failure to provide the information, the claimant is eligible only to receive benefits that become payable in the week in which the information is provided. Under this bill, if a claimant later complies with a request, the claimant is eligible to receive benefits beginning with the week in which the failure occurred, regardless of whether the claimant satisfies DWD that he or she had good cause for failure to comply with the request. The change does not apply to a claimant's failure to provide DWD his or her social security number.

Treatment of services performed by prison inmates

Under current law, covered employment under the UI law generally does not include services by inmates of a custodial or penal institution for government units, Indian tribes, or nonprofit organizations. The bill provides that services performed for employers that are *not* government units, Indian tribes, or nonprofit organizations by inmates of state or federal prisons are also not covered employment under the UI law. As a consequence, wages paid by employers for those services are not subject to UI contribution requirements and those wages are not counted as base period wages for purposes of determining eligibility for UI benefits.

Claimant security credentials

This bill requires each claimant for UI benefits to create security credentials in order to engage in any transactions with DWD, including the filing of an initial or continued claim for benefits. The credentials may consist of a personal identification number, username, and password, or any other means prescribed by DWD. The bill provides that if a claimant's security credentials are used in any transaction with DWD, the individual using the credentials is presumed to be the claimant or the claimant's authorized agent. The presumption may be rebutted by a preponderance of evidence showing that the claimant who created the credentials or the claimant's authorized agent was not the person who used the credentials in a given transaction. The bill provides that if a claimant uses an agent to engage in any transaction with DWD using the claimant's security credentials, the claimant is responsible for the actions of the agent. The bill also provides that if a claimant who creates security credentials or the claimant's authorized agent divulges the credentials to another

person, or fails to take adequate measures to protect the credentials from being divulged to an unauthorized person, and DWD pays benefits to an unauthorized person because of the claimant's action or inaction, DWD may recover from the claimant the benefits that were paid to the unauthorized person. In addition, the bill provides that if a claimant who creates security credentials or the claimant's authorized agent divulges the credentials to another person, or fails to take adequate measures to protect the credentials from being divulged to an unauthorized person, DWD is not obligated to pursue recovery of, and is not liable to the claimant for, benefits payable to the claimant that were erroneously paid to another person. Current law contains no similar provisions.

Benefits paid to employees who lose licenses required to perform work

Currently, if an employee is required by law to have a license issued by a governmental agency to perform his or her customary work for an employer, and the employee's employment is suspended or terminated because the license is suspended, revoked, or not renewed due to the employee's fault, the employee is not eligible to receive benefits until five weeks have elapsed since the end of the week in which the suspension or termination occurs or until the license is reinstated or renewed, whichever occurs first. The wages paid by the employer who suspended or terminated the employee are excluded in determining the eligibility of and amount of benefits payable to the employee while the license suspension, revocation, or nonrenewal is in effect. If benefits are paid to an employee using wages that were paid or treated as having been paid during a period when the employee's license was suspended, revoked, or not renewed, the base period wages paid or treated as having been paid by the employer that suspended or terminated the employee are not charged to the employer's account for the period when the license suspension, revocation, or nonrenewal is in effect, but are instead charged to the balancing account of the unemployment reserve fund (pooled account financed by all employers who pay contributions that is used to pay benefits that are not chargeable to any employer's account). This bill provides that if an employee qualifies to receive benefits for any benefit year using base period wages paid or treated as having been paid during a period when wages are excluded from the employee's base period due to a license suspension, revocation, or nonrenewal, DWD must charge the cost of the benefits otherwise chargeable to the employer who suspended or terminated the employee to the balancing account for all weeks in that benefit year.

TAX CHANGES

Contribution and solvency rate schedules

Currently, all employers that engage employees in work that is covered under the UI law, other than governmental, nonprofit, and Indian tribe employers that elect to pay directly for the cost of benefits, must pay contributions (taxes) to finance UI benefits. The total contributions of an employer are the sum of the contributions payable as a result of the employer's contribution rate and the contributions payable as a result of the employer's solvency rate, each of which varies with the employment stability of the employer and the solvency of the unemployment reserve fund (fund), from which benefits are paid. An employer's contributions payable as a result of its contribution rate are credited to the employer's account in the fund, while an

employer's contributions payable as a result of its solvency rate are credited to the fund's balancing account, which is used to finance benefits not payable from any employer's account.

An employer's contribution rate is determined based upon the employer's reserve percentage. The employer's reserve percentage is the net balance of the employer's account as of the computation date (generally June 30), stated as a percentage of the employer's taxable payroll in the 12-month period ending on the computation date. Current law defines taxable payroll as the first \$14,000 of wages paid by an employer to each employee during a calendar year. An employer's solvency rate is determined by reference to the employer's contribution rate and rises as the contribution rate rises.

Currently, there are four schedules of contribution rates and four schedules of solvency rates. The schedule that applies for any year depends upon the solvency of the fund on June 30 of the preceding year. Currently, the highest contribution rate that must be paid by an employer applies to an overdrawn employer with a reserve percentage of 6.0 percent or greater. The contribution rate for such an employer is 8.50 percent of taxable payroll for each of the four schedules of contribution rates. Also currently, the highest solvency rates for such an employer are between 1.25 percent and 1.35 percent of taxable payroll, depending on which schedule is in effect.

This bill amends each of the four schedules of contribution rates so that overdrawn employers with reserve percentages greater than 6.0 percent have higher contribution rates than they do under current law. Specifically, the bill provides that: 1) if an overdrawn employer has a reserve percentage of 7.0 percent or greater, but less than 8.0 percent, the contribution rate for such an employer is 9.25 percent of taxable payroll; 2) if an overdrawn employer has a reserve percentage of 8.0 percent or greater, but less than 9.0 percent, the contribution rate for such an employer is 10.00 percent of taxable payroll; and 3) if an overdrawn employer has a reserve percentage of 9.0 percent or greater, the contribution rate for such an employer is 10.70 percent of taxable payroll.

The bill also amends each of the four schedules of solvency rates to specify the solvency rates for employers who are subject to the contribution rates created by the bill and to make minor adjustments to the maximum solvency rates under current law. The bill provides, for each of the added contribution rates in each of the four schedules, for a solvency rate of 1.30 percent of taxable payroll.

Interest on delinquent payments

Currently, if an employer does not make a payment required under the UI law to DWD by the due date, the employer must pay interest on the amount owed equal to a variable rate determined by law from the date that the payment became due. Revenues from interest payments are used to administer the UI program. This bill permits DWD to waive or decrease the interest charged to an employer in limited circumstances as prescribed by rule of DWD.

Treatment of limited liability companies consisting of the same members

Currently, for purposes of the UI law, multiple limited liability companies (LLCs) that consist of the same members are treated as a single employer unless, subject to certain provisions, each of those LLCs files a written request with DWD

to be treated as a separate employer and DWD approves the request. Under the bill, consistent with the Federal Unemployment Tax Act (FUTA), multiple LLCs that consist of the same members are always treated as separate employers, for purposes of the UI law.

OTHER CHANGES

Loans by this state to the unemployment reserve fund

Currently, with certain exceptions, the secretary of administration may reallocate, or borrow internally, from any state fund or account to ensure the continued solvency of another state fund or account if revenue to the fund or account to which the reallocation is made is expected to be sufficient to reverse the reallocation. The outstanding reallocations at any time may not exceed a total of \$400,000,000. If money from one state segregated fund is temporarily reallocated to another such fund, the secretary must charge interest to the receiving fund and credit this interest to the fund from which the reallocation is made.

This bill permits the secretary of workforce development to request the secretary of administration to reallocate moneys to the unemployment reserve fund from other state funds or accounts. Under the bill, the total outstanding amount of any reallocations may not exceed \$50,000,000 at any given time. This amount is in addition to the current limit upon reallocations of \$400,000,000. The bill prohibits the secretary of administration from assessing any interest to the unemployment reserve fund for moneys loaned to the fund. The bill provides that any loan to the unemployment reserve fund is subject to the approval of the Joint Committee on Finance. The bill directs the secretary of workforce development to request a loan from this state to the unemployment reserve fund whenever the secretary determines that employers in this state that are subject to a requirement to pay a federal unemployment tax might experience a lower tax rate if this state were to loan moneys to the fund and the loan could be made under the authority granted by the bill. The bill also directs the secretary of workforce development to repay this state for any loans made to the unemployment reserve fund whenever the secretary determines that repayment can be made without jeopardizing the ability of DWD to continue to pay other liabilities and costs chargeable to the fund. The bill directs the secretary to ensure that the timing of any repayment accords with federal requirements for ensuring a favorable tax experience for employers in this state.

Payment of interest on federal advances to reserve fund

Currently, if in any year the balance in the unemployment reserve fund is insufficient to make full payment of unemployment insurance benefits that become payable to claimants for that year, DWD secures an advance from the federal unemployment account to enable this state to make full payment of all benefits that become payable. Whenever the balance in the unemployment reserve fund is sufficient to repay the federal government for its advances and to continue to make payment of the benefits that become payable, DWD repays the federal government for its outstanding advances. Annually, the federal government assesses interest to this state on this state's outstanding advances that have not been repaid. Currently, if in any year DWD is unable to make full payment of the interest that becomes due from certain other limited sources, each employer must pay an assessment to the

state unemployment interest payment fund in an amount specified by law sufficient to enable DWD to make full payment of the interest due for that year.

This bill appropriates a sum sufficient not exceeding \$30,000,000 from general purpose revenues to pay any interest that becomes due to the federal government prior to July 1, 2015, on outstanding advances made to the unemployment reserve fund. Under the bill, DWD must first use any available moneys from this appropriation to make payment of the interest due for any year. If the amount appropriated, together with other available sources, is insufficient to make full payment of the interest that becomes due for any year, each employer must pay an assessment in the amount determined by DWD sufficient to cover the deficiency. If the moneys appropriated under the bill are not fully expended at the end of the 2013-15 fiscal biennium, the balance is retained in the general fund.

License revocations based on UI contribution delinquencies

Current law requires various state agencies and boards (licensing departments) that issue various licenses and other credentials (licenses) to revoke a license or deny an application for a license if the Department of Revenue (DOR) certifies that the license holder or applicant owes DOR delinquent taxes. Current law also allows the Wisconsin Supreme Court to decide whether to revoke or deny an application for a license to practice law if the license holder or applicant is certified by DOR to owe delinquent taxes. This bill creates similar provisions for license holders and applicants that DWD certifies are liable for delinquent UI contributions. UI contributions are taxes employers must pay to DWD for deposit with the federal government, and which are then used to pay the claims of claimants for UI benefits. The bill also includes within the definition of UI contributions other assessments, interest, fees, and penalties that have been imposed upon employers in connection with their UI contribution obligations. The provisions created in the bill apply only to delinquent UI contributions for which the employer has exhausted all legal rights to challenge the employer's liability.

Under the bill, each licensing department must enter into a memorandum of understanding with DWD. Under the memorandum, the licensing department must ask DWD to certify whether a license holder or applicant is liable for delinquent UI contributions. If DWD certifies to a licensing department that a license holder or applicant is liable for delinquent UI contributions, the licensing department must revoke the license or deny the application for a license. A licensing department must mail a notice of revocation or denial to the license holder or applicant, and the notice must inform the applicant or license holder of the right to a review of DWD's certification at a hearing conducted by DWD. The hearing is limited to questions of mistaken identity and prior payment of the delinquent UI contributions. Following the hearing, if DWD does not uphold its certification, DWD must issue the holder or applicant a nondelinquency certificate and the licensing department must reinstate the license or approve the application for a license without requiring any additional application, fee, or test, unless there are other grounds for denial or revocation. If DWD does uphold its certification, DWD must so inform the license holder or applicant and the licensing department. The license holder or applicant may seek judicial review of an adverse determination by DWD at the hearing by filing a

petition for review in the Dane County circuit court and may appeal the court's decision. A license holder or applicant whose license has been revoked or denied because of delinquent UI contributions may also, after satisfying that debt, request DWD to issue a nondelinquency certificate, which the license holder or applicant may then present to have the license reinstated, unless there are other grounds for not reinstating the license or for denying the application.

The bill includes the following within the definition of licensing department: the Department of Administration; the Board of Commissioners of Public Lands; the Department of Children and Families; the Government Accountability Board; the Department of Financial Institutions; the Department of Health Services; the Department of Natural Resources; the Department of Public Instruction; the Department of Revenue; the Department of Safety and Professional Services; the Office of the Commissioner of Insurance; and the Department of Transportation. The bill applies to various licenses administered by the aforementioned licensing departments.

The bill allows DWD to deny an application for or revoke various licenses administered by DWD if the license holder or applicant is liable for delinquent UI contributions. Such a license holder or applicant has the same rights to review by DWD and to judicial review as do holders of or applicants for licenses administered by other licensing departments.

The bill also requests the Wisconsin Supreme Court to enter into a similar memorandum of understanding with DWD. If DWD determines that a licensed attorney or an applicant for a license to practice law is liable for delinquent UI contributions, DWD may send the attorney or applicant a notice of that determination. The attorney or applicant has the same rights to a hearing and judicial review as do other license holders or applicants. However, DWD may not send the supreme court a certification of UI contribution delinquency until the attorney or applicant has exercised or exhausted his or her full rights to judicial review. If the determination is upheld following the holder or applicant's exercise or exhaustion of rights to judicial review, DWD may then certify to the supreme court that the attorney or applicant is liable for delinquent UI contributions. The supreme court may then decide whether to suspend, revoke, or deny the attorney's or applicant's license to practice law.

Financial record matching program

Currently, the Departments of Children and Families, Revenue, and Health Services (departments) operate financial records matching programs whereby the departments, for various asset verification or determination purposes, match data possessed by the departments with the records of financial institutions. This bill establishes a similar financial records matching program with DWD to allow DWD to identify the assets of persons who are delinquent in paying debts related to the UI program (UI debtors).

Under the program, financial institutions doing business in this state must enter into agreements with DWD to participate in a financial institution matching option or a state matching option. DWD may pay such a financial institution up to \$125 per calendar quarter for participating.

Under the financial institution matching option, at least once every calendar quarter DWD sends information to the financial institution, including names, addresses, and social security numbers, about UI debtors. The financial institution determines whether any UI debtor has an ownership interest in an account at the financial institution and, if so, sends DWD information about the account, such as the type, number, and balance.

Under the state matching option, at least once every calendar quarter the financial institution sends DWD information about accounts maintained at the financial institution, including the name and social security number of each person having an ownership interest in each account. On the basis of that information, DWD determines whether any UI debtor has an ownership interest in an account at the financial institution and, if so, may request further information from the financial institution, including the person's address of record and the account balance.

The bill prohibits DWD from disclosing or retaining information concerning account holders who are not UI debtors; prohibits employees, agents, officers, and directors of financial institutions from disclosing or retaining information concerning UI debtors; and prohibits both DWD and financial institutions from using any information received under the program for any purpose not related to the program. The bill provides penalties for any employee, agent, officer, or director of a financial institution who violates any of the prohibitions. The bill also provides that a financial institution is not liable for disclosing financial information, or for taking any other action, in compliance with the program.

Departmental errors; payments to unintended payees; actions against third-party transferees

Currently, DWD is directed to waive recovery of benefits that were erroneously paid if the overpayment results from a departmental error and was not the fault of any employer, and the overpayment was not the fault of an employee or did not result from a claimant's false statement or misrepresentation. This bill directs DWD to waive recovery of an overpayment regardless of whether it results from the fault of an employer. The bill also provides specifically that "departmental error" does not include, and recovery is not waived, if DWD makes an error in computing, paying, or crediting benefits to any individual, whether or not a claimant, or in crediting contributions or reimbursements to one or more employers that results from: 1) a computer malfunction or programming error; 2) an error in transmitting data to or from a financial institution; 3) a typographical or keying error; 4) a bookkeeping or other payment processing error; 5) an action by DWD resulting from a false statement or representation by an individual; or 6) an action by DWD resulting from an unauthorized manipulation of an electronic system from within or outside DWD.

The bill provides that if DWD determines that a payment has been made to an unintended recipient erroneously without fault on the part of the intended payee, DWD may issue the correct payment to the intended payee if necessary and may recover the amount of the erroneous payment from the recipient using existing recovery procedures, if any, or a new recovery procedure created by the bill (see below). Currently, there is no similar provision.

Under current law, any person who knowingly makes a false statement or representation to obtain a benefit payment personally or for another person is guilty of a misdemeanor and may be fined not less than \$100 nor more than \$500, or imprisoned for not more than 90 days, or both, and in addition may be subject to forfeiture of certain benefit payments that may be otherwise payable. Currently, DWD is not authorized to recover improper payments directly from third-party payees or transferees. This bill permits DWD to bring a legal action against any person, including a transferee, to preserve and recover the proceeds of any payment from the unemployment reserve fund not resulting from a departmental error if the person receives, possesses, or retains such a payment or if the proceeds are in an account at a financial institution. The bill permits DWD to bring a legal action to recover from any claimant the amount of any benefits that were erroneously paid to another person who was not entitled to receive the benefits because the claimant or the claimant's authorized agent divulged the claimant's security credentials to another person or failed to take adequate measures to protect the credentials from being divulged to an unauthorized person. The bill also permits DWD to sue for injunctive relief to require a payee, transferee, or other person, including a financial institution, in possession of the proceeds from any payment from the fund to preserve the proceeds and to prevent the transfer or use of the proceeds upon showing that the payee, transferee, or other person is not entitled to receive, possess, or retain the proceeds pending final disposition of the matter by the court.

Tardy filing fees

Currently, each employer must file a quarterly report with DWD identifying the name of and wages paid to each employee who is employed by the employer in employment covered by the UI law during the most recent calendar quarter. With limited exceptions, if an employer is delinquent in filing the report, the employer must pay a tardy filing fee of \$50. Revenue from tardy filing fees is used for various purposes to support the UI program. This bill increases the tardy filing fee to \$100 or \$20 per employee, whichever is greater, but provides that if the employer files the report within 30 days of its due date, the fee remains at \$50.

Work search audits of claimants

The bill requires DWD to conduct random audits on claimants for regular UI benefits to assess compliance with the UI law's work search requirement. The bill requires DWD to include in its annual fraud report that is presented to the Council on Unemployment Insurance information about these audits, including the number of audits conducted in the previous year and the results of those audits.

Online portal for filing complaints

The bill requires DWD to maintain a portal on the Internet that allows employers to log in and file complaints with DWD related to the administration of the UI law.

Fraud investigation positions

The bill requires DWD to request funding from the U.S. Department of Labor to hire additional employees to perform UI fraud investigation.

Social security numbers maintained by DOT

Under current law, an individual who applies to the Department of Transportation (DOT) for vehicle title, for a motor vehicle operator's license or an identification card, or for registration as a motor vehicle dealer must, with limited exceptions, state his or her social security number on the application. DOT is generally required to maintain the confidentiality of these social security numbers but may disclose these social security numbers in limited circumstances, including to the Department of Children and Families and DOR for specified purposes.

This bill allows these social security numbers to also be disclosed to DWD for the sole purpose of enforcing or administering DWD's collection responsibilities related to UI.

Information relating to financing of UI system

This bill directs DWD to provide information to employers concerning the financing of the UI system, including the computation of reserve percentages and their effect upon the contribution and solvency rates of employers, and to post this information on the Internet. The bill, also directs DWD to include this information on any statements of account that DWD provides to employers and to provide this information in writing to each employer who becomes newly subject to a requirement to pay contributions or to reimburse for benefits paid under the UI law.

UI handbook for employers

The bill requires DWD to create and keep up-to-date a handbook for employers for the purpose of informing employers who are subject to the UI law about the provisions and requirements of the UI law. The handbook must include all of the following: 1) information about the function and purpose of UI; 2) a description of the rights and responsibilities of employers under the UI law, including the rights and responsibilities associated with hearings to determine whether claimants are eligible for benefits under the law; 3) a description of the circumstances under which workers are generally eligible and ineligible for UI benefits under the UI law; 4) disclaimers explaining that the contents of the handbook may not be relied upon as legally enforceable and that adherence to the contents does not guarantee a particular result for a decision on a UI matter; and 5) a line to allow an individual employed by the employer to sign to acknowledge that the individual is aware of the contents of the handbook. DWD must make the handbook available on the Internet and must, for a fee, distribute printed copies of the handbook to employers who so request.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state and local* 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. 13.63 (1) (b) of the statutes is amended to read:

2 13.63 (1) (b) Except as provided under par. (am), the board shall not issue a
3 license to an applicant who does not provide his or her social security number. The
4 board shall not issue a license to an applicant or shall revoke any license issued to
5 a lobbyist if the department of revenue certifies to the board that the applicant or
6 lobbyist is liable for delinquent taxes under s. 73.0301 or if the department of
7 workforce development certifies to the board that the applicant or lobbyist is liable
8 for delinquent unemployment insurance contributions under s. 108.227. The board
9 shall refuse to issue a license or shall suspend any existing license for failure of an
10 applicant or licensee to pay court-ordered payments of child or family support,
11 maintenance, birth expenses, medical expenses or other expenses related to the
12 support of a child or former spouse or failure of an applicant or licensee to comply,
13 after appropriate notice, with a subpoena or warrant issued by the department of
14 children and families or a county child support agency under s. 59.53 (5) and related
15 to paternity or child support proceedings, as provided in a memorandum of
16 understanding entered into under s. 49.857. No application may be disapproved by
17 the board except an application for a license by a person who is ineligible for licensure
18 under this subsection or s. 13.69 (4) or an application by a lobbyist whose license has
19 been revoked under this subsection or s. 13.69 (7) and only for the period of such
20 ineligibility or revocation.

21 SECTION 2. 13.63 (1) (c) of the statutes is amended to read:

1 13.63 (1) (c) Denial of a license on the basis of a certification by the department
2 of revenue or the department of workforce development may be reviewed under s.
3 73.0301 or 108.227, whichever is applicable. Except with respect to a license that is
4 denied or suspended pursuant to a memorandum of understanding entered into
5 under s. 49.857, denial or suspension of any other license may be reviewed under ch.
6 227.

7 **SECTION 3.** 16.531 (4) of the statutes is created to read:

8 16.531 (4) This section does not apply to actual or projected imbalances in the
9 unemployment reserve fund or to loans to the fund made under s. 20.002 (11) (b) 3m.

10 **SECTION 4.** 19.55 (2) (d) of the statutes is amended to read:

11 19.55 (2) (d) Records of the social security number of any individual who files
12 an application for licensure as a lobbyist under s. 13.63 or who registers as a principal
13 under s. 13.64, except to the department of children and families for purposes of
14 administration of s. 49.22 ~~or~~, to the department of revenue for purposes of
15 administration of s. 73.0301, and to the department of workforce development for
16 purposes of administration of s. 108.227.

17 **SECTION 5.** 20.002 (11) (a) of the statutes is amended to read:

18 20.002 (11) (a) All appropriations, special accounts and fund balances within
19 the general fund or any segregated fund may be made temporarily available for the
20 purpose of allowing encumbrances or financing expenditures of other general or
21 segregated fund activities ~~which do not have sufficient~~ or for the purpose of financing
22 unemployment insurance benefits from the unemployment reserve fund under par.
23 (b) 3m. whenever there are insufficient moneys in the funds or accounts from which
4 they the activities are financed but have or whenever there are insufficient moneys
25 in the unemployment reserve fund to pay unemployment insurance benefit

1 payments if there are accounts receivable balances or moneys anticipated to be
2 received from lottery proceeds, as defined in s. 25.75 (1) (c), tax or contribution
3 revenues, gifts, grants, fees, sales of service, or interest earnings recorded under s.
4 16.52 (2) that will be sufficient to repay the fund or account from which moneys are
5 transferred. The secretary of administration shall determine the composition and
6 allowability of the accounts receivable balances and anticipated moneys to be
7 received for this purpose in accordance with s. 20.903 (2) and shall specifically
8 approve the use of surplus moneys from the general or segregated funds after
9 consultation with the appropriate state agency head for use by specified accounts or
10 programs. The secretary of administration shall reallocate available moneys from
11 the budget stabilization fund under s. 16.465 prior to reallocating moneys from any
12 other fund.

13 **SECTION 6.** 20.002 (11) (b) 1. of the statutes is amended to read:

14 20.002 (11) (b) 1. The Except with respect to reallocations made under subd.
15 3m., the secretary of administration shall limit the total amount of any temporary
16 reallocations to a fund other than the general fund to \$400,000,000.

17 **SECTION 7.** 20.002 (11) (b) 3m. of the statutes is created to read:

18 20.002 (11) (b) 3m. Upon request of the secretary of workforce development
19 under s. 108.16 (13), the secretary of administration may temporarily transfer
20 moneys available under par. (a) to the unemployment reserve fund. The secretary
21 of administration shall credit repayments received from the unemployment reserve
22 fund to the funds or accounts from which the transfer was made. The transfers
23 outstanding under this subdivision may not exceed a total of \$50,000,000 at any
24 time. No transfer may be made under this subdivision unless the secretary of
25 administration first submits written notice to the cochairpersons of the joint

1 committee on finance that the transfer is proposed to be made. If the cochairpersons
2 of the committee do not notify the secretary of administration that the committee has
3 scheduled a meeting for the purpose of reviewing the proposed transfer within 30
4 days after the date of the secretary's notification, the transfer may be made as
5 proposed by the secretary. If, within 30 days after the date of notification by the
6 secretary of administration, the cochairpersons of the committee notify the secretary
7 that the committee has scheduled a meeting for the purpose of reviewing the
8 proposed transfer, the transfer may be made under this subdivision only upon
9 approval of the committee.

10 SECTION 8. 20.002 (11) (c) of the statutes is amended to read:

11 20.002 (11) (c) The secretary may assess a special interest charge against the
12 programs or activities utilizing surplus moneys within the same fund under this
13 subsection in an amount not to exceed the daily interest earnings rate of the state
14 investment fund during the period of transfer of surplus moneys to other accounts
15 or programs. Except as provided in s. 16.465 and except with respect to transfers
16 made under par. (b) 3m., the secretary shall assess a special interest charge against
17 the fund utilizing surplus moneys under this subsection in an amount equal to the
18 rate of return the state investment fund earnings would have created to the fund
19 from which the reallocation was made. This interest shall be calculated and credited
20 to the appropriate fund at the same time the earnings from the state investment fund
21 are distributed and shall be considered an adjustment to those earnings.

22 SECTION 9. 20.002 (11) (d) (intro.) of the statutes is amended to read:

23 20.002 (11) (d) (intro.) This Except with respect to transfers made under par.
24 (b) 3m., this subsection applies only to those funds participating in the investment
25 fund for purposes of temporary reallocation between funds or accounts and does not

1 include. No transfer may be made under this subsection from any of the following
2 funds or specified accounts in these funds:

3 **SECTION 10.** 20.445 (1) (fx) of the statutes is created to read:

4 20.445 (1) (fx) *Interest on federal advances.* A sum sufficient, not exceeding
5 \$30,000,000, to pay interest on advances made by the federal government to the
6 unemployment reserve fund under s. 108.19 (1m).

7 **SECTION 11.** 20.445 (1) (fx) of the statutes, as created by 2013 Wisconsin Act
8 (this act), is repealed.

9 **SECTION 12.** 20.445 (1) (gm) of the statutes is created to read:

10 20.445 (1) (gm) *Unemployment insurance handbook.* All moneys received
11 under s. 108.14 (23) (d) for the costs of printing and distribution of the unemployment
12 insurance handbook, to pay for those costs.

13 **SECTION 13.** 29.024 (2r) (title) of the statutes is amended to read:

14 29.024 (2r) (title) DENIAL AND REVOCATION OF APPROVALS BASED ON TAX
15 DELINQUENCY DELINQUENT TAXES OR UNEMPLOYMENT INSURANCE CONTRIBUTIONS.

16 **SECTION 14.** 29.024 (2r) (c) of the statutes is amended to read:

17 29.024 (2r) (c) *Disclosure of numbers.* The department of natural resources
18 may not disclose any information received under par. (a) to any person except to the
19 department of revenue for the sole purpose of making certifications required under
20 s. 73.0301 and to the department of workforce development for the sole purpose of
21 making certifications required under s. 108.227.

22 **SECTION 15.** 29.024 (2r) (d) 1. of the statutes is amended to read:

23 29.024 (2r) (d) 1. Except as provided in subd. 2., the department shall deny an
24 application to issue or renew, or revoke if already issued, an approval specified in par.
25 (a) if the applicant for or the holder of the approval fails to provide the information

SECTION 15

1 required under par. (a) ~~or~~, if the department of revenue certifies that the applicant
2 or approval holder is liable for delinquent taxes under s. 73.0301, or if the
3 department of workforce development certifies that the applicant or approval holder
4 is liable for delinquent unemployment insurance contributions under s. 108.227.

5 SECTION 16. 48.66 (2m) (c) of the statutes is amended to read:

6 48.66 (2m) (c) The subunit of the department that obtains a social security
7 number or a federal employer identification number under par. (a) 1. may not
8 disclose that information to any person except to the department of revenue for the
9 sole purpose of requesting certifications under s. 73.0301 and to the department of
10 workforce development for the sole purpose of requesting certifications under s.
11 108.227 or on the request of the subunit of the department that administers the child
12 and spousal support program under s. 49.22 (2m).

13 SECTION 17. 48.715 (7) of the statutes is amended to read:

14 48.715 (7) The department shall deny an application for the issuance or
15 continuation of a license under s. 48.66 (1) (a) or a probationary license under s. 48.69
16 to operate a child welfare agency, group home, shelter care facility, or child care
17 center, or revoke such a license already issued, if the department of revenue certifies
18 under s. 73.0301 that the applicant or licensee is liable for delinquent taxes or if the
19 department of workforce development certifies under s. 108.227 that the applicant
20 or licensee is liable for delinquent unemployment insurance contributions. An action
21 taken under this subsection is subject to review only as provided under s. 73.0301 (5)
22 or 108.227 (5) and not as provided in s. 48.72.

23 SECTION 18. 50.498 (title) of the statutes is amended to read:

1 **50.498** (title) **Denial, nonrenewal and revocation of license,**
2 **certification or registration based on ~~tax delinquency~~ delinquent taxes or**
3 **unemployment insurance contributions.**

4 **SECTION 19.** 50.498 (2) of the statutes is amended to read:

5 50.498 (2) The department may not disclose any information received under
6 sub. (1) to any person except to the department of revenue for the sole purpose of
7 requesting certifications under s. 73.0301 and to the department of workforce
8 development for the sole purpose of requesting certifications under s. 108.227.

9 **SECTION 20.** 50.498 (4) of the statutes is renumbered 50.498 (4) (a).

10 **SECTION 21.** 50.498 (4) (b) of the statutes is created to read:

11 50.498 (4) (b) The department shall deny an application for the issuance of a
12 certificate of approval, license or provisional license specified in sub. (1) or shall
13 revoke a certificate of approval, license or provisional license specified in sub. (1), if
14 the department of workforce development certifies under s. 108.227 that the
15 applicant for or holder of the certificate of approval, license or provisional license is
16 liable for delinquent unemployment insurance contributions.

17 **SECTION 22.** 50.498 (5) of the statutes is amended to read:

18 50.498 (5) An action taken under sub. (3) or (4) is subject to review only as
19 provided under s. 73.0301 (2) (b) and (5) or s. 108.227 (5) and (6), whichever is
20 applicable.

21 **SECTION 23.** 51.032 (title) of the statutes is amended to read:

22 **51.032** (title) **Denial and revocations of certification or approval based**
23 **on ~~tax delinquency~~ delinquent taxes or unemployment insurance**
24 **contributions.**

25 **SECTION 24.** 51.032 (2) of the statutes is amended to read:

1 51.032 (2) The department may not disclose any information received under
2 sub. (1) to any person except to the department of revenue for the sole purpose of
3 requesting certifications under s. 73.0301 and to the department of workforce
4 development for the sole purpose of requesting certifications under s. 108.227.

5 **SECTION 25.** 51.032 (4) of the statutes is amended to read:

6 51.032 (4) The department shall deny an application for the issuance of a
7 certification or approval specified in sub. (1) or shall revoke a certification or
8 approval specified in sub. (1) if the department of revenue certifies under s. 73.0301
9 that the applicant for or holder of a certification or approval is liable for delinquent
10 taxes or if the department of workforce development certifies under s. 108.227 that
11 the applicant for or holder of a certification or approval is liable for delinquent
12 unemployment insurance contributions.

13 **SECTION 26.** 51.032 (5) of the statutes is amended to read:

14 51.032 (5) An action taken under sub. (3) or (4) is subject to review only as
15 provided under s. 73.0301 (2) (b) and (5) or s. 108.227 (5) and (6), whichever is
16 applicable.

17 **SECTION 27.** 71.78 (4) (o) of the statutes is amended to read:

18 71.78 (4) (o) A licensing department or the supreme court, if the supreme court
19 agrees, for the purpose of denial, nonrenewal, discontinuation and revocation of a
20 license based on tax delinquency under s. 73.0301 or unemployment insurance
21 contribution delinquency under s. 108.227.

22 **SECTION 28.** 73.0301 (2) (c) 2. of the statutes is amended to read:

23 73.0301 (2) (c) 2. A licensing department may not disclose any information
4 received under subd. 1. a. or b. to any person except to the department of revenue for
25 the purpose of requesting certifications under par. (b) (a) 1. or 2. in accordance with

1 the memorandum of understanding under sub. (4) and administering state taxes or,
2 to the department of workforce development for the purpose of requesting
3 certifications under s. 108.227 (2) (a) 1. or 2. in accordance with the memorandum
4 of understanding under s. 108.227 (4) and administering the unemployment
5 insurance program, and to the department of children and families for the purpose
6 of administering s. 49.22.

7 SECTION 29. 73.0302 (title) of the statutes is amended to read:

8 73.0302 (title) **Liability for delinquent taxes or unemployment**
9 **insurance contributions.**

10 SECTION 30. 73.0302 (5) of the statutes is created to read:

11 73.0302 (5) If the department of workforce development certifies under s.
12 108.227 that an applicant for certification or recertification under s. 73.03 (50) or a
13 person who holds a certificate issued under s. 73.03 (50) is liable for delinquent
14 unemployment insurance contributions, the department of revenue shall deny the
15 application or revoke the certificate. A person subject to a denial or revocation under
16 this subsection for delinquent unemployment insurance contributions is entitled to
17 a notice under s. 108.227 (2) (b) 1. b. and hearing under s. 108.227 (5) (a) but is not
18 entitled to any other notice or hearing under this chapter.

19 SECTION 31. 73.0302 (6) of the statutes is created to read:

20 73.0302 (6) The department of revenue may disclose a social security number
21 obtained under s. 73.03 (50) (c) to the department of workforce development for the
22 purpose of requesting certifications under s. 108.227.

23 SECTION 32. 73.09 (6m) of the statutes is amended to read:

24 73.09 (6m) SOCIAL SECURITY NUMBERS. Each applicant for certification or
25 recertification under this section shall provide the applicant's social security number

1 on the application. The department of revenue may not disclose a social security
2 number that it obtains under this subsection, except to the department of workforce
3 development for the purpose of requesting certifications under s. 108.227. The
4 department of revenue may not certify or recertify any person who fails to provide
5 his or her social security number on his or her application.

6 **SECTION 33.** 73.09 (8) of the statutes is created to read:

7 73.09 (8) LIABILITY FOR DELINQUENT UNEMPLOYMENT INSURANCE CONTRIBUTIONS.
8 If the department of workforce development certifies under s. 108.227 that an
9 applicant for certification or recertification under this section is liable for delinquent
10 unemployment insurance contributions, the department of revenue shall deny the
11 application for certification or recertification or revoke the certificate. A person
12 subject to a denial or revocation under this subsection for delinquent unemployment
13 insurance contributions is entitled to a notice under s. 108.227 (2) (b) 1. b. and
14 hearing under s. 108.227 (5) (a) but is not entitled to any other notice or hearing
15 under this chapter.

16 **SECTION 34.** 101.02 (20) (b) of the statutes is amended to read:

17 101.02 (20) (b) Except as provided in par. (e), the department of safety and
18 professional services may not issue or renew a license unless each applicant who is
19 an individual provides the department of safety and professional services with his
20 or her social security number and each applicant that is not an individual provides
21 the department of safety and professional services with its federal employer
22 identification number. The department of safety and professional services may not
23 disclose the social security number or the federal employer identification number of
4 an applicant for a license or license renewal except to the department of revenue for
25 the sole purpose of requesting certifications under s. 73.0301 and to the department

1 of workforce development for the sole purpose of requesting certifications under s.
2 108.227.

3 **SECTION 35.** 101.02 (20) (c) of the statutes is amended to read:

4 101.02 (20) (c) The department of safety and professional services may not
5 issue or renew a license if the department of revenue certifies under s. 73.0301 that
6 the applicant or licensee is liable for delinquent taxes or if the department of
7 workforce development certifies under s. 108.227 that the applicant or licensee is
8 liable for delinquent unemployment insurance contributions.

9 **SECTION 36.** 101.02 (20) (d) of the statutes is amended to read:

10 101.02 (20) (d) The department of safety and professional services shall revoke
11 a license if the department of revenue certifies under s. 73.0301 that the licensee is
12 liable for delinquent taxes or if the department of workforce development certifies
13 under s. 108.227 that the licensee is liable for delinquent unemployment insurance
14 contributions.

15 **SECTION 37.** 102.17 (1) (c) of the statutes is amended to read:

16 102.17 (1) (c) Any party shall have the right to be present at any hearing, in
17 person or by attorney or any other agent, and to present such testimony as may be
18 pertinent to the controversy before the department. No person, firm, or corporation,
19 other than an attorney at law who is licensed to practice law in the state, may appear
20 on behalf of any party in interest before the department or any member or employee
21 of the department assigned to conduct any hearing, investigation, or inquiry relative
22 to a claim for compensation or benefits under this chapter, unless the person is 18
23 years of age or older, does not have an arrest or conviction record, subject to ss.
24 111.321, 111.322 and 111.335, is otherwise qualified, and has obtained from the
25 department a license with authorization to appear in matters or proceedings before

1 the department. Except as provided under pars. (cm) ~~and~~, (cr), and (ct), the license
2 shall be issued by the department under rules promulgated by the department. The
3 department shall maintain in its office a current list of persons to whom licenses have
4 been issued. Any license may be suspended or revoked by the department for fraud
5 or serious misconduct on the part of an agent, any license may be denied, suspended,
6 nonrenewed, or otherwise withheld by the department for failure to pay
7 court-ordered payments as provided in par. (cm) on the part of an agent, and any
8 license may be denied or revoked if the department of revenue certifies under s.
9 73.0301 that the applicant or licensee is liable for delinquent taxes or if the
10 department determines under par. (ct) that the applicant or licensee is liable for
11 delinquent contributions. Before suspending or revoking the license of the agent on
12 the grounds of fraud or misconduct, the department shall give notice in writing to the
13 agent of the charges of fraud or misconduct and shall give the agent full opportunity
14 to be heard in relation to those charges. In denying, suspending, restricting, refusing
15 to renew, or otherwise withholding a license for failure to pay court-ordered
16 payments as provided in par. (cm), the department shall follow the procedure
17 provided in a memorandum of understanding entered into under s. 49.857. The
18 license and certificate of authority shall, unless otherwise suspended or revoked, be
19 in force from the date of issuance until the June 30 following the date of issuance and
20 may be renewed by the department from time to time, but each renewed license shall
21 expire on the June 30 following the issuance of the renewed license.

22 **SECTION 38.** 102.17 (1) (ct) of the statutes is created to read:

23 102.17 (1) (ct) 1. The department may deny an application for the issuance or
4 renewal of a license under par. (c), or revoke such a license already issued, if the
25 department determines that the applicant or licensee is liable for delinquent

1 contributions, as defined in s. 108.227 (1) (d). Notwithstanding par. (c), an action
2 taken under this subdivision is subject to review only as provided under s. 108.227
3 (5) and not as provided in ch. 227.

4 2. If the department denies an application or revokes a license under subd. 1.,
5 the department shall mail a notice of denial or revocation to the applicant or license
6 holder. The notice shall include a statement of the facts that warrant the denial or
7 revocation and a statement that the applicant or license holder may, within 30 days
8 after the date on which the notice of denial or revocation is mailed, file a written
9 request with the department to have the determination that the applicant or license
10 holder is liable for delinquent contributions reviewed at a hearing under s. 108.227
11 (5) (a).

12 3. If, after a hearing under s. 108.227 (5) (a), the department affirms a
13 determination under subd. 1. that an applicant or license holder is liable for
14 delinquent contributions, the department shall affirm its denial or revocation. An
15 applicant or license holder may seek judicial review under s. 108.227 (6) of an
16 affirmation by the department of a denial or revocation under this subdivision.

17 4. If, after a hearing under s. 108.227 (5) (a), the department determines that
18 a person whose license is revoked or whose application is denied under subd. 1. is not
19 liable for delinquent contributions, as defined in s. 108.227 (1) (d), the department
20 shall reinstate the license or approve the application, unless there are other grounds
21 for revocation or denial. The department may not charge a fee for reinstatement of
22 a license under this subdivision.

23 **SECTION 39.** 103.005 (10) of the statutes is amended to read:

24 103.005 (10) Except as provided in ss. 103.06 (5) (d), 103.275 (2) (bm) and, (br),
25 and (bt), 103.34 (10) (b) and, (c), and (d), 103.91 (4) (b) and, (c), and (d), 103.92 (6) and,

1 (7), and (8), 104.07 (5) and, (6), and (7), and 105.13 (2) and, (3), and (4), orders of the
2 department under chs. 103 to 106 shall be subject to review in the manner provided
3 in ch. 227.

4 **SECTION 40.** 103.275 (2) (b) (intro.) of the statutes is amended to read:

5 103.275 (2) (b) (intro.) Except as provided under pars. (bm) and, (br), and (bt),
6 upon receipt of a properly completed application, the department shall issue a
7 house-to-house employer certificate if all of the following apply:

8 **SECTION 41.** 103.275 (2) (bt) of the statutes is created to read:

9 103.275 (2) (bt) 1. The department may deny an application for the issuance
10 or renewal of a house-to-house employer certificate, or revoke such a certificate
11 already issued, if the department determines that the applicant or house-to-house
12 employer is liable for delinquent contributions, as defined in s. 108.227 (1) (d).
13 Notwithstanding sub. (7) and s. 103.005 (10), an action taken under this subdivision
14 is subject to review only as provided under s. 108.227 (5) and not as provided in sub.
15 (7) and ch. 227.

16 2. If the department denies an application or revokes a certificate under subd.
17 1., the department shall mail a notice of denial or revocation to the applicant or
18 house-to-house employer. The notice shall include a statement of the facts that
19 warrant the denial or revocation and a statement that the applicant or
20 house-to-house employer may, within 30 days after the date on which the notice of
21 denial or revocation is mailed, file a written request with the department to have the
22 determination that the applicant or house-to-house employer is liable for
23 delinquent contributions reviewed at a hearing under s. 108.227 (5) (a).

4 3. If, after a hearing under s. 108.227 (5) (a), the department affirms a
25 determination under subd. 1. that an applicant or house-to-house employer is liable

1 for delinquent contributions, the department shall affirm its denial or revocation.
2 An applicant or house-to-house employer may seek judicial review under s. 108.227
3 (6) of an affirmation by the department of a denial or revocation under this
4 subdivision.

5 4. If, after a hearing under s. 108.227 (5) (a), the department determines that
6 a person whose certificate is revoked or whose application is denied under subd. 1.
7 is not liable for delinquent contributions, as defined in s. 108.227 (1) (d), the
8 department shall reinstate the certificate or approve the application, unless there
9 are other grounds for revocation or denial. The department may not charge a fee for
10 reinstatement of a certificate under this subdivision.

11 **SECTION 42.** 103.275 (7) (b) of the statutes is amended to read:

12 103.275 (7) (b) Except as provided in sub. (2) (bm) ~~and~~, (br), and (bt), after
13 providing at least 10 days' notice to a house-to-house employer, the department may,
14 on its own or upon a written and signed complaint, suspend the house-to-house
15 employer's certificate. The department shall serve a copy of the complaint with
16 notice of a suspension of the certificate on the person complained against, and the
17 person shall file an answer to the complaint with the department and the
18 complainant within 10 days after service. After receiving the answer, the
19 department shall set the matter for hearing as promptly as possible and within 30
20 days after the date of filing the complaint. Either party may appear at the hearing
21 in person or by attorney or agent. The department shall make its findings and
22 determination concerning the suspension within 90 days after the date that the
23 hearing is concluded and send a copy to each interested party.

24 **SECTION 43.** 103.275 (7) (c) of the statutes is amended to read:

1 103.275 (7) (c) Except as provided in sub. (2) (bm) ~~and~~, (br), and (bt), the
2 department may revoke a certificate issued under sub. (2) after holding a public
3 hearing at a place designated by the department. At least 10 days prior to the
4 revocation hearing, the department shall send written notice of the time and place
5 of the revocation hearing to the person holding the certificate and to the person's
6 attorney or agent of record by mailing the notice to their last-known address. The
7 testimony presented and proceedings at the revocation hearing shall be recorded and
8 preserved as the records of the department. The department shall, as soon after the
9 hearing as possible, make its findings and determination concerning revocation and
10 send a copy to each interested party.

11 **SECTION 44.** 103.34 (3) (c) of the statutes is amended to read:

12 103.34 (3) (c) Subject to par. (d) and sub. (10) (b) ~~and~~, (c), and (d), after
13 completing the investigation under par. (b), the department shall issue a certificate
14 of registration to the applicant if the department determines that the applicant
15 meets the minimum requirements under this section and rules promulgated under
16 sub. (13) for issuance of a certificate of registration and is satisfied that the applicant
17 will comply with this section and those rules.

18 **SECTION 45.** 103.34 (10) (title) of the statutes is amended to read:

19 103.34 (10) (title) CHILD SUPPORT; DELINQUENT TAXES OR UNEMPLOYMENT
20 INSURANCE CONTRIBUTIONS.

21 **SECTION 46.** 103.34 (10) (d) of the statutes is created to read:

22 103.34 (10) (d) 1. The department may deny an application for the issuance or
23 renewal of a certificate of registration, or revoke a certificate of registration already
4 issued, if the department determines that the applicant or registrant is liable for
25 delinquent contributions, as defined in s. 108.227 (1) (d). Notwithstanding s. 103.005

1 (10), an action taken under this subdivision is subject to review only as provided
2 under s. 108.227 (5) and not as provided in ch. 227.

3 2. If the department denies an application or revokes a certificate of
4 registration under subd. 1., the department shall mail a notice of denial or revocation
5 to the applicant or registrant. The notice shall include a statement of the facts that
6 warrant the denial or revocation and a statement that the applicant or registrant
7 may, within 30 days after the date on which the notice of denial or revocation is
8 mailed, file a written request with the department to have the determination that
9 the applicant or registrant is liable for delinquent contributions reviewed at a
10 hearing under s. 108.227 (5) (a).

11 3. If, after a hearing under s. 108.227 (5) (a), the department affirms a
12 determination under subd. 1. that an applicant or registrant is liable for delinquent
13 contributions, the department shall affirm its denial or revocation. An applicant or
14 registrant may seek judicial review under s. 108.227 (6) of an affirmation by the
15 department of a denial or revocation under this subdivision.

16 4. If, after a hearing under s. 108.227 (5) (a), the department determines that
17 a person whose certificate of registration is revoked or whose application is denied
18 under subd. 1. is not liable for delinquent contributions, as defined in s. 108.227 (1)
19 (d), the department shall reinstate the certificate of registration or approve the
20 application, unless there are other grounds for revocation or denial. The department
21 may not charge a fee for reinstatement of a certificate under this subdivision.

22 **SECTION 47.** 103.91 (4) (d) of the statutes is created to read:

23 103.91 (4) (d) 1. The department may deny an application for the issuance or
24 renewal of a certificate of registration under sub. (1), or revoke such a certificate
25 already issued, if the department determines that the applicant or registrant is

1 liable for delinquent contributions, as defined in s. 108.227 (1) (d). Notwithstanding
2 s. 103.005 (10), an action taken under this subdivision is subject to review only as
3 provided under s. 108.227 (5) and not as provided in ch. 227.

4 2. If the department denies an application or revokes a certificate of
5 registration under subd. 1., the department shall mail a notice of denial or revocation
6 to the applicant or registrant. The notice shall include a statement of the facts that
7 warrant the denial or revocation and a statement that the applicant or registrant
8 may, within 30 days after the date on which the notice of denial or revocation is
9 mailed, file a written request with the department to have the determination that
10 the applicant or registrant is liable for delinquent contributions reviewed at a
11 hearing under s. 108.227 (5) (a).

12 3. If, after a hearing under s. 108.227 (5) (a), the department affirms a
13 determination under subd. 1. that an applicant or registrant is liable for delinquent
14 contributions, the department shall affirm its denial or revocation. An applicant or
15 registrant may seek judicial review under s. 108.227 (6) of an affirmation by the
16 department of a denial or revocation under this subdivision.

17 4. If, after a hearing under s. 108.227 (5) (a), the department determines that
18 a person whose certificate is revoked or whose application is denied under subd. 1.
19 is not liable for delinquent contributions, as defined in s. 108.227 (1) (d), the
20 department shall reinstate the certificate or approve the application, unless there
21 are other grounds for revocation or denial. The department may not charge a fee for
22 reinstatement of a certificate under this subdivision.

23 **SECTION 48.** 103.92 (3) of the statutes is amended to read:

4 103.92 (3) CERTIFICATE. The department shall inspect each camp for which
25 application to operate is made, to determine if it is in compliance with the rules of

1 the department establishing minimum standards for migrant labor camps. Except
2 as provided under subs. (6) ~~and~~, (7), and (8), if the department finds that the camp
3 is in compliance with the rules, it shall issue a certificate authorizing the camp to
4 operate until March 31 of the next year. The department shall refuse to issue a
5 certificate if it finds that the camp is in violation of such rules, if the person
6 maintaining the camp has failed to pay court-ordered payments as provided in sub.
7 (6) or if the person maintaining the camp is liable for delinquent taxes as provided
8 in sub. (7) or delinquent unemployment insurance contributions as provided in sub.
9 (8).

10 **SECTION 49.** 103.92 (8) of the statutes is created to read:

11 103.92 (8) LIABILITY FOR DELINQUENT UNEMPLOYMENT INSURANCE CONTRIBUTIONS.

12 (a) The department may deny an application for the issuance or renewal of a
13 certificate to operate a migrant labor camp, or revoke such a certificate already
14 issued, if the department determines that the applicant or person operating the
15 camp is liable for delinquent contributions, as defined in s. 108.227 (1) (d).
16 Notwithstanding s. 103.005 (10), an action taken under this paragraph is subject to
17 review only as provided under s. 108.227 (5) and not as provided in ch. 227.

18 (b) If the department denies an application or revokes a certificate under par.
19 (a), the department shall mail a notice of denial or revocation to the applicant or
20 person operating the camp. The notice shall include a statement of the facts that
21 warrant the denial or revocation and a statement that the applicant or person
22 operating the camp may, within 30 days after the date on which the notice of denial
23 or revocation is mailed, file a written request with the department to have the
24 determination that the applicant or person operating the camp is liable for
25 delinquent contributions reviewed at a hearing under s. 108.227 (5) (a).

SECTION 49

1 (c) If, after a hearing under s. 108.227 (5) (a), the department affirms a
2 determination under par. (a) that an applicant or person operating a camp is liable
3 for delinquent contributions, the department shall affirm its denial or revocation.
4 An applicant or person operating a camp may seek judicial review under s. 108.227
5 (6) of an affirmation by the department of a denial or revocation under this
6 paragraph.

7 (d) If, after a hearing under s. 108.227 (5) (a), the department determines that
8 a person whose certificate is revoked or whose application is denied under par. (a) is
9 not liable for delinquent contributions, as defined in s. 108.227 (1) (d), the
10 department shall reinstate the certificate or approve the application, unless there
11 are other grounds for revocation or denial. The department may not charge a fee for
12 reinstatement of a certificate under this paragraph.

13 **SECTION 50.** 104.07 (1) and (2) of the statutes are amended to read:

14 104.07 (1) The department shall make rules, and, except as provided under
15 subs. (5) ~~and~~, (6), and (7), grant licenses to any employer who employs any employee
16 who is unable to earn the living wage determined by the department, permitting the
17 employee to work for a wage that is commensurate with the employee's ability. Each
18 license so granted shall establish a wage for the licensee.

19 (2) The department shall make rules, and, except as provided under subs. (5)
20 ~~and~~, (6), and (7), grant licenses to sheltered workshops, to permit the employment
21 of workers with disabilities who are unable to earn the living wage at a wage that
22 is commensurate with their ability and productivity. A license granted to a sheltered
23 workshop under this subsection may be issued for the entire workshop or a
4 department of the workshop.

25 **SECTION 51.** 104.07 (7) of the statutes is created to read:

1 104.07 (7) (a) The department may deny an application for the issuance or
2 renewal of a license under sub. (1) or (2), or revoke such a license already issued, if
3 the department determines that the applicant or licensee is liable for delinquent
4 contributions, as defined in s. 108.227 (1) (d). Notwithstanding s. 103.005 (10), an
5 action taken under this paragraph is subject to review only as provided under s.
6 108.227 (5) and not as provided in ch. 227.

7 (b) If the department denies an application or revokes a license under par. (a),
8 the department shall mail a notice of denial or revocation to the applicant or licensee.
9 The notice shall include a statement of the facts that warrant the denial or revocation
10 and a statement that the applicant or licensee may, within 30 days after the date on
11 which the notice of denial or revocation is mailed, file a written request with the
12 department to have the determination that the applicant or licensee is liable for
13 delinquent contributions reviewed at a hearing under s. 108.227 (5) (a).

14 (c) If, after a hearing under s. 108.227 (5) (a), the department affirms a
15 determination under par. (a) that an applicant or licensee is liable for delinquent
16 contributions, the department shall affirm its denial or revocation. An applicant or
17 licensee may seek judicial review under s. 108.227 (6) of an affirmation by the
18 department of a denial or revocation under this paragraph.

19 (d) If, after a hearing under s. 108.227 (5) (a), the department determines that
20 a person whose license is revoked or whose application is denied under par. (a) is not
21 liable for delinquent contributions, as defined in s. 108.227 (1) (d), the department
22 shall reinstate the license or approve the application, unless there are other grounds
23 for revocation or denial. The department may not charge a fee for reinstatement of
24 a license under this paragraph.

25 **SECTION 52.** 105.13 (1) of the statutes is amended to read:

SECTION 52

1 105.13 (1) The department may issue licenses to employment agents, and
2 refuse to issue a license whenever, after investigation, the department finds that the
3 character of the applicant makes the applicant unfit to be an employment agent, that
4 the applicant has failed to pay court-ordered payments as provided in sub. (2) ~~or~~, that
5 the applicant is liable for delinquent taxes as provided in sub. (3), or that the
6 applicant is liable for delinquent unemployment insurance contributions as
7 provided in sub. (4), or when the premises for conducting the business of an
8 employment agent is found upon investigation to be unfit for such use. Any license
9 granted by the department may be suspended or revoked by it upon notice to the
10 licensee and good cause. Failure to comply with this chapter and rules promulgated
11 thereunder, or with any lawful orders of the department, is cause to suspend or
12 revoke a license. Failure to pay court-ordered payments as provided in sub. (2) is
13 cause to deny, suspend, restrict, refuse to renew or otherwise withhold a license.
14 Liability for delinquent taxes as provided in sub. (3) or delinquent unemployment
15 insurance contributions as provided in sub. (4) is cause to deny or revoke a license.

16 **SECTION 53.** 105.13 (4) of the statutes is created to read:

17 105.13 (4) (a) The department may deny an application for the issuance or
18 renewal of an employment agent's license, or revoke such a license already issued,
19 if the department determines that the applicant or licensee is liable for delinquent
20 contributions, as defined in s. 108.227 (1) (d). Notwithstanding s. 103.005 (10), an
21 action taken under this paragraph is subject to review only as provided under s.
22 108.227 (5) and not as provided in ch. 227.

23 (b) If the department denies an application or revokes a license under par. (a),
24 the department shall mail a notice of denial or revocation to the applicant or licensee.
25 The notice shall include a statement of the facts that warrant the denial or revocation

1 and a statement that the applicant or licensee may, within 30 days after the date on
2 which the notice of denial or revocation is mailed, file a written request with the
3 department to have the determination that the applicant or licensee is liable for
4 delinquent contributions reviewed at a hearing under s. 108.227 (5) (a).

5 (c) If, after a hearing under s. 108.227 (5) (a), the department affirms a
6 determination under par. (a) that an applicant or licensee is liable for delinquent
7 contributions, the department shall affirm its denial or revocation. An applicant or
8 licensee may seek judicial review under s. 108.227 (6) of an affirmation by the
9 department of a denial or revocation under this paragraph.

10 (d) If, after a hearing under s. 108.227 (5) (a), the department determines that
11 a person whose license is revoked or whose application is denied under par. (a) is not
12 liable for delinquent contributions, as defined in s. 108.227 (1) (d), the department
13 shall reinstate the license or approve the application, unless there are other grounds
14 for revocation or denial. The department may not charge a fee for reinstatement of
15 a license under this paragraph.

16 **SECTION 54.** 108.02 (3) of the statutes is created to read:

17 108.02 (3) ALCOHOL BEVERAGES. “Alcohol beverages” has the meaning given in
18 s. 125.02 (1).

19 **SECTION 55.** 108.02 (4m) (a) of the statutes is amended to read:

20 108.02 (4m) (a) All earnings for wage-earning service which are paid to an
21 employee during his or her base period as a result of employment for an employer
22 except any payment made to or on behalf of an employee or his or her beneficiary
23 under a cafeteria plan within the meaning of 26 USC 125, if the payment would not
24 be treated as wages without regard to that plan and if 26 USC 125 would not treat
25 the payment as constructively received;

1 **SECTION 56.** 108.02 (4m) (g) of the statutes is repealed.

2 **SECTION 57.** 108.02 (9) of the statutes is created to read:

3 108.02 (9) CONTROLLED SUBSTANCE. “Controlled substance” has the meaning
4 given in s. 961.01 (4).

5 **SECTION 58.** 108.02 (9m) of the statutes is created to read:

6 108.02 (9m) CONTROLLED SUBSTANCE ANALOG. “Controlled substance analog”
7 has the meaning given in s. 961.01 (4m).

8 **SECTION 59.** 108.02 (10e) (intro.) of the statutes is renumbered 108.02 (10e)
9 (am) (intro.) and amended to read:

10 108.02 (10e) (am) (intro.) “Departmental error” means an error made by the
11 department in computing or paying benefits which results exclusively from:

12 **SECTION 60.** 108.02 (10e) (a) and (b) of the statutes are renumbered 108.02
13 (10e) (am) 1. and 2.

14 **SECTION 61.** 108.02 (10e) (bm) of the statutes is created to read:

15 108.02 (10e) (bm) “Departmental error” does not include an error made by the
16 department in computing, paying, or crediting benefits to any individual, whether
17 or not a claimant, or in crediting contributions or reimbursements to one or more
18 employers that results from any of the following:

- 19 1. A computer malfunction or programming error.
- 20 2. An error in transmitting data to or from a financial institution.
- 21 3. A typographical or keying error.
- 22 4. A bookkeeping or other payment processing error.
- 23 5. An action by the department resulting from a false statement or
4 representation by an individual, including a statement or representation relating to
25 the individual’s identity.

1 6. An action by the department resulting from an unauthorized manipulation
2 of an electronic system from within or outside the department.

3 **SECTION 62.** 108.02 (13) (a) of the statutes is amended to read:

4 108.02 (13) (a) "Employer" means every government unit and Indian tribe, and
5 any person, association, corporation, whether domestic or foreign, or legal
6 representative, debtor in possession or trustee in bankruptcy or receiver or trustee
7 of a person, partnership, association, or corporation, or guardian of the estate of a
8 person, or legal representative of a deceased person, any partnership or partnerships
9 consisting of the same partners, except as provided in par. (L), any limited liability
10 company ~~or limited liability companies consisting of the same members, except as~~
11 ~~provided in par. (kL)~~, and any fraternal benefit society as defined in s. 614.01 (1) (a),
12 which is subject to this chapter under the statutes of 1975, or which has had
13 employment in this state and becomes subject to this chapter under this subsection
14 and, notwithstanding any other provisions of this section, any service insurance
15 corporation organized or operating under ch. 613, except as provided in s. 108.152
16 (6) (a) 3.

17 **SECTION 63.** 108.02 (13) (kL) of the statutes is repealed.

18 **SECTION 64.** 108.02 (15) (kt) of the statutes is created to read:

19 108.02 (15) (kt) "Employment", as applied to work for a given employer other
20 than a government unit, an Indian tribe, or a nonprofit organization, except as the
21 employer elects otherwise with the department's approval, does not include service
22 performed by an inmate of a state prison, as defined in s. 302.01, or a federal prison.

23 **SECTION 65.** 108.02 (15m) (intro.) of the statutes is amended to read:

24 108.02 (15m) FAMILY CORPORATION. (intro.) ~~Except as provided in s. 108.04 (7)~~
25 (r), "family Family corporation" means:

SECTION 66

1 **SECTION 66.** 108.04 (1) (f) of the statutes is amended to read:

2 108.04 (1) (f) If an employee is required by law to have a license issued by a
3 governmental agency to perform his or her customary work for an employer, and the
4 employee's employment is suspended or terminated because the employee's license
5 has been suspended, revoked or not renewed due to the employee's fault, the
6 employee is not eligible to receive benefits until 5 weeks have elapsed since the end
7 of the week in which the suspension or termination occurs or until the license is
8 reinstated or renewed, whichever occurs first. The wages paid by the employer with
9 which an employee's employment is suspended or terminated shall be excluded from
10 the employee's base period wages under s. 108.06 (1) for purposes of benefit
11 entitlement while the suspension, revocation or nonrenewal of the license is in effect.
12 This paragraph does not preclude an employee from establishing a benefit year using
13 the wages excluded under this paragraph if the employee qualifies to establish a
14 benefit year under s. 108.06 (2) (a). The department shall charge to the fund's
15 balancing account any benefits paid during a benefit year otherwise chargeable to
16 the account of an employer that is subject to the contribution requirements of ss.
17 108.17 and 108.18 from which base period wages are excluded under this paragraph
18 if an employee qualifies to receive benefits for any week in that benefit year using
19 wages that were excluded under this paragraph.

20 **SECTION 67.** 108.04 (1) (g) (intro.) of the statutes is amended to read:

21 108.04 (1) (g) (intro.) Except as provided in par. (gm) and ~~s. 108.06 (7) (d)~~, the
22 base period wages utilized to compute total benefits payable to an individual under
23 s. 108.06 (1) as a result of the following employment shall not exceed 10 times the
4 individual's weekly benefit rate based solely on that employment under s. 108.05 (1):

25 **SECTION 68.** 108.04 (1) (hm) of the statutes is amended to read:

1 108.04 (1) (hm) The department may require any claimant to appear before it
2 and to answer truthfully, orally or in writing, any questions relating to the claimant's
3 eligibility for benefits ~~and~~ or to provide such demographic information as may be
4 necessary to permit the department to conduct a statistically valid sample audit of
5 compliance with this chapter. A claimant is not eligible to receive benefits for any
6 week in which the claimant fails to comply with a request by the department to
7 provide the information required under this paragraph, or any subsequent week,
8 until the claimant complies or satisfies the department that he or she had good cause
9 for failure to comply with a request of the department under this paragraph. If
10 Except as provided in s. 108.04 (2) (e) and (f), if a claimant later complies with a
11 request by the department ~~or satisfies the department that he or she had good cause~~
12 ~~for failure to comply with a request~~, the claimant is eligible to receive benefits as of
13 the week in which the failure occurred, if otherwise qualified.

14 **SECTION 69.** 108.04 (1) (i) of the statutes is repealed.

15 **SECTION 70.** 108.04 (2) (a) 3. c. of the statutes is amended to read:

16 108.04 (2) (a) 3. c. Whether the individual has recall rights with the employer
17 under the terms of any applicable collective bargaining agreement; and

18 **SECTION 71.** 108.04 (2) (a) 4. of the statutes is created to read:

19 108.04 (2) (a) 4. If the claimant is claiming benefits for a week other than an
20 initial week, the claimant provides information or job application materials that are
21 requested by the department and participates in a public employment office
22 workshop or training program or in similar reemployment services that are required
23 by the department under sub. (15) (a) 2.

24 **SECTION 72.** 108.04 (2) (g) of the statutes is created to read:

1 108.04 (2) (g) 1. Each claimant shall create security credentials in order to
2 engage in transactions with the department, including the filing of an initial or
3 continued claim for benefits. The security credentials may consist of a personal
4 identification number, username, and password, or any other means prescribed by
5 the department.

6 2. If a claimant's security credentials are used in the filing of an initial or
7 continued claim for benefits or any other transaction, the individual using the
8 security credentials is presumed to have been the claimant or the claimant's
9 authorized agent. This presumption may be rebutted by a preponderance of evidence
10 showing that the claimant who created the security credentials or the claimant's
11 authorized agent was not the person who used the credentials in a given transaction.
12 If a claimant uses an agent to engage in any transaction with the department using
13 the claimant's security credentials, the claimant is responsible for the actions of the
14 agent. If a claimant who created security credentials or the claimant's authorized
15 agent divulges the credentials to another person, or fails to take adequate measures
16 to protect the credentials from being divulged to an unauthorized person, and the
17 department pays benefits to an unauthorized person because of the claimant's action
18 or inaction, the department may recover from the claimant the benefits that were
19 paid to the unauthorized person in the same manner as provided for overpayments
20 to claimants under s. 108.22 (8) or under 108.245. If a claimant who created security
21 credentials or the claimant's authorized agent divulges the credentials to another
22 person, or fails to take adequate measures to protect the credentials from being
23 divulged to an unauthorized person, the department is not obligated to pursue
24 recovery of, or to reimburse the claimant for, benefits payable to the claimant that
25 were erroneously paid to another person.

1 **SECTION 73.** 108.04 (2) (h) of the statutes is created to read:

2 108.04 (2) (h) A claimant shall, when the claimant first files a claim for benefits
3 under this chapter and during each subsequent week the claimant files for benefits
4 under this chapter, inform the department whether he or she is receiving social
5 security disability insurance benefits under 42 USC ch. 7 subch. II.

6 **SECTION 74.** 108.04 (2) (i) of the statutes is created to read:

7 108.04 (2) (i) 1. There is a rebuttable presumption that a claimant who is
8 subject to the requirement under par. (a) 3. to conduct a reasonable search for
9 suitable work has not conducted a reasonable search for suitable work in a given
10 week if all of the following apply:

11 a. The claimant was last employed by a temporary help company.

12 b. The temporary help company required the claimant to contact the temporary
13 help company about available assignments weekly, or less often as prescribed by the
14 temporary help company, and the company gave the claimant written notice of that
15 requirement at the time the claimant was initially employed by the company.

16 c. During that week, the claimant was required to contact the temporary help
17 company about available assignments and the claimant did not contact the
18 temporary help company about available assignments.

19 d. The temporary help company submits a written notice to the department
20 within 10 business days after the end of that week reporting that the claimant did
21 not contact the company about available assignments.

22 2. A claimant may only rebut the presumption under subd. 1. if the claimant
23 demonstrates one of the following to the department for a given week:

24 a. That the claimant did contact the temporary help company about available
25 assignments during that week.

1 b. That the claimant was not informed by the temporary help company of the
2 requirement to contact the temporary help company or had other good cause for his
3 or her failure to contact the temporary help company about available assignments
4 during that week.

5 3. If a claimant who was last employed by a temporary help company contacts
6 the temporary help company during a given week about available assignments, that
7 contact constitutes one action that constitutes a reasonable search for suitable work,
8 for purposes of par. (a) 3.

9 **SECTION 75.** 108.04 (5) of the statutes is renumbered 108.04 (5) (intro.) and
10 amended to read:

11 108.04 (5) DISCHARGE FOR MISCONDUCT. (intro.) ~~Unless sub. (5g) results in~~
12 ~~disqualification, an~~ An employee whose work is terminated by an employing unit for
13 misconduct by the employee connected with the employee's work is ineligible to
14 receive benefits until 7 weeks have elapsed since the end of the week in which the
15 discharge occurs and the employee earns wages after the week in which the
16 discharge occurs equal to at least 14 times the employee's weekly benefit rate under
17 s. 108.05 (1) in employment or other work covered by the unemployment insurance
18 law of any state or the federal government. For purposes of requalification, the
19 employee's weekly benefit rate shall be ~~that~~ the rate ~~which~~ that would have been paid
20 had the discharge not occurred. The wages paid to an employee by an employer
21 which terminates employment of the employee for misconduct connected with the
22 employee's employment shall be excluded from the employee's base period wages
23 under s. 108.06 (1) for purposes of benefit entitlement. This subsection does not
24 preclude an employee who has employment with an employer other than the
25 employer which terminated the employee for misconduct from establishing a benefit

1 year using the base period wages excluded under this subsection if the employee
2 qualifies to establish a benefit year under s. 108.06 (2) (a). The department shall
3 charge to the fund's balancing account any benefits otherwise chargeable to the
4 account of an employer that is subject to the contribution requirements under ss.
5 108.17 and 108.18 from which base period wages are excluded under this subsection.
6 For purposes of this subsection, "misconduct" means one or more actions or conduct
7 evincing such willful or wanton disregard of an employer's interest as is found in
8 deliberate violations or disregard of standards of behavior which an employer has a
9 right to expect of his or her employees, or in carelessness or negligence of such degree
10 or recurrence as to manifest culpability, wrongful intent, or evil design of equal
11 severity to such disregard, or to show an intentional and substantial disregard of an
12 employer's interests, or of an employee's duties and obligations to his or her
13 employer. In addition, "misconduct" includes:

14 SECTION 76. 108.04 (5) (a) to (g) of the statutes are created to read:

15 108.04 (5) (a) A violation by an employee of an employer's reasonable written
16 policy concerning the use of alcohol beverages, or use of a controlled substance or a
17 controlled substance analog, if the employee:

18 1. Had knowledge of the alcohol beverage or controlled substance policy; and
19 2. Admitted to the use of alcohol beverages or a controlled substance or
20 controlled substance analog or refused to take a test or tested positive for the use of
21 alcohol beverages or a controlled substance or controlled substance analog in a test
22 used by the employer in accordance with a testing methodology approved by the
23 department.

24 (b) Theft of an employer's property or services with intent to deprive the
25 employer of the property or services permanently, theft of currency of any value,

1 felonious conduct connected with an employee's employment with his or her
2 employer, or intentional or negligent conduct by an employee that causes substantial
3 damage to his or her employer's property.

4 (c) Conviction of an employee of a crime or other offense subject to civil
5 forfeiture, while on or off duty, if the conviction makes it impossible for the employee
6 to perform the duties that the employee performs for his or her employer.

7 (d) One or more threats or acts of harassment, assault, or other physical
8 violence instigated by an employee at the workplace of his or her employer.

9 (e) Absenteeism by an employee on more than 2 occasions within the 120-day
10 period before the date of the employee's termination, unless otherwise specified by
11 his or her employer in an employment manual of which the employee has
12 acknowledged receipt with his or her signature, or excessive tardiness by an
13 employee in violation of a policy of the employer that has been communicated to the
14 employee, if the employee does not provide to his or her employer both notice and one
15 or more valid reasons for the absenteeism or tardiness.

16 (f) Unless directed by an employee's employer, falsifying business records of the
17 employer.

18 (g) Unless directed by the employer, a willful and deliberate violation of a
19 written and uniformly applied standard or regulation of the federal government or
20 a state or tribal government by an employee of an employer that is licensed or
21 certified by a governmental agency, which standard or regulation has been
22 communicated by the employer to the employee and which violation would cause the
23 employer to be sanctioned or to have its license or certification suspended by the
24 agency.

25 SECTION 77. 108.04 (5g) of the statutes is repealed and recreated to read:

1 108.04 (5g) DISCHARGE FOR SUBSTANTIAL FAULT. (a) An employee whose work is
2 terminated by an employing unit for substantial fault by the employee connected
3 with the employee's work is ineligible to receive benefits until 7 weeks have elapsed
4 since the end of the week in which the termination occurs and the employee earns
5 wages after the week in which the termination occurs equal to at least 14 times the
6 employee's weekly benefit rate under s. 108.05 (1) in employment or other work
7 covered by the unemployment insurance law of any state or the federal government.
8 For purposes of requalification, the employee's benefit rate shall be the rate that
9 would have been paid had the discharge not occurred. For purposes of this
10 paragraph, "substantial fault" includes those acts or omissions of an employee over
11 which the employee exercised reasonable control and which violate reasonable
12 requirements of the employee's employer but does not include any of the following:

13 1. One or more minor infractions of rules unless an infraction is repeated after
14 the employer warns the employee about the infraction.

15 2. One or more inadvertent errors made by the employee.

16 3. Any failure of the employee to perform work because of insufficient skill,
17 ability, or equipment.

18 (b) The department shall charge to the fund's balancing account the cost of any
19 benefits paid to an employee that are otherwise chargeable to the account of an
20 employer that is subject to the contribution requirements under ss. 108.17 and
21 108.18 if the employee is discharged by the employer and paragraph (a) applies.

22 **SECTION 78.** 108.04 (7) (a) of the statutes is amended to read:

23 108.04 (7) (a) If an employee terminates work with an employing unit, the
24 employee is ineligible to receive benefits until ~~4 weeks have elapsed since the end~~
25 ~~of the week in which the termination occurs and the employee earns wages after the~~

1 week in which the termination occurs equal to at least ~~4~~ 6 times the employee's
2 weekly benefit rate under s. 108.05 (1) in employment or other work covered by the
3 unemployment insurance law of any state or the federal government. For purposes
4 of requalification, the employee's weekly benefit rate shall be that rate which would
5 have been paid had the termination not occurred. This paragraph does not preclude
6 an employee from establishing a benefit year by using the base period wages paid by
7 the employer from which the employee voluntarily terminated, if the employee is
8 qualified to establish a benefit year under s. 108.06 (2) (a).

9 **SECTION 79.** 108.04 (7) (d), (g), (j), (k), (m), (n), (o), (p) and (r) of the statutes are
10 repealed.

11 **SECTION 80.** 108.04 (7) (e) of the statutes is amended to read:

12 108.04 (7) (e) Paragraph (a) does not apply if the department determines that
13 the employee accepted work which the employee could have failed to accept with good
14 cause under sub. (8) and terminated such work with the same good cause and within
15 the first ~~10 weeks~~ 30 calendar days after starting the work, or that the employee
16 accepted work which the employee could have refused under sub. (9) and terminated
17 such work within the first ~~10 weeks~~ 30 calendar days after starting the work. For
18 purposes of this paragraph, an employee has the same good cause for voluntarily
19 terminating work if the employee could have failed to accept the work under sub. (8)
20 (d) when it was offered, regardless of the reason articulated by the employee for the
21 termination.

22 **SECTION 81.** 108.04 (7) (h) of the statutes is amended to read:

23 108.04 (7) (h) The department shall charge to the fund's balancing account
24 benefits paid to an employee that are otherwise chargeable to the account of an
25 employer that is subject to the contribution requirements of ss. 108.17 and 108.18

1 if the employee voluntarily terminates employment with that employer and par. (a),
2 (c), ~~(d)~~, (e), ~~(k)~~, (L), ~~(o)~~, ~~(p)~~, (q), (s), or (t) applies.

3 **SECTION 82.** 108.04 (7) (L) (intro.) of the statutes is amended to read:

4 108.04 (7) (L) (intro.) Paragraph (a) does not apply if the department
5 determines that the employee terminated work to accept employment or other work
6 covered by the unemployment insurance law of any state or the federal government,
7 ~~and earned wages in the subsequent work equal to at least 4 times the employee's~~
8 ~~weekly benefit rate under s. 108.05 (1) if the work:~~

9 **SECTION 83.** 108.04 (7) (t) of the statutes is renumbered 108.04 (7) (t) (intro.)
10 and amended to read:

11 108.04 (7) (t) (intro.) Paragraph (a) does not apply if the department
12 determines that ~~the~~ all of the following apply to an employee:

13 1. The employee's spouse changed his or her place of employment is a member
14 of the U.S. armed forces on active duty.

15 2. The employee's spouse was required by the U.S. armed forces to relocate to
16 a place to which it is impractical for the employee to commute and the

17 3. The employee terminated his or her work to accompany the spouse to that
18 place.

19 **SECTION 84.** 108.04 (8) (a) and (c) of the statutes are amended to read:

20 108.04 (8) (a) If an employee fails, without good cause, to accept suitable work
21 when offered, the employee is ineligible to receive benefits until ~~4 weeks have~~
22 ~~elapsed since the end of the week in which the failure occurs and~~ the employee earns
23 wages after the week in which the failure occurs equal to at least ~~4~~ 6 times the
24 employee's weekly benefit rate under s. 108.05 (1) in employment or other work
25 covered by the unemployment insurance law of any state or the federal government.

1 For purposes of requalification, the employee's weekly benefit rate shall be that rate
2 which would have been paid had the failure not occurred. This paragraph does not
3 preclude an employee from establishing a benefit year during a period in which the
4 employee is ineligible to receive benefits under this paragraph if the employee
5 qualifies to establish a benefit year under s. 108.06 (2) (a). The department shall
6 charge to the fund's balancing account any benefits otherwise chargeable to the
7 account of an employer that is subject to the contribution requirements under ss.
8 108.17 and 108.18 whenever an employee of that employer fails, without good cause,
9 to accept suitable work offered by that employer.

10 (c) If an employee fails, without good cause, to return to work with a former
11 employer that recalls the employee within 52 weeks after the employee last worked
12 for that employer, the employee is ineligible to receive benefits until ~~4 weeks have~~
13 ~~elapsed since the end of the week in which the failure occurs and the employee earns~~
14 ~~wages after the week in which the failure occurs equal to at least 4~~ 6 times the
15 employee's weekly benefit rate under s. 108.05 (1) in employment or other work
16 covered by the unemployment insurance law of any state or the federal government.
17 For purposes of requalification, the employee's weekly benefit rate shall be that rate
18 which would have been paid had the failure not occurred. This paragraph does not
19 preclude an employee from establishing a benefit year during a period in which the
20 employee is ineligible to receive benefits under this paragraph if the employee
21 qualifies to establish a benefit year under s. 108.06 (2) (a). The department shall
22 charge to the fund's balancing account any benefits otherwise chargeable to the
23 account of any employer that is subject to the contribution requirements under ss.
24 108.17 and 108.18 whenever an employee of that employer fails, without good cause,

1 to return to work with that employer. If an employee receives actual notice of a recall
2 to work, par. (a) applies in lieu of this paragraph.

3 **SECTION 85.** 108.04 (12) (f) of the statutes is created to read:

4 108.04 (12) (f) 1. Any individual who actually receives social security disability
5 insurance benefits under 42 USC ch. 7 subch. II in a given week is ineligible for
6 benefits paid or payable in that same week under this chapter.

7 2. Information that the department receives or acquires from the federal social
8 security administration that an individual is receiving social security disability
9 insurance benefits under 42 USC ch. 7 subch. II in a given week is considered
10 conclusive, absent clear and convincing evidence that the information was
11 erroneous.

12 **SECTION 86.** 108.04 (15) of the statutes is created to read:

13 108.04 (15) DEPARTMENT POWERS TO ASSIST CLAIMANTS. (a) Except as provided
14 in par. (b), the department may do any of the following for the purpose of assisting
15 claimants to find or obtain work:

16 1. Use the information or materials provided under sub. (2) (a) 4. to assess a
17 claimant's efforts, skills, and ability to find or obtain work and to develop a list of
18 potential opportunities for a claimant to obtain suitable work. A claimant who
19 otherwise satisfies the requirement under sub. (2) (a) 3. is not required to apply for
20 any specific positions on the list in order to satisfy that requirement.

21 2. Require a claimant to participate in a public employment office workshop or
22 training program or in similar reemployment services that do not charge the
23 claimant a participation fee and that offer instruction to improve the claimant's
24 ability to obtain suitable work.

1 (b) This subsection does not apply with respect to a claimant who is exempt
2 from any of the requirements in sub. (2) (a) 2. or 3. in a given week.

3 SECTION 87. 108.05 (1) (n) to (p) of the statutes are repealed.

4 SECTION 88. 108.05 (1) (q) (intro.) of the statutes is amended to read:

5 108.05 (1) (q) (intro.) Each eligible employee shall be paid benefits for each
6 week of total unemployment that commences on or after January 4, 2009, and before
7 January 5, 2014, at the weekly benefit rate specified in this paragraph. Unless sub.
8 (1m) applies, the weekly benefit rate shall equal 4 percent of the employee's base
9 period wages that were paid during that quarter of the employee's base period in
10 which the employee was paid the highest total wages, rounded down to the nearest
11 whole dollar, except that, if that amount is less than the minimum amount shown
12 in the following schedule, no benefits are payable to the employee and, if that amount
13 is more than the maximum amount shown in the following schedule, the employee's
14 weekly benefit rate shall be the maximum amount shown in the following schedule
15 and except that, if the employee's benefits are exhausted during any week under s.
16 108.06 (1), the employee shall be paid the remaining amount of benefits payable to
17 the employee in lieu of the amount shown in the following schedule: [See Figure
18 108.05 (1) (q) following]

19 SECTION 89. 108.05 (1) (q) (intro.) of the statutes, as affected by 2013 Wisconsin
20 Acts 11 and ... (this act), is repealed and recreated to read:

21 108.05 (1) (q) (intro.) Except as provided in s. 108.062 (6) (a), each eligible
22 employee shall be paid benefits for each week of total unemployment that
23 commences on or after January 4, 2009, and before January 5, 2014, at the weekly
24 benefit rate specified in this paragraph. Unless sub. (1m) applies, the weekly benefit
25 rate shall equal 4 percent of the employee's base period wages that were paid during

1 that quarter of the employee's base period in which the employee was paid the
2 highest total wages, rounded down to the nearest whole dollar, except that, if that
3 amount is less than the minimum amount shown in the following schedule, no
4 benefits are payable to the employee and, if that amount is more than the maximum
5 amount shown in the following schedule, the employee's weekly benefit rate shall be
6 the maximum amount shown in the following schedule and except that, if the
7 employee's benefits are exhausted during any week under s. 108.06 (1), the employee
8 shall be paid the remaining amount of benefits payable to the employee in lieu of the
9 amount shown in the following schedule: [See Figure 108.05 (1) (q) following]

10 **SECTION 90.** 108.05 (1) (r) (intro.) of the statutes, as created by 2013 Wisconsin
11 Act ... (this act), is repealed and recreated to read:

12 108.05 (1) (r) (intro.) Except as provided in s. 108.062 (6) (a), each eligible
13 employee shall be paid benefits for each week of total unemployment that
14 commences on or after January 5, 2014, at the weekly benefit rate specified in this
15 paragraph. Unless sub. (1m) applies, the weekly benefit rate shall equal 4 percent
16 of the employee's base period wages that were paid during that quarter of the
17 employee's base period in which the employee was paid the highest total wages,
18 rounded down to the nearest whole dollar, except that, if that amount is less than the
19 minimum amount shown in the following schedule, no benefits are payable to the
20 employee and, if that amount is more than the maximum amount shown in the
21 following schedule, the employee's weekly benefit rate shall be the maximum
22 amount shown in the following schedule and except that, if the employee's benefits
23 are exhausted during any week under s. 108.06 (1), the employee shall be paid the
24 remaining amount of benefits payable to the employee in lieu of the amount shown
25 in the following schedule: [See Figure 108.05 (1) (r) following]

1 **SECTION 91.** 108.05 (1) (r) of the statutes is created to read:
 2 108.05 (1) (r) Each eligible employee shall be paid benefits for each week of total
 3 unemployment that commences on or after January 5, 2014, at the weekly benefit
 4 rate specified in this paragraph. Unless sub. (1m) applies, the weekly benefit rate
 5 shall equal 4 percent of the employee’s base period wages that were paid during that
 6 quarter of the employee’s base period in which the employee was paid the highest
 7 total wages, rounded down to the nearest whole dollar, except that, if that amount
 8 is less than the minimum amount shown in the following schedule, no benefits are
 9 payable to the employee and, if that amount is more than the maximum amount
 10 shown in the following schedule, the employee’s weekly benefit rate shall be the
 11 maximum amount shown in the following schedule and except that, if the employee’s
 12 benefits are exhausted during any week under s. 108.06 (1), the employee shall be
 13 paid the remaining amount of benefits payable to the employee in lieu of the amount
 14 shown in the following schedule: [See Figure 108.05 (1) (r) following]

Figure 108.05 (1) (r):

Line	Highest Quarterly Wages Paid	Weekly Benefit Rate
1.	Under \$1,350.00	..... \$ 0
2.	1,350.00 to 1,374.99	..... 54
3.	1,375.00 to 1,399.99	..... 55
4.	1,400.00 to 1,424.99	..... 56
5.	1,425.00 to 1,449.99	..... 57
6.	1,450.00 to 1,474.99	..... 58
7.	1,475.00 to 1,499.99	..... 59

8.	1,500.00	to	1,524.99	60
9.	1,525.00	to	1,549.99	61
10.	1,550.00	to	1,574.99	62
11.	1,575.00	to	1,599.99	63
12.	1,600.00	to	1,624.99	64
13.	1,625.00	to	1,649.99	65
14.	1,650.00	to	1,674.99	66
15.	1,675.00	to	1,699.99	67
16.	1,700.00	to	1,724.99	68
17.	1,725.00	to	1,749.99	69
18.	1,750.00	to	1,774.99	70
19.	1,775.00	to	1,799.99	71
20.	1,800.00	to	1,824.99	72
21.	1,825.00	to	1,849.99	73
22.	1,850.00	to	1,874.99	74
23.	1,875.00	to	1,899.99	75
24.	1,900.00	to	1,924.99	76
25.	1,925.00	to	1,949.99	77
26.	1,950.00	to	1,974.99	78
27.	1,975.00	to	1,999.99	79
28.	2,000.00	to	2,024.99	80
29.	2,025.00	to	2,049.99	81
30.	2,050.00	to	2,074.99	82
31.	2,075.00	to	2,099.99	83

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32.	2,100.00	to	2,124.99	84
33.	2,125.00	to	2,149.99	85
34.	2,150.00	to	2,174.99	86
35.	2,175.00	to	2,199.99	87
36.	.....	2,200.00	to	2,224.99	.....	88
37.	.....	2,225.00	to	2,249.99	.....	89
38.	.....	2,250.00	to	2,274.99	.....	90
39.	.....	2,275.00	to	2,299.99	.....	91
40.	.....	2,300.00	to	2,324.99	.....	92
41.	.....	2,325.00	to	2,349.99	.....	93
42.	.....	2,350.00	to	2,374.99	.....	94
43.	.....	2,375.00	to	2,399.99	.....	95
44.	.....	2,400.00	to	2,424.99	.....	96
45.	.....	2,425.00	to	2,449.99	.....	97
46.	.....	2,450.00	to	2,474.99	.....	98
47.	.....	2,475.00	to	2,499.99	.....	99
48.	.....	2,500.00	to	2,524.99	.....	100
49.	.....	2,525.00	to	2,549.99	.....	101
50.	.....	2,550.00	to	2,574.99	.....	102
51.	.....	2,575.00	to	2,599.99	.....	103
52.	.....	2,600.00	to	2,624.99	.....	104
53.	.....	2,625.00	to	2,649.99	.....	105
54.	.....	2,650.00	to	2,674.99	.....	106
55.	.....	2,675.00	to	2,699.99	.....	107

56.	2,700.00	to	2,724.99	108
57.	2,725.00	to	2,749.99	109
58.	2,750.00	to	2,774.99	110
59.	2,775.00	to	2,799.99	111
60.	2,800.00	to	2,824.99	112
61.	2,825.00	to	2,849.99	113
62.	2,850.00	to	2,874.99	114
63.	2,875.00	to	2,899.99	115
64.	2,900.00	to	2,924.99	116
65.	2,925.00	to	2,949.99	117
66.	2,950.00	to	2,974.99	118
67.	2,975.00	to	2,999.99	119
68.	3,000.00	to	3,024.99	120
69.	3,025.00	to	3,049.99	121
70.	3,050.00	to	3,074.99	122
71.	3,075.00	to	3,099.99	123
72.	3,100.00	to	3,124.99	124
73.	3,125.00	to	3,149.99	125
74.	3,150.00	to	3,174.99	126
75.	3,175.00	to	3,199.99	127
76.	3,200.00	to	3,224.99	128
77.	3,225.00	to	3,249.99	129
78.	3,250.00	to	3,274.99	130
79.	3,275.00	to	3,299.99	131

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80.	3,300.00	to	3,324.99	132
81.	3,325.00	to	3,349.99	133
82.	3,350.00	to	3,374.99	134
83.	3,375.00	to	3,399.99	135
84.	.....	3,400.00	to	3,424.99	.....	136
85.	.....	3,425.00	to	3,449.99	.....	137
86.	.....	3,450.00	to	3,474.99	.....	138
87.	.....	3,475.00	to	3,499.99	.....	139
88.	.....	3,500.00	to	3,524.99	.....	140
89.	.....	3,525.00	to	3,549.99	.....	141
90.	.....	3,550.00	to	3,574.99	.....	142
91.	.....	3,575.00	to	3,599.99	.....	143
92.	.....	3,600.00	to	3,624.99	.....	144
93.	.....	3,625.00	to	3,649.99	.....	145
94.	.....	3,650.00	to	3,674.99	.....	146
95.	.....	3,675.00	to	3,699.99	.....	147
96.	.....	3,700.00	to	3,724.99	.....	148
97.	.....	3,725.00	to	3,749.99	.....	149
98.	.....	3,750.00	to	3,774.99	.....	150
99.	.....	3,775.00	to	3,799.99	.....	151
100.	.....	3,800.00	to	3,824.99	.....	152
101.	.....	3,825.00	to	3,849.99	.....	153
102.	.....	3,850.00	to	3,874.99	.....	154
103.	.....	3,875.00	to	3,899.99	.....	155

104.	.....	3,900.00	to	3,924.99	.....	156
105.	.....	3,925.00	to	3,949.99	.....	157
106.	.....	3,950.00	to	3,974.99	.....	158
107.	.....	3,975.00	to	3,999.99	.....	159
108.	.....	4,000.00	to	4,024.99	.....	160
109.	.....	4,025.00	to	4,049.99	.....	161
110.	.....	4,050.00	to	4,074.99	.....	162
111.	.....	4,075.00	to	4,099.99	.....	163
112.	.....	4,100.00	to	4,124.99	.....	164
113.	.....	4,125.00	to	4,149.99	.....	165
114.	.....	4,150.00	to	4,174.99	.....	166
115.	.....	4,175.00	to	4,199.99	.....	167
116.	.....	4,200.00	to	4,224.99	.....	168
117.	.....	4,225.00	to	4,249.99	.....	169
118.	.....	4,250.00	to	4,274.99	.....	170
119.	.....	4,275.00	to	4,299.99	.....	171
120.	.....	4,300.00	to	4,324.99	.....	172
121.	.....	4,325.00	to	4,349.99	.....	173
122.	.....	4,350.00	to	4,374.99	.....	174
123.	.....	4,375.00	to	4,399.99	.....	175
124.	.....	4,400.00	to	4,424.99	.....	176
125.	4,425.00	to	4,449.99	177
126.	4,450.00	to	4,474.99	178
127.	4,475.00	to	4,499.99	179

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128.	4,500.00	to	4,524.99	180
129.	4,525.00	to	4,549.99	181
130.	4,550.00	to	4,574.99	182
131.	4,575.00	to	4,599.99	183
132.	.....	4,600.00	to	4,624.99	.....	184
133.	.....	4,625.00	to	4,649.99	.....	185
134.	.....	4,650.00	to	4,674.99	.....	186
135.	.....	4,675.00	to	4,699.99	.....	187
136.	.....	4,700.00	to	4,724.99	.....	188
137.	.....	4,725.00	to	4,749.99	.....	189
138.	.....	4,750.00	to	4,774.99	.....	190
139.	.....	4,775.00	to	4,799.99	.....	191
140.	.....	4,800.00	to	4,824.99	.....	192
141.	.....	4,825.00	to	4,849.99	.....	193
142.	.....	4,850.00	to	4,874.99	.....	194
143.	.....	4,875.00	to	4,899.99	.....	195
144.	.....	4,900.00	to	4,924.99	.....	196
145.	.....	4,925.00	to	4,949.99	.....	197
146.	.....	4,950.00	to	4,974.99	.....	198
147.	.....	4,975.00	to	4,999.99	.....	199
148.	.....	5,000.00	to	5,024.99	.....	200
149.	.....	5,025.00	to	5,049.99	.....	201
150.	.....	5,050.00	to	5,074.99	.....	202
151.	.....	5,075.00	to	5,099.99	.....	203

152.	5,100.00	to	5,124.99	204
153.	5,125.00	to	5,149.99	205
154.	5,150.00	to	5,174.99	206
155.	5,175.00	to	5,199.99	207
156.	5,200.00	to	5,224.99	208
157.	5,225.00	to	5,249.99	209
158.	5,250.00	to	5,274.99	210
159.	5,275.00	to	5,299.99	211
160.	5,300.00	to	5,324.99	212
161.	5,325.00	to	5,349.99	213
162.	5,350.00	to	5,374.99	214
163.	5,375.00	to	5,399.99	215
164.	5,400.00	to	5,424.99	216
165.	5,425.00	to	5,449.99	217
166.	5,450.00	to	5,474.99	218
167.	5,475.00	to	5,499.99	219
168.	5,500.00	to	5,524.99	220
169.	5,525.00	to	5,549.99	221
170.	5,550.00	to	5,574.99	222
171.	5,575.00	to	5,599.99	223
172.	5,600.00	to	5,624.99	224
173.	5,625.00	to	5,649.99	225
174.	5,650.00	to	5,674.99	226
175.	5,675.00	to	5,699.99	227

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176.	5,700.00	to	5,724.99	228
177.	5,725.00	to	5,749.99	229
178.	5,750.00	to	5,774.99	230
179.	5,775.00	to	5,799.99	231
180.	.....	5,800.00	to	5,824.99	.....	232
181.	.....	5,825.00	to	5,849.99	.....	233
182.	.....	5,850.00	to	5,874.99	.....	234
183.	.....	5,875.00	to	5,899.99	.....	235
184.	.....	5,900.00	to	5,924.99	.....	236
185.	.....	5,925.00	to	5,949.99	.....	237
186.	.....	5,950.00	to	5,974.99	.....	238
187.	.....	5,975.00	to	5,999.99	.....	239
188.	.....	6,000.00	to	6,024.99	.....	240
189.	.....	6,025.00	to	6,049.99	.....	241
190.	.....	6,050.00	to	6,074.99	.....	242
191.	.....	6,075.00	to	6,099.99	.....	243
192.	.....	6,100.00	to	6,124.99	.....	244
193.	.....	6,125.00	to	6,149.99	.....	245
194.	.....	6,150.00	to	6,174.99	.....	246
195.	.....	6,175.00	to	6,199.99	.....	247
196.	.....	6,200.00	to	6,224.99	.....	248
197.	.....	6,225.00	to	6,249.99	.....	249
198.	.....	6,250.00	to	6,274.99	.....	250
199.	.....	6,275.00	to	6,299.99	.....	251

200.	.....	6,300.00	to	6,324.99	.....	252
201.	.....	6,325.00	to	6,349.99	.....	253
202.	.....	6,350.00	to	6,374.99	.....	254
203.	.....	6,375.00	to	6,399.99	.....	255
204.	.....	6,400.00	to	6,424.99	.....	256
205.	.....	6,425.00	to	6,449.99	.....	257
206.	.....	6,450.00	to	6,474.99	.....	258
207.	.....	6,475.00	to	6,499.99	.....	259
208.	.....	6,500.00	to	6,524.99	.....	260
209.	.....	6,525.00	to	6,549.99	.....	261
210.	.....	6,550.00	to	6,574.99	.....	262
211.	.....	6,575.00	to	6,599.99	.....	263
212.	.....	6,600.00	to	6,624.99	.....	264
213.	.....	6,625.00	to	6,649.99	.....	265
214.	.....	6,650.00	to	6,674.99	.....	266
215.	.....	6,675.00	to	6,699.99	.....	267
216.	.....	6,700.00	to	6,724.99	.....	268
217.	.....	6,725.00	to	6,749.99	.....	269
218.	.....	6,750.00	to	6,774.99	.....	270
219.	.....	6,775.00	to	6,799.99	.....	271
220.	.....	6,800.00	to	6,824.99	.....	272
221.	6,825.00	to	6,849.99	273
222.	6,850.00	to	6,874.99	274
223.	6,875.00	to	6,899.99	275

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224.	6,900.00	to	6,924.99	276
225.	6,925.00	to	6,949.99	277
226.	6,950.00	to	6,974.99	278
227.	6,975.00	to	6,999.99	279
228.	.....	7,000.00	to	7,024.99	.....	280
229.	.....	7,025.00	to	7,049.99	.....	281
230.	.....	7,050.00	to	7,074.99	.....	282
231.	.....	7,075.00	to	7,099.99	.....	283
232.	.....	7,100.00	to	7,124.99	.....	284
233.	.....	7,125.00	to	7,149.99	.....	285
234.	.....	7,150.00	to	7,174.99	.....	286
235.	.....	7,175.00	to	7,199.99	.....	287
236.	.....	7,200.00	to	7,224.99	.....	288
237.	.....	7,225.00	to	7,249.99	.....	289
238.	.....	7,250.00	to	7,274.99	.....	290
239.	.....	7,275.00	to	7,299.99	.....	291
240.	.....	7,300.00	to	7,324.99	.....	292
241.	.....	7,325.00	to	7,349.99	.....	293
242.	.....	7,350.00	to	7,374.99	.....	294
243.	.....	7,375.00	to	7,399.99	.....	295
244.	.....	7,400.00	to	7,424.99	.....	296
245.	.....	7,425.00	to	7,449.99	.....	297
246.	.....	7,450.00	to	7,474.99	.....	298
247.	.....	7,475.00	to	7,499.99	.....	299

248.	.....	7,500.00	to	7,524.99	.....	300
249.	.....	7,525.00	to	7,549.99	.....	301
250.	.....	7,550.00	to	7,574.99	.....	302
251.	.....	7,575.00	to	7,599.99	.....	303
252.	.....	7,600.00	to	7,624.99	.....	304
253.	.....	7,625.00	to	7,649.99	.....	305
254.	.....	7,650.00	to	7,674.99	.....	306
255.	.....	7,675.00	to	7,699.99	.....	307
256.	.....	7,700.00	to	7,724.99	.....	308
257.	.....	7,725.00	to	7,749.99	.....	309
258.	.....	7,750.00	to	7,774.99	.....	310
259.	.....	7,775.00	to	7,799.99	.....	311
260.	.....	7,800.00	to	7,824.99	.....	312
261.	.....	7,825.00	to	7,849.99	.....	313
262.	.....	7,850.00	to	7,874.99	.....	314
263.	.....	7,875.00	to	7,899.99	.....	315
264.	.....	7,900.00	to	7,924.99	.....	316
265.	.....	7,925.00	to	7,949.99	.....	317
266.	.....	7,950.00	to	7,974.99	.....	318
267.	.....	7,975.00	to	7,999.99	.....	319
268.	.....	8,000.00	to	8,024.99	.....	320
269.	.....	8,025.00	to	8,049.99	.....	321
270.	.....	8,050.00	to	8,074.99	.....	322
271.	.....	8,075.00	to	8,099.99	.....	323

272.	.....	8,100.00	to	8,124.99	.....	324
273.	.....	8,125.00	to	8,149.99	.....	325
274.	.....	8,150.00	to	8,174.99	.....	326
275.	.....	8,175.00	to	8,199.99	.....	327
276.	.....	8,200.00	to	8,224.99	.....	328
277.	.....	8,225.00	to	8,249.99	.....	329
278.	.....	8,250.00	to	8,274.99	.....	330
279.	.....	8,275.00	to	8,299.99	.....	331
280.	.....	8,300.00	to	8,324.99	.....	332
281.	.....	8,325.00	to	8,349.99	.....	333
282.	.....	8,350.00	to	8,374.99	.....	334
283.	.....	8,375.00	to	8,399.99	.....	335
284.	.....	8,400.00	to	8,424.99	.....	336
285.	.....	8,425.00	to	8,449.99	.....	337
286.	.....	8,450.00	to	8,474.99	.....	338
287.	.....	8,475.00	to	8,499.99	.....	339
288.	.....	8,500.00	to	8,524.99	.....	340
289.	.....	8,525.00	to	8,549.99	.....	341
290.	.....	8,550.00	to	8,574.99	.....	342
291.	.....	8,575.00	to	8,599.99	.....	343
292.	.....	8,600.00	to	8,624.99	.....	344
293.	.....	8,625.00	to	8,649.99	.....	345
294.	.....	8,650.00	to	8,674.99	.....	346
295.	.....	8,675.00	to	8,699.99	.....	347

296.	8,700.00	to	8,724.99	348
297.	8,725.00	to	8,749.99	349
298.	8,750.00	to	8,774.99	350
299.	8,775.00	to	8,799.99	351
300.	8,800.00	to	8,824.99	352
301.	8,825.00	to	8,849.99	353
302.	8,850.00	to	8,874.99	354
303.	8,875.00	to	8,899.99	355
304.	8,900.00	to	8,924.99	356
305.	8,925.00	to	8,949.99	357
306.	8,950.00	to	8,974.99	358
307.	8,975.00	to	8,999.99	359
308.	9,000.00	to	9,024.99	360
309.	9,025.00	to	9,049.99	361
310.	9,050.00	to	9,074.99	362
311.	9,075.00	to	9,099.99	363
312.	9,100.00	to	9,124.99	364
313.	9,125.00	to	9,149.99	365
314.	9,150.00	to	9,174.99	366
315.	9,175.00	to	9,199.99	367
316.	9,200.00	to	9,224.99	368
317.	9,225.00	to	9,249.99	369
318.	9,250.00	and over		370

1

SECTION 92. 108.05 (2) (c) of the statutes is amended to read:

1 108.05 (2) (c) This chapter's maximum weekly benefit rate, as to weeks of
2 unemployment in the ensuing half year, shall equal the result obtained by rounding
3 66-2/3% of the "average wages per average week" to the nearest multiple of one
4 dollar, and the minimum weekly benefit rate shall be an amount which is ~~15%~~ 14.6
5 percent of the maximum rate and adjusted, if not a multiple of one dollar, to the next
6 lower multiple of one dollar.

7 **SECTION 93.** 108.05 (3) (a) of the statutes is amended to read:

8 108.05 (3) (a) Except as provided in pars. (c), (d) and (dm) if an eligible employee
9 earns wages in a given week, the first \$30 of the wages shall be disregarded and the
10 employee's applicable weekly benefit payment shall be reduced by 67% of the
11 remaining amount, except that no such employee is eligible for benefits if the
12 employee's benefit payment would be less than \$5 for any week. For purposes of this
13 paragraph, "wages" includes ~~any salary reduction amounts earned that are not~~
14 ~~wages and that are deducted from the salary of a claimant by an employer pursuant~~
15 ~~to a salary reduction agreement under a cafeteria plan, within the meaning of 26~~
16 ~~USC 125, and any amount that a claimant would have earned in available work~~
17 ~~under s. 108.04 (1) (a) which is treated as wages under s. 108.04 (1) (bm), but excludes~~
18 ~~any amount that a claimant earns for services performed as a volunteer fire fighter,~~
19 ~~volunteer emergency medical technician, or volunteer first responder. In applying~~
20 ~~this paragraph, the department shall disregard discrepancies of less than \$2~~
21 ~~between wages reported by employees and employers.~~

22 **SECTION 94.** 108.05 (3) (a) of the statutes, as affected by 2013 Wisconsin Acts
23 11 and (this act), is repealed and recreated to read:

24 108.05 (3) (a) Except as provided in pars. (c), (d) and (dm) and s. 108.062, if an
25 eligible employee earns wages in a given week, the first \$30 of the wages shall be

1 disregarded and the employee's applicable weekly benefit payment shall be reduced
2 by 67% of the remaining amount, except that no such employee is eligible for benefits
3 if the employee's benefit payment would be less than \$5 for any week. For purposes
4 of this paragraph, "wages" includes any amount that a claimant would have earned
5 in available work under s. 108.04 (1) (a) which is treated as wages under s. 108.04
6 (1) (bm), but excludes any amount that a claimant earns for services performed as
7 a volunteer fire fighter, volunteer emergency medical technician, or volunteer first
8 responder. In applying this paragraph, the department shall disregard
9 discrepancies of less than \$2 between wages reported by employees and employers.

10 **SECTION 95.** 108.05 (3) (c) (intro.) of the statutes is amended to read:

11 108.05 (3) (c) (intro.) ~~A Except as provided in par. (cm),~~ a claimant is ineligible
12 to receive any benefits for a week in which one or more of the following applies to the
13 claimant for 32 or more hours in that week:

14 **SECTION 96.** 108.05 (3) (c) (intro.) of the statutes, as affected by 2013 Wisconsin
15 11 and (this act), is repealed and recreated to read:

16 108.05 (3) (c) (intro.) Except when otherwise authorized in an approved
17 work-share program under s. 108.062 and except as provided in par. (cm), a claimant
18 is ineligible to receive any benefits for a week in which one or more of the following
19 applies to the claimant for 32 or more hours in that week:

20 **SECTION 97.** 108.05 (3) (cm) of the statutes is created to read:

21 108.05 (3) (cm) 1. In this paragraph:

22 a. "Complete business shutdown" means that all locations operated by an
23 employer are closed for business completely and no employee employed by the
24 business is required by the employer to report for work or be available for work.

1 b. “State or federal holiday” means a day specified in s. 230.35 (4) (a) or in 5 USC
2 6103 (a).

3 2. An employer may, on or before December 1, provide to the department a
4 written notice designating that the employer will undergo a complete business
5 shutdown on one or more state or federal holidays in the succeeding calendar year.
6 An employer may not designate more than 7 state or federal holidays under this
7 subdivision for a complete business shutdown during the succeeding calendar year.

8 3. A notice under subd. 2. is not valid for any year subsequent to the succeeding
9 calendar year.

10 4. The number of hours specified in par. (c), as it applies to a claimant, is
11 reduced by 8 hours for the week during which a state or federal holiday occurs if all
12 of the following apply:

13 a. The claimant has base period wages only from the employer under subd. 2.

14 b. The employer designated the state or federal holiday for a complete business
15 shutdown under subd. 2. and underwent a complete business shutdown on that day.

16 5. If an employer that provides a notice under subd. 2. will not or does not
17 undergo a complete business shutdown on a state or federal holiday as designated
18 in the notice, the employer shall, no later than the first business day following the
19 week in which the state or federal holiday occurs, provide the department with a
20 written notice indicating that the complete business shutdown will not or did not
21 occur.

22 **SECTION 98.** 108.06 (1) of the statutes is amended to read:

23 108.06 (1) Except as provided in subs. sub. (6) ~~and (7)~~ and ss. 108.141 and
24 108.142, no claimant may receive total benefits based on employment in a base
25 period greater than ~~26 times~~ the number of weeks determined under s. 108.06 (1m)

1 multiplied by the claimant's weekly benefit rate under s. 108.05 (1) or 40% of the
 2 claimant's base period wages, whichever is lower. Except as provided in ~~subs.~~ sub.
 3 (6) ~~and (7)~~ and ss. 108.141 and 108.142, if a claimant's base period wages are reduced
 4 or canceled under s. 108.04 (5) or (18), or suspended under s. 108.04 (1) (f), (10) (a),
 5 or (17), the claimant may not receive total benefits based on employment in a base
 6 period greater than ~~26 times~~ the number of weeks determined under s. 108.06 (1m)
 7 multiplied by the claimant's weekly benefit rate under s. 108.05 (1) or 40% of the base
 8 period wages not reduced, canceled or suspended which were paid or payable to the
 9 claimant, whichever is lower.

10 **SECTION 99.** 108.06 (1m) of the statutes is created to read:

11 108.06 (1m) (a) The department shall determine the maximum number of
 12 weeks of regular benefits under sub. (1) by determining the seasonally adjusted
 13 statewide average unemployment rate for the first and 3rd calendar quarters of each
 14 year as determined by the U.S. department of labor, bureau of labor statistics, for the
 15 months in that quarter. For claimants whose benefit years begin on or after January
 16 1 and before July 1 of any year, the department shall make the determination by
 17 using the 3rd calendar quarter of the preceding year. For claimants whose benefit
 18 years begin after June 30 and on or before December 31 of any year, the department
 19 shall make the determination by using the first calendar quarter of that year. For
 20 benefit years to which each determination applies, the maximum number of weeks
 21 of regular benefits is as follows: [See Figure 108.06 (1m) (a) following]

Figure 108.06 (1m) (a):

<u>Statewide average unemployment rate</u>	<u>Maximum weeks of benefits</u>
8 percent or higher	26
At least 7.5 percent but less than 8 percent	25

At least 7.0 percent but less than 7.5 percent	24
At least 6.5 percent but less than 7.0 percent	23
At least 6.0 percent but less than 6.5 percent	22
At least 5.5 percent but less than 6.0 percent	21
Less than 5.5 percent	20

1 (b) The maximum number of weeks of regular benefits payable to a claimant
2 under sub. (1) in the first week of the claimant's benefit year remains the same
3 regardless of the maximum number of weeks of regular benefits in effect in any
4 subsequent week that benefits become payable to the claimant.

5 **SECTION 100.** 108.06 (2) (c) of the statutes is amended to read:

6 108.06 (2) (c) No benefits are payable to a claimant for any week of
7 unemployment not occurring during the claimant's benefit year except under ~~sub. (7)~~
8 and ss. 108.141 and 108.142.

9 **SECTION 101.** 108.06 (2) (cm) of the statutes is amended to read:

10 108.06 (2) (cm) If an employee qualifies to receive benefits using the base period
11 described in s. 108.02 (4) (b), the wages used to compute the employee's benefit
12 entitlement are not available for use in any subsequent benefit computation for the
13 same employee, except under ~~sub. (7) and~~ s. 108.141 or 108.142.

14 **SECTION 102.** 108.06 (3) of the statutes is amended to read:

15 108.06 (3) There shall be payable to an employee, for weeks ending within the
16 employee's benefit year, only those benefits computed for that benefit year based on
17 the wages paid to the employee in the immediately preceding base period. Wages
18 used in a given benefit computation are not available for use in any subsequent
19 benefit computation except under ~~sub. (7) and~~ s. 108.141.

20 **SECTION 103.** 108.06 (6) (intro.) of the statutes is amended to read:

1 108.06 (6) (intro.) If a claimant has established a benefit year prior to the
2 effective date of any increase in the maximum weekly benefit rate provided under
3 s. 108.05 (1), the claimant has not exhausted his or her total benefit entitlement
4 under sub. (1) for that benefit year on that effective date, and the claimant was
5 entitled to receive the maximum weekly benefit rate under s. 108.05 (1) that was in
6 effect prior to that effective date, the limitation on the total benefits authorized to
7 be paid to a claimant under sub. (1) does not apply to that claimant in that benefit
8 year. Unless ~~sub. (7) or~~ s. 108.141 or 108.142 applies, the claimant's remaining
9 benefit entitlement in that benefit year for the period beginning on that effective date
10 shall be computed by:

11 **SECTION 104.** 108.06 (7) of the statutes is repealed.

12 **SECTION 105.** 108.07 (8) of the statutes is repealed.

13 **SECTION 106.** 108.10 (intro.) of the statutes is amended to read:

14 **108.10 Settlement of issues other than benefit claims.** (intro.) ~~In~~ Except
15 as provided in s. 108.245 (3), in connection with any issue arising under this chapter
16 as to the status or liability of an employing unit in this state, for which no review is
17 provided under s. 108.09 or 108.227 (5) and whether or not a penalty is provided in
18 s. 108.24, the following procedure shall apply:

19 **SECTION 107.** 108.14 (8n) (e) of the statutes is amended to read:

20 108.14 (8n) (e) The department shall charge this state's share of any benefits
21 paid under this subsection to the account of each employer by which the employee
22 claiming benefits was employed in the applicable base period, in proportion to the
23 total amount of wages he or she earned from each employer in the base period, except
24 that if s. 108.04 (1) (f), (5), (7) (a), (c), ~~(d)~~, (e), ~~(k)~~, (L), ~~(o)~~, ~~(p)~~, (q), (s), or (t), (7m) or (8)
25 (a) or 108.07 (3), (3r), or (5) (b) ~~or (8)~~ would have applied to employment by such an

1 employer who is subject to the contribution requirements of ss. 108.17 and 108.18,
2 the department shall charge the share of benefits based on employment with that
3 employer to the fund's balancing account, or, if s. 108.04 (1) (f) or (5) or 108.07 (3)
4 would have applied to an employer that is not subject to the contribution
5 requirements of ss. 108.17 and 108.18, the department shall charge the share of
6 benefits based on that employment in accordance with s. 108.07 (5) (a) and (b). The
7 department shall also charge the fund's balancing account with any other state's
8 share of such benefits pending reimbursement by that state.

9 **SECTION 108.** 108.14 (19) of the statutes is amended to read:

10 108.14 (19) On or about February 15 annually, the department shall prepare
11 and furnish to the council on unemployment insurance a report summarizing the
12 department's activities related to detection and prosecution of unemployment
13 insurance fraud in the preceding year. The department shall include in the report
14 information about audits conducted by the department under sub. (20), including the
15 number and results of audits performed, in the previous year.

16 **SECTION 109.** 108.14 (20) of the statutes is created to read:

17 108.14 (20) The department shall conduct random audits on claimants for
18 benefits under this chapter to assess compliance with the work search requirements
19 under s. 108.04 (2) (a) 3.

20 **SECTION 110.** 108.14 (21) of the statutes is created to read:

21 108.14 (21) The department shall maintain a portal on the Internet that allows
22 employers to log in and file with the department complaints related to the
23 administration of this chapter.

24 **SECTION 111.** 108.14 (23) of the statutes is created to read:

1 108.14 (23) (a) The department shall create and keep up-to-date a handbook
2 for the purpose of informing employers that are subject to this chapter about the
3 provisions and requirements of this chapter.

4 (b) The department shall include all of the following in the handbook:

5 1. Information about the function and purpose of unemployment insurance
6 under this chapter.

7 2. A description of the rights and responsibilities of employers under this
8 chapter, including the rights and responsibilities associated with hearings to
9 determine whether claimants are eligible for benefits under this chapter.

10 3. A description of the circumstances under which workers are generally
11 eligible and ineligible for benefits under this chapter.

12 4. Disclaimers explaining that the contents of the handbook may not be relied
13 upon as legally enforceable and that adherence to the content does not guarantee a
14 particular result for a decision under this chapter.

15 5. A line to allow an individual employed by an employer to sign to acknowledge
16 that the individual is aware of the contents of the handbook.

17 (c) The department shall make the handbook available on the Internet.

18 (d) The department shall distribute printed copies of the handbook to persons
19 who request a copy and may charge a fee as provided in s. 20.908 for the costs of
20 printing and distribution.

21 **SECTION 112.** 108.14 (24) of the statutes is created to read:

22 108.14 (24) The department shall provide information to employers concerning
23 the financing of the unemployment insurance system, including the computation of
24 reserve percentages and their effect upon the contribution and solvency rates of
25 employers, and shall post this information on the Internet. If the department

1 provided a statement of account to any employer, the department shall include the
2 same information on the statement. In addition, the department shall provide the
3 same information in writing to each employer who becomes newly subject to a
4 requirement to pay contributions or reimbursements under this chapter.

5 **SECTION 113.** 108.141 (7) (a) of the statutes is amended to read:

6 108.141 (7) (a) The department shall charge the state's share of each week of
7 extended benefits to each employer's account in proportion to the employer's share
8 of the total wages of the employee receiving the benefits in the employee's base
9 period, except that if the employer is subject to the contribution requirements of ss.
10 108.17 and 108.18 the department shall charge the share of extended benefits to
11 which s. 108.04 (1) (f), (5), (7) (a), (c), ~~(d)~~, (e), ~~(k)~~, (L), ~~(o)~~, ~~(p)~~, (q), (s), or (t), (7m) or (8)
12 (a) or 108.07 (3), (3r), or (5) (b) ~~or~~ (8) applies to the fund's balancing account.

13 **SECTION 114.** 108.142 (4) of the statutes is amended to read:

14 108.142 (4) DURATION OF WISCONSIN SUPPLEMENTAL BENEFITS. During a
15 Wisconsin supplemental benefit period, no claimant may receive total benefits based
16 on employment in a base period greater than 34 times the sum of the number of
17 weeks determined under s. 108.06 (1m) and 8, multiplied by the claimant's weekly
18 benefit rate under s. 108.05 (1) or 40% of wages paid or payable to the claimant in
19 his or her base period under s. 108.04 (4) (a), whichever is lower.

20 **SECTION 115.** 108.16 (2) (g) and (h) of the statutes are amended to read:

21 108.16 (2) (g) Whenever the department receives a request of 2 or more
22 partnerships ~~or limited liability companies~~ consisting of the same partners ~~or~~
23 ~~members~~ to be treated as separate employers prior to October 1 of any year, the
24 department shall apportion the balance in any existing account of the partnerships
25 ~~or limited liability companies~~ among the separate employers on January 1 following

1 the date of receipt of the request in proportion to the payrolls incurred in the
2 businesses operated by each of the employers in the 4 completed calendar quarters
3 ending on the computation date preceding the date of receipt of the request and shall
4 calculate the reserve percentage of each separate employer in accordance with the
5 proportion of the payroll attributable to that employer. Section 108.18 (2) is not made
6 applicable to the separate employers by reason of such treatment. For purposes of
7 s. 108.18 (7), the department shall treat the partnerships ~~or limited liability~~
8 ~~companies~~ as separate employers on November 1 preceding that January 1. For
9 purposes of s. 108.18 (7) (b) and (c), the department shall treat the separate
10 employers as existing employers on that January 1.

11 (h) Whenever, prior to October 1 of any year, the department receives a written
12 request by all partnerships ~~or limited liability companies~~ consisting of the same
13 partners ~~or members~~ which have elected to be treated as separate employers for the
14 partnerships ~~or limited liability companies~~ to be treated as a single employer, the
15 department shall combine the balances in the existing accounts of the separate
16 employers into a new account on January 1 following the date of receipt of the request
17 and shall calculate the reserve percentage of the single employer in accordance with
18 the combined payroll attributable to each of the separate employers in the 4
19 completed calendar quarters ending on the computation date preceding that
20 January 1. Section 108.18 (2) is not made applicable to the single employer by reason
21 of such treatment. For purposes of s. 108.18 (7), the department shall treat the
22 partnerships ~~or limited liability companies~~ as a single employer on November 1
23 preceding that January 1. For purposes of s. 108.18 (7) (b) and (c), the department
24 shall treat the single employer as an existing employer on that January 1.

25 **SECTION 116.** 108.16 (3) (c) of the statutes is created to read:

1 108.16 (3) (c) Any nonrecoverable payment made without fault on the part of
2 the intended payee.

3 **SECTION 117.** 108.16 (6) (o) of the statutes is created to read:

4 108.16 (6) (o) Any erroneous payment recovered under s. 108.22 (8e).

5 **SECTION 118.** 108.16 (6m) (a) of the statutes is amended to read:

6 108.16 (6m) (a) The benefits thus chargeable under s. 108.04 (1) (f), (5), (5g),
7 (7) (h), (8) (a), (13) (c) or (d) or (16) (e), 108.07 (3), (3r), (5) (b), (5m), or (6), or (8), 108.14
8 (8n) (e), 108.141, 108.151, or 108.152 or sub. (6) (e) or (7) (a) and (b).

9 **SECTION 119.** 108.16 (6m) (h) of the statutes is created to read:

10 108.16 (6m) (h) Any amount paid to correct a payment under s. 108.22 (8e) that
11 is not recovered or recoverable.

12 **SECTION 120.** 108.16 (13) of the statutes is created to read:

13 108.16 (13) If the secretary determines that employers in this state that are
14 subject to a requirement to pay a federal unemployment tax might experience a lower
15 tax rate if this state were to loan moneys to the fund under s. 20.002 (11) (b) 3m., the
16 secretary shall request the secretary of administration to make one or more transfers
17 to the fund in the amount required to maintain a favorable federal tax experience for
18 employers. The secretary shall not request a transfer under this subsection if the
19 outstanding balance of such transfers at the time of the request would exceed
20 \$50,000,000. Whenever the secretary determines that the balance of the fund
21 permits repayment of a transfer, in whole or in part, without jeopardizing the ability
22 of the department to continue to pay other liabilities and costs chargeable to the fund,
23 the secretary shall repay the department of administration for the amount that the
24 secretary determines is available for repayment. The secretary shall ensure that the

1 timing of any repayment accords with federal requirements for ensuring a favorable
2 tax experience for employers in this state.

3 SECTION 121. 108.18 (4) (figure) Schedule A line 23. of the statutes is amended
4 to read:

Figure 108.18 (4):

Schedule A

Line	Reserve Percentage	Contribution Rate
23.	Overdrawn by <u>at least 6.0%</u> or more <u>but under 7.0%</u>	8.50

5 SECTION 122. 108.18 (4) (figure) Schedule A lines 24. to 26. of the statutes are
6 created to read:

Figure 108.18 (4):

Schedule A

Line	Reserve Percentage	Contribution Rate
24.	Overdrawn by at least 7.0% but under 8.0%	9.25
25.	Overdrawn by at least 8.0% but under 9.0%	10.00
26.	Overdrawn by 9.0% or more	10.70

7 SECTION 123. 108.18 (4) (figure) Schedule B line 23. of the statutes is amended
8 to read:

Figure 108.18 (4):

Schedule B

Line	Reserve Percentage	Contribution Rate
23.	Overdrawn by <u>at least 6.0%</u> or more <u>but under 7.0%</u>	8.50

9 SECTION 124. 108.18 (4) (figure) Schedule B lines 24. to 26. of the statutes are

1 created to read:

Figure 108.18 (4):

Schedule B

Line	Reserve Percentage	Contribution Rate
24.	Overdrawn by at least 7.0% but under 8.0%	9.25
25.	Overdrawn by at least 8.0% but under 9.0%	10.00
26.	Overdrawn by 9.0% or more	10.70

2 SECTION 125. 108.18 (4) (figure) Schedule C line 23. of the statutes is amended
3 to read:

Figure 108.18 (4):

Schedule C

Line	Reserve Percentage	Contribution Rate
23.	Overdrawn by <u>at least 6.0% or more but under 7.0%</u>	8.50

4 SECTION 126. 108.18 (4) (figure) Schedule C lines 24. to 26. of the statutes are
5 created to read:

Figure: 108.18 (4)

Schedule C

Line	Reserve Percentage	Contribution Rate
24.	Overdrawn by at least 7.0% but under 8.0%	9.25
25.	Overdrawn by at least 8.0% but under 9.0%	10.00
26.	Overdrawn by 9.0% or more	10.70

6 SECTION 127. 108.18 (4) (figure) Schedule D line 23. of the statutes is amended
7 to read:

Figure 108.18 (4):

Schedule D

Line	Reserve Percentage	Contribution Rate
23.	Overdrawn by <u>at least 6.0%</u> or more <u>but under 7.0%</u>	8.50

1 **SECTION 128.** 108.18 (4) (figure) Schedule D lines 24. to 26. of the statutes are
2 created to read:

Figure 108.18 (4):

Schedule D

Line	Reserve Percentage	Contribution Rate
24.	Overdrawn by at least 7.0% but under 8.0%	9.25
25.	Overdrawn by at least 8.0% but under 9.0%	10.00
26.	Overdrawn by 9.0% or more	10.70

3 **SECTION 129.** 108.18 (9) (figure) Schedule A lines 25 to 27 of the statutes are
4 created to read:

Figure 108.18 (9):

Schedule A

Line	Contribution Rate	Solvency Rate	
		Employers with payroll under \$500,000	Employers with payroll of \$500,000 or more
25	9.25	1.30	1.30
26	10.00	1.30	1.30
27	10.70	1.30	1.30

1 **SECTION 130.** 108.18 (9) (figure) Schedule B lines 25 to 27 of the statutes are
2 created to read:

Figure 108.18 (9):

Schedule B			
Solvency Rate			
Line	Contribution Rate	Employers	Employers
		with payroll under \$500,000	with payroll of \$500,000 or more
25	9.25	1.30	1.30
26	10.00	1.30	1.30
27	10.70	1.30	1.30

3 **SECTION 131.** 108.18 (9) (figure) Schedule C line 24 of the statutes is amended
4 to read:

Figure 108.18 (9):

Schedule C			
Solvency Rate			
Line	Contribution Rate	Employers	Employers
		with payroll under \$500,000	with payroll of \$500,000 or more
24	8.50	1.25 1.30	1.35 1.30

1 **SECTION 132.** 108.18 (9) (figure) Schedule C lines 25 to 27 of the statutes are
2 created to read:

Figure 108.18 (9):

Schedule C			
Line	Contribution Rate	Solvency Rate	
		Employers with payroll under \$500,000	Employers with payroll of \$500,000 or more
		25	9.25 .....	1.30 .....	1.30
26	10.00	1.30	1.30
27	10.70	1.30	1.30

3 **SECTION 133.** 108.18 (9) (figure) Schedule D lines 25 to 27 of the statutes are
4 created to read:

Figure 108.18 (9):

Schedule D			
Line	Contribution Rate	Solvency Rate	
		Employers with payroll under \$500,000	Employers with payroll of \$500,000 or more
		25	9.25 .....	1.30 .....	1.30
26	10.00	1.30	1.30
27	10.70	1.30	1.30

5 **SECTION 134.** 108.19 (1m) of the statutes is amended to read:

1 108.19 (1m) ~~Each~~ The department shall pay any interest due on advances from
2 the federal unemployment account to the unemployment reserve fund under Title
3 XII of the federal social security act (42 USC 1321 to 1324) by first applying any
4 amount available for that purpose from the appropriation under s. 20.445 (1) (fx).
5 If the amount appropriated under s. 20.445 (1) (fx) is insufficient to make full
6 payment of the amount due for any year, the department shall then apply any
7 unencumbered balance in the unemployment interest payment fund and any
8 amounts paid under s. 108.20 (2m). If those amounts are insufficient to make full
9 payment of the amount due for any year, the department shall require each employer
10 subject to this chapter as of the date a rate is established under this subsection shall
11 to pay an assessment to the unemployment interest payment fund at a rate
12 established by the department sufficient to pay interest due on those advances from
13 the federal unemployment account under title XII of the social security act (42 USC
14 1321 to 1324). The rate established by the department for employers who finance
15 benefits under s. 108.15 (2), 108.151 (2), or 108.152 (1) shall be 75% of the rate
16 established for other employers. The amount of any employer's assessment shall be
17 the product of the rate established for that employer multiplied by the employer's
18 payroll of the previous calendar year as taken from quarterly employment and wage
19 reports filed by the employer under s. 108.205 (1) or, in the absence of the filing of
20 such reports, estimates made by the department. Each assessment made under this
21 subsection is due on the 30th day commencing after the date on which notice of the
22 assessment is mailed by the department. If the amounts collected from employers
23 under this subsection are in excess of the amounts needed to pay interest due, the
24 department shall use any excess to pay interest owed in subsequent years on
25 advances from the federal unemployment account. If the department determines

1 that additional interest obligations are unlikely, the department shall transfer the
2 excess to the balancing account of the fund.

3 SECTION 135. 108.19 (1m) of the statutes, as affected by 2013 Wisconsin Act ...
4 (this act), is amended to read:

5 108.19 (1m) ~~The department shall pay any interest due on advances from the~~
6 ~~federal unemployment account to the unemployment reserve fund under Title XII of~~
7 ~~the federal social security act (42 USC 1321 to 1324) by first applying any amount~~
8 ~~available for that purpose from the appropriation under s. 20.445 (1) (fx). If the~~
9 ~~amount appropriated under s. 20.445 (1) (fx) is insufficient to make full payment of~~
10 ~~the amount due for any year, the department shall then apply any unencumbered~~
11 ~~balance in the unemployment interest payment fund and any amounts paid under~~
12 ~~s. 108.20 (2m). If those amounts are insufficient to make full payment of the amount~~
13 ~~due for any year, the department shall require each~~ Each ~~employer subject to this~~
14 ~~chapter as of the date a rate is established under this subsection to~~ shall ~~pay an~~
15 ~~assessment to the unemployment interest payment fund at a rate established by the~~
16 ~~department sufficient to pay interest due on those advances from the federal~~
17 unemployment account under Title XII of the social security act (42 USC 1321 to
18 1324). The rate established by the department for employers who finance benefits
19 under s. 108.15 (2), 108.151 (2), or 108.152 (1) shall be 75% of the rate established
20 for other employers. The amount of any employer's assessment shall be the product
21 of the rate established for that employer multiplied by the employer's payroll of the
22 previous calendar year as taken from quarterly employment and wage reports filed
23 by the employer under s. 108.205 (1) or, in the absence of the filing of such reports,
24 estimates made by the department. Each assessment made under this subsection
25 is due on the 30th day commencing after the date on which notice of the assessment

1 is mailed by the department. If the amounts collected from employers under this
2 subsection are in excess of the amounts needed to pay interest due, the department
3 shall use any excess to pay interest owed in subsequent years on advances from the
4 federal unemployment account. If the department determines that additional
5 interest obligations are unlikely, the department shall transfer the excess to the
6 balancing account of the fund.

7 **SECTION 136.** 108.205 (1) of the statutes is amended to read:

8 108.205 (1) Each employer shall file with the department, in such form as the
9 department by rule requires, a quarterly report showing the name, social security
10 number and wages paid to each employee who is employed by the employer in
11 employment with the employer during the quarter. ~~The department may also by rule~~
12 ~~require each employer to include in the report any salary reduction amounts that are~~
13 ~~not wages and that would have been paid to each such employee by the employer as~~
14 ~~salary during the quarter but for a salary reduction agreement under a cafeteria~~
15 ~~plan, within the meaning of 26 USC 125.~~ The employer shall file the report no later
16 than the last day of the month following the completion of each quarter.

17 **SECTION 137.** 108.21 (1) of the statutes is amended to read:

18 108.21 (1) Every employing unit which employs one or more individuals to
19 perform work in this state shall keep an accurate work record for each individual
20 employed by it, including full name, address and social security number, which will
21 permit determination of the weekly wages earned by each such individual, the wages
22 paid within each quarter to that individual ~~and the salary reduction amounts that~~
23 ~~are not wages and that would have been paid by the employing unit to that individual~~
24 ~~as salary but for a salary reduction agreement under a cafeteria plan, within the~~
25 ~~meaning of 26 USC 125.~~ Each such employing unit shall permit any authorized

1 representative of the department to examine, at any reasonable time, the work
2 record and any other records which may show any wages paid by the employing unit,
3 ~~or any salary reduction amounts that are not wages and that would have been paid~~
4 ~~by the employing unit as salary but for a salary reduction agreement under a~~
5 ~~cafeteria plan, within the meaning of 26 USC 125, regardless of the format in which~~
6 such a record is maintained. If such a record is maintained by an employing unit in
7 machine-readable format, the employing unit shall provide the department with
8 information necessary to retrieve the record. If the department determines that the
9 employing unit is unable to provide access to such a record or that the retrieval
10 capability at the site where the record is maintained is not adequate for efficient
11 examination, the employing unit shall provide a copy of the record to the department
12 and shall allow the department to remove the copy from that site for such period as
13 will permit examination at another location. Each such employing unit shall furnish
14 to the department upon demand a sworn statement of the information contained in
15 any such record.

16 **SECTION 138.** 108.22 (1) (a) of the statutes is amended to read:

17 108.22 (1) (a) If Except as provided in par. (cm), if any employer, other than an
18 employer which has ceased business and has not paid or incurred a liability to pay
19 wages in any quarter following the cessation of business, is delinquent in making by
20 the assigned due date any payment to the department required of it under this
21 chapter, the employer shall pay interest on the delinquent payment at that monthly
22 rate that annualized is equal to 9 percent or to 2 percent more than the prime rate
23 as published in the Wall Street Journal as of September 30 of the preceding year,
24 whichever is greater, for each month or fraction thereof that the employer is
25 delinquent from the date such payment became due. If any such employer is

1 delinquent in ~~making~~ filing any quarterly report under s. 108.205 (1) by the assigned
2 due date, the ~~employer shall pay~~ department may assess a tardy filing fee of ~~\$50 to~~
3 the employer for each delinquent quarterly report in the amount of \$100 or \$20 per
4 employee, as reported on the employer's most recent quarterly report, whichever is
5 greater, or, if the report is filed within 30 days of its due date, in the amount of \$50.
6 If the department cannot determine the number of the employer's employees from
7 the employer's most recent quarterly report, the department may reasonably
8 estimate the number of the employer's employees for purposes of this paragraph.

9 SECTION 139. 108.22 (1) (cm) of the statutes is created to read:

10 108.22 (1) (cm) In limited circumstances as prescribed by rule of the
11 department, the department may waive or decrease the interest charged under par.
12 (a).

13 SECTION 140. 108.22 (8) (c) 1. a. of the statutes is amended to read:

14 108.22 (8) (c) 1. a. The overpayment was the result of a departmental error and
15 ~~was not the fault of any employer under s. 108.04 (13) (f); and~~

16 SECTION 141. 108.22 (8e) of the statutes is created to read:

17 108.22 (8e) If the department determines a payment has been made to an
18 unintended recipient erroneously without fault on the part of the intended payee, the
19 department may issue the correct payment to the intended payee if necessary, and
20 may recover the amount of the erroneous payment from the recipient under this
21 section or s. 108.225 or 108.245.

22 SECTION 142. 108.223 of the statutes is created to read:

23 108.223 **Financial record matching program.** (1) DEFINITIONS. In this
24 section:

1 (a) "Account" means a demand deposit account, checking account, negotiable
2 withdrawal order account, savings account, time deposit account, or money market
3 mutual fund account.

4 (b) "Debtor" has the meaning given in s. 108.225 (1) (c).

5 (c) "Financial institution" has the meaning given in 12 USC 3401 (1).

6 (2) MATCHING PROGRAM AND AGREEMENTS. (a) The department shall operate a
7 financial record matching program under this section for the purpose of identifying
8 the assets of debtors.

9 (b) The department shall enter into agreements with financial institutions
10 doing business in this state to operate the financial record matching program under
11 this section. An agreement shall require the financial institution to participate in
12 the financial record matching program by electing either the financial institution
13 matching option under sub. (3) or the state matching option under sub. (4). The
14 financial institution and the department may by mutual agreement make changes
15 to the agreement. A financial institution that wishes to choose a different matching
16 option shall provide the department with at least 60 days notice. The department
17 shall furnish the financial institution with a signed copy of the agreement.

18 (c) The department may reimburse a financial institution up to \$125 per
19 calendar quarter for participating in the financial record matching program under
20 this section. The department shall make reimbursements under this paragraph
21 from the appropriation under s. 20.445 (1) (n).

22 (d) To the extent feasible, the information to be exchanged under the matching
23 program shall be provided by electronic data exchange as prescribed by the
24 department in the agreement under par. (b).

1 (3) FINANCIAL INSTITUTION MATCHING OPTION. If a financial institution with
2 which the department has an agreement under sub. (2) elects the financial
3 institution matching option under this subsection, all of the following apply:

4 (a) At least once each calendar quarter, the department shall provide to the
5 financial institution, in the manner specified in the agreement under sub. (2) (b),
6 information regarding debtors. The information shall include names and social
7 security or other taxpayer identification numbers.

8 (b) Based on the information received under par. (a), the financial institution
9 shall take actions necessary to determine whether any debtor has an ownership
10 interest in an account maintained at the financial institution. If the financial
11 institution determines that a debtor has an ownership interest in an account at the
12 financial institution, the financial institution shall provide the department with a
13 notice containing the debtor's name, address of record, social security number or
14 other taxpayer identification number, and account information. The account
15 information shall include the account number, the account type, the nature of the
16 ownership interest in the account, and the balance of the account at the time that the
17 record match is made. The notice under this paragraph shall be provided in the
18 manner specified in the agreement under sub. (2) (b) and, to the extent feasible, by
19 an electronic data exchange.

20 (4) STATE MATCHING OPTION. If a financial institution with which the department
21 has an agreement under sub. (2) elects the state matching option under this
22 subsection, all of the following apply:

23 (a) At least once each calendar quarter, the financial institution shall provide
24 the department with information concerning all accounts maintained at the
25 financial institution. For each account maintained at the financial institution, the

1 financial institution shall notify the department of the name and social security
2 number or other tax identification number of each person having an ownership
3 interest in the account, together with a description of each person's interest. The
4 information required under this paragraph shall be provided in the manner specified
5 in the agreement under sub. (2) (b) and, to the extent feasible, by an electronic data
6 exchange.

7 (b) The department shall take actions necessary to determine whether any
8 debtor has an ownership interest in an account maintained at the financial
9 institution providing information under par. (a). Upon the request of the
10 department, the financial institution shall provide to the department, for each
11 debtor who matches information provided by the financial institution under par. (a),
12 the address of record, the account number and account type, and the balance of the
13 account.

14 (5) USE OF INFORMATION BY FINANCIAL INSTITUTION; PENALTY. A financial
15 institution participating in the financial record matching program under this
16 section, and the employees, agents, officers, and directors of the financial institution,
17 may use information received from the department under sub. (3) only for the
18 purpose of matching records and may use information provided by the department
19 in requesting additional information under sub. (4) only for the purpose of providing
20 the additional information. Neither the financial institution nor any employee,
21 agent, officer, or director of the financial institution may disclose or retain
22 information received from the department concerning debtors. Any person who
23 violates this subsection may be fined not less than \$50 nor more than \$1,000 or
24 imprisoned in the county jail for not less than 10 days or more than one year or both.

1 (6) USE OF INFORMATION BY DEPARTMENT. The department may use information
2 provided by a financial institution under this section only for matching records under
3 sub. (4), for administering the financial record matching program under this section,
4 and for pursuing the collection of amounts owed to the department by debtors. The
5 department may not disclose or retain information received from a financial
6 institution under this section concerning account holders who are not debtors.

7 (7) FINANCIAL INSTITUTION LIABILITY. A financial institution is not liable to any
8 person for disclosing information to the department in accordance with an
9 agreement under this section or for any other action that the financial institution
10 takes in good faith to comply with this section.

11 **SECTION 143.** 108.225 (1) (b) of the statutes is amended to read:

12 108.225 (1) (b) “Debt” means a delinquent contribution or repayment of a
13 benefit overpayment, a delinquent assessment under s. 108.04 (11) (cm) or 108.19
14 (1m), a liability incurred under s. 108.04 (11) (bh), an erroneous payment from the
15 fund recovered under s. 108.245, or any liability of a 3rd party for failure to surrender
16 to the department property or rights to property subject to levy after proceedings
17 under sub. (4) (b) and s. 108.10 to determine that liability.

18 **SECTION 144.** 108.227 of the statutes is created to read:

19 **108.227 License denial, nonrenewal, discontinuation, suspension and**
20 **revocation based on delinquent unemployment insurance contributions.**

21 (1) DEFINITIONS. In this section:

22 (a) “Contribution” includes contributions under ss. 108.17 and 108.18, interest
23 for a nontimely payment or a fee assessed on an employer, an assessment under s.
24 108.19, any payment due for a forfeiture imposed upon an employing unit under s.

1 108.04 (11) (c), and any other penalty assessed by the department under this chapter
2 against an employing unit.

3 (b) "Credential" has the meaning given in s. 440.01 (2) (a), but does not include
4 a registration as an inactive licensee under s. 452.12 (6) (b).

5 (c) "Credentialing board" means a board, examining board or affiliated
6 credentialing board in the department of safety and professional services that grants
7 a credential.

8 (d) "Liable for delinquent contributions" means that a person has exhausted
9 all of the person's remedies under s. 108.10 to challenge the assertion that the person
10 owes the department any contributions and the person is delinquent in the payment
11 of those contributions.

12 (e) "License" means any of the following:

13 1. An approval specified in s. 29.024 (2r) or a license specified in s. 169.35.

14 2. A license issued by the department of children and families under s. 48.66
15 (1) (a) to a child welfare agency, group home, shelter care facility, or child care center,
16 as required by s. 48.60, 48.625, 48.65, or 938.22 (7).

17 3. A license, certificate of approval, provisional license, conditional license,
18 certification, certification card, registration, permit, training permit or approval
19 specified in s. 50.35, 50.49 (6) (a) or (10), 51.038, 51.04, 51.42 (7) (b) 11., 51.421 (3)
20 (a), 51.45 (8), 146.40 (3) or (3m), 252.23 (2), 252.24 (2), 254.176, 254.20 (3), 255.08 (2)
21 (a), 256.15 (5) (a) or (b), (6g) (a), (7), or (8) (a) or (f) or 343.305 (6) (a) or a permit for
22 operation of a campground specified in s. 254.47 (1).

23 5. A license, as defined in s. 101.02 (20) (a).

24 6. A license or certificate of registration issued by the department of financial
25 institutions, or a division of it, under ss. 138.09, 138.12, 138.14, 217.06, 218.0101 to

1 218.0163, 218.02, 218.04, 218.05, 224.72, 224.725, 224.93 or under subch. IV of ch.
2 551.

3 7. A license described in s. 218.0114 (14) (a) and (g), a license described in s.
4 218.0114 (14) (b), (c) or (e), a license issued under s. 218.11, 218.12, 218.22, 218.32,
5 218.41, 343.61 or 343.62, a buyer identification card issued under s. 218.51 or a
6 certificate of registration issued under s. 341.51.

7 7m. A license issued under s. 562.05 or 563.24.

8 8. A license, registration or certification specified in s. 299.07 (1) (a).

9 9. A credential.

10 10. A license or permit granted by the department of public instruction.

11 11. A license to practice law.

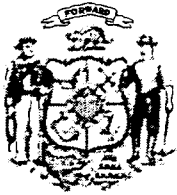
12 12. A license issued under s. 628.04, 632.69 (2), or 633.14 or a temporary license
13 issued under s. 628.09.

14 13. A license issued by the government accountability board under s. 13.63 (1).

15 14. A permit under s. 170.12.

16 15. A certificate under s. 73.03 (50) or a certification under s. 73.09.

17 (f) "Licensing department" means the department of administration; the board
18 of commissioners of public lands; the department of children and families; the
19 government accountability board; the department of financial institutions; the
20 department of health services; the department of natural resources; the department
21 of public instruction; the department of revenue; the department of safety and
22 professional services; the office of the commissioner of insurance; or the department
23 of transportation.



W 13
State of Wisconsin
2013 - 2014 LEGISLATURE

Wes/zz



LRB-1975

JTK&MED:cjs:ph

stays

P13

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Regen

1 **AN ACT to repeal** 20.445 (1) (fx), 108.02 (4m) (g), 108.02 (13) (kL), 108.04 (1) (i),
2 108.04 (7) (d), (g), (j), (k), (m), (n), (o), (p) and (r), 108.05 (1) (n) to (p), 108.06 (7)
3 and 108.07 (8); **to renumber** 50.498 (4) and 108.02 (10e) (a) and (b); **to**
4 **renumber and amend** 108.02 (10e) (intro.), 108.04 (5), 108.04 (7) (t) and
5 440.12; **to amend** 13.63 (1) (b), 13.63 (1) (c), 19.55 (2) (d), 20.002 (11) (a), 20.002
6 (11) (b) 1., 20.002 (11) (c), 20.002 (11) (d) (intro.), 29.024 (2r) (title), 29.024 (2r)
7 (c), 29.024 (2r) (d) 1., 48.66 (2m) (c), 48.715 (7), 50.498 (title), 50.498 (2), 50.498
8 (5), 51.032 (title), 51.032 (2), 51.032 (4), 51.032 (5), 71.78 (4) (o), 73.0301 (2) (c)
9 2., 73.0302 (title), 73.09 (6m), 101.02 (20) (b), 101.02 (20) (c), 101.02 (20) (d),
10 102.17 (1) (c), 103.005 (10), 103.275 (2) (b) (intro.), 103.275 (7) (b), 103.275 (7)
11 (c), 103.34 (3) (c), 103.34 (10) (title), 103.92 (3), 104.07 (1) and (2), 105.13 (1),
12 108.02 (4m) (a), 108.02 (13) (a), 108.02 (15m) (intro.), 108.04 (1) (f), 108.04 (1)
13 (g) (intro.), 108.04 (1) (hm), 108.04 (2) (a) 3. c., 108.04 (7) (a), 108.04 (7) (e),
14 108.04 (7) (h), 108.04 (7) (L) (intro.), 108.04 (8) (a) and (c), 108.05 (1) (q) (intro.),
15 108.05 (2) (c), 108.05 (3) (a), 108.05 (3) (c) (intro.), 108.06 (1), 108.06 (2) (c),

1 108.06 (2) (cm), 108.06 (3), 108.06 (6) (intro.), 108.10 (intro.), 108.14 (8n) (e),
2 108.14 (19), 108.141 (7) (a), 108.142 (4), 108.16 (2) (g) and (h), 108.16 (6m) (a),
3 108.18 (4) (figure) Schedule A line 23., 108.18 (4) (figure) Schedule B line 23.,
4 108.18 (4) (figure) Schedule C line 23., 108.18 (4) (figure) Schedule D line 23.,
5 108.18 (9) (figure) Schedule C line 24, 108.19 (1m), 108.19 (1m), 108.205 (1),
6 108.21 (1), 108.22 (1) (a), 108.22 (8) (c) 1. a., 108.225 (1) (b), 115.31 (6m), 118.19
7 (1m) (a), 118.19 (1m) (b), 138.09 (1m) (b) 2. a., 138.09 (3) (am) 2., 138.09 (4) (c),
8 138.12 (3) (d) 2. a., 138.12 (5) (am) 1. b., 138.12 (5) (am) 3., 138.14 (4) (a) 2. a.,
9 138.14 (9) (d), 146.40 (4d) (b), 146.40 (4d) (d), 146.40 (4d) (e), 169.35 (title),
10 169.35 (2), 169.35 (3), 170.12 (3m) (b) 1., 217.05 (1m) (b) 1., 217.09 (4), 217.09
11 (6), 218.0114 (21e) (a), 218.0114 (21g) (b) 1., 218.0116 (1g) (b), 218.02 (2) (a) 2.
12 a., 218.04 (3) (a) 2. a., 218.04 (5) (b), 218.05 (3) (am) 2. a., 218.05 (12) (b), 218.05
13 (12) (e), 218.11 (2) (am) 3., 218.12 (2) (am) 2., 218.21 (2m) (b), 218.31 (1m) (b),
14 218.41 (2) (am) 2., 218.51 (3) (am) 2., 224.72 (2) (c) 2. a., 224.725 (2) (b) 1. a.,
15 224.927 (1), 227.53 (1) (a) 3., 252.241 (title), 252.241 (2), 254.115 (title), 254.115
16 (2), 254.176 (5), 254.20 (7), 256.18 (title), 256.18 (2), 256.18 (5), 299.07 (title),
17 299.07 (1) (b) 1., 299.08 (1) (b) 2., 341.51 (4g) (b), 342.06 (1) (eg), 343.14 (1),
18 343.14 (2j), 343.305 (6) (e) 3. b., 343.61 (2) (b), 343.62 (2) (b), 343.69 (1), 440.03
19 (11m) (c), 452.18, 551.412 (4g) (a) 1., 551.605 (2), 562.05 (8m) (a), 562.05 (8m)
20 (b), 563.285 (title), 563.285 (2) (a), 563.285 (2) (b), 628.095 (4) (b), 628.097 (title),
21 628.097 (2m), 628.10 (2) (cm), 632.69 (2) (c), 632.69 (2) (d) 2., 632.69 (4) (d),
22 633.14 (2c) (b), 633.14 (2m) (b), 633.15 (2) (d), 751.155 (title), 751.155 (1),
23 751.155 (2) and 751.155 (3); **to repeal and recreate** 108.04 (5g), 108.05 (1) (q)
4 (intro.), 108.05 (1) (r) (intro.), 108.05 (3) (a) and 108.05 (3) (c) (intro.); and **to**
25 **create** 16.531 (4), 20.002 (11) (b) 3m., 20.445 (1) (fx), 20.445 (1) (gm), 50.498 (4)

1 (b), 73.0302 (5), 73.0302 (6), 73.09 (8), 102.17 (1) (ct), 103.275 (2) (bt), 103.34 (10)
2 (d), 103.91 (4) (d), 103.92 (8), 104.07 (7), 105.13 (4), 108.02 (3), 108.02 (9), 108.02
3 (9m), 108.02 (10e) (bm), 108.02 (15) (kt), 108.04 (2) (a) 4., 108.04 (2) (g), 108.04
4 (2) (h), 108.04 (2) (i), 108.04 (5) (a) to (g), 108.04 (12) (f), 108.04 (15), 108.05 (1)
5 (r), 108.05 (3) (cm), 108.06 (1m), 108.14 (20), 108.14 (21), 108.14 (23), 108.14
6 (24), 108.16 (3) (c), 108.16 (6) (o), 108.16 (6m) (h), 108.16 (13), 108.18 (4) (figure)
7 Schedule A lines 24. to 26., 108.18 (4) (figure) Schedule B lines 24. to 26., 108.18
8 (4) (figure) Schedule C lines 24. to 26., 108.18 (4) (figure) Schedule D lines 24.
9 to 26., 108.18 (9) (figure) Schedule A lines 25 to 27, 108.18 (9) (figure) Schedule
10 B lines 25 to 27, 108.18 (9) (figure) Schedule C lines 25 to 27, 108.18 (9) (figure)
11 Schedule D lines 25 to 27, 108.22 (1) (cm), 108.22 (8e), 108.223, 108.227,
12 108.245, 138.12 (4) (a) 1m., 138.12 (4) (b) 5m., 138.14 (5) (b) 2m., 138.14 (9) (cm),
13 170.12 (8) (b) 1. bm., 170.12 (8) (b) 4., 217.06 (5m), 217.09 (1t), 218.0116 (1m)
14 (a) 2m., 218.0116 (1m) (d), 218.02 (3) (dm), 218.02 (6) (d), 218.02 (9) (a) 1m.,
15 218.04 (4) (am) 2m., 218.04 (5) (at), 218.05 (4) (c) 2m., 218.05 (11) (bm), 218.05
16 (12) (at), 218.11 (6m) (c), 218.12 (3m) (c), 218.22 (3m) (c), 218.32 (3m) (c), 218.41
17 (3m) (b) 3., 218.51 (4m) (b) 3., 224.44, 224.72 (7m) (bm), 224.725 (6) (bm), 224.77
18 (2m) (e), 224.95 (1) (bm), 252.241 (5), 254.115 (5), 256.18 (4m), 299.07 (3), 341.51
19 (4m) (c), 343.305 (6) (e) 6., 343.66 (3m), 440.12 (2), 551.406 (6) (a) 1m., 551.412
20 (4g) (a) 2m., 551.412 (4g) (d), 562.05 (5) (a) 11., 562.05 (8) (f) and 563.285 (1m)
21 of the statutes; **relating to:** various changes in the unemployment insurance
22 law; loans by this state to the unemployment reserve fund; payment of interest
23 on advances made by the federal government to the unemployment reserve
24 fund; license revocations based on delinquency in payment of unemployment

1 insurance contributions; granting rule-making authority; providing a penalty;
2 and making appropriations.

Analysis by the Legislative Reference Bureau

This bill makes various changes in the unemployment insurance (UI) law. Significant changes include:

BENEFIT DURATION AND AMOUNTS

Maximum benefit duration for total unemployment

Currently, the maximum number of weeks of regular UI benefits payable to an eligible claimant who is totally unemployed and who earns sufficient wages to qualify for those benefits is 26 weeks. The cost of these benefits is paid for by employers of this state. During periods of high unemployment, an eligible claimant may qualify to receive up to an additional 13 weeks of "extended benefits." Fifty percent of the cost of these benefits is paid for by employers of this state and 50 percent of the cost is paid for by the federal government.

This bill changes the maximum number of weeks of regular benefits payable to an eligible claimant who is totally unemployed to an amount that varies depending upon the seasonally adjusted statewide average unemployment rate for the first or third calendar quarter immediately preceding the beginning of the claimant's benefit year (period during which benefits are payable following the filing of a benefit claim). For claimants whose benefit years begin during the first half of each year, the claimant's maximum benefits are calculated based upon the rate for the third quarter of the preceding year, and for claimants whose benefit years begin during the second half of each year, the claimant's maximum benefits are calculated based upon the rate for the first quarter of that year. Under the bill, once a claimant begins a benefit year, the maximum number of weeks of regular benefits is fixed for that benefit year. Because the maximum number of weeks of extended benefits payable to a claimant is calculated in part based upon the maximum number of weeks of regular benefits payable to a claimant, the change also reduces the maximum number of weeks of extended benefits payable to a claimant. Under the bill, the maximum number of weeks of regular benefits for total unemployment is determined as follows:

<u>Statewide unemployment rate</u>	<u>Maximum weeks of benefits</u>
8 percent or higher	26
At least 7.5 percent but less than 8 percent	25
At least 7.0 percent but less than 7.5 percent	24
At least 6.5 percent but less than 7.0 percent	23
At least 6.0 percent but less than 6.5 percent	22
At least 5.5 percent but less than 6.0 percent	21
Less than 5.5 percent	20

Benefit amounts

Currently, weekly UI benefit rates for total unemployment range from \$54 for an employee who earns wages (or certain other amounts treated as wages) of at least \$1,350 during at least one quarter of the employee's base period (period preceding a claim during which benefit rights accrue) to \$363 for an employee who earns wages (or certain other amounts treated as wages) of at least \$9,075 during any such quarter. This bill adjusts weekly benefit rates for weeks of unemployment beginning on or after January 5, 2014, to rates ranging from \$54 for an employee who earns wages (or certain other amounts treated as wages) of at least \$1,350 during at least one quarter of the employee's base period to \$370 for an employee who earns wages (or certain other amounts treated as wages) of at least \$9,250 during any such quarter. The bill does not affect the benefit rate of any employee who earns wages (or certain other amounts treated as wages) of at least \$1,350 during at least one quarter of the employee's base period or any employee who earns wages (or certain other amounts treated as wages) of at least \$9,075 during at least one quarter of the employee's base period.

OTHER BENEFIT CHANGES***Misconduct***

Currently, if an employee is discharged for misconduct connected with his or her employment (interpreted by the courts to include only misconduct that evinces such willful or wanton disregard of an employer's interests as is found in deliberate violations or disregard of standards of behavior that the employer has a right to expect of his or her employees, or in carelessness or negligence to such degree or recurrence as to manifest culpability, wrongful intent, or evil design of the same level of severity as that disregard, or to show an intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to the employer) the employee is ineligible to receive benefits until seven weeks have elapsed since the end of the week in which the discharge occurs and the employee earns wages, or certain other amounts treated as wages, after the week in which the discharge occurs equal to at least 14 times the employee's weekly benefit rate in employment covered by the unemployment insurance law of any state or the federal government. In addition, all wages earned with the employer that discharges the employee are excluded in determining the amount of any future benefits to which the employee is entitled. However, if an employee is discharged for failing to notify an employer of absenteeism or tardiness that becomes excessive under certain conditions, the employee is ineligible to receive benefits until at least six weeks have elapsed since the end of the week in which the discharge occurs and until the employee earns wages, or certain other amounts treated as wages, after the week in which the discharge occurs equal to at least six times the employee's weekly benefit rate in employment covered by the unemployment insurance law of any state or the federal government.

This bill deletes the current suspension and requalifying requirement for discharges resulting from absenteeism or tardiness but retains and modifies the current suspension and requalifying requirement for misconduct. The bill also creates a new suspension and requalifying requirement for discharges resulting

from substantial fault by an employee. The bill defines "misconduct" to mean "one or more actions or conduct evincing such willful or wanton disregard of an employer's interests as is found in deliberate violations or disregard of standards of behavior which an employer has a right to expect of his or her employees, or in carelessness or negligence of such degree or recurrence as to manifest culpability, wrongful intent, or evil design of equal severity to such disregard, or to show an intentional and substantial disregard of an employer's interests, or of an employee's duties and obligations to his or her employer." The bill also provides that "misconduct" specifically includes:

1. A violation by an employee of an employer's reasonable written policy concerning the use of alcohol beverages, or use of a controlled substance or controlled substance analog, if the employee had knowledge of the policy and either admitted to the use of alcohol beverages or a controlled substance or controlled substance analog or refused to take a test or tested positive for the use of alcohol beverages or a controlled substance or controlled substance analog in a test administered by the employer in accordance with a testing methodology approved by DWD.

2. Theft of an employer's property or services with intent to deprive the employer of the property or services permanently, theft of currency of any value, felonious conduct connected with an employee's employment, or intentional or negligent conduct by an employee that causes substantial damage to his or her employer's property.

3. Conviction of an employee of a crime or other offense subject to civil forfeiture, while on or off duty, if the conviction makes it impossible for the employee to perform the duties that the employee performs for the employer.

4. One or more threats or acts of harassment, assault, or other physical violence instigated by an employee at the workplace of his or her employer.

5. Absenteeism by an employee on more than two occasions within the 120-day period before the date of the employee's termination, unless otherwise specified by his or her employer in an employment manual of which the employee has acknowledged receipt with his or her signature, or excessive tardiness by an employee in violation of a policy of the employer that has been communicated to the employee, if the employee does not provide to his or her employer both notice and one or more valid reasons for the absenteeism or tardiness.

6. Unless directed by an employee's employer, falsifying business records of the employer.

7. Unless directed by the employer, a willful and deliberate violation of a written and uniformly applied standard or regulation of the federal government or a state or tribal government by an employee of an employer that is licensed or certified by a governmental agency, which standard or regulation has been communicated by the employer to the employee and which violation would cause the employer to be sanctioned or to have its license or certification suspended by the agency.

In addition, the bill provides that an employee whose work is terminated by his or her employer for substantial fault by the employee connected with the employee's work is ineligible to receive benefits until seven weeks have elapsed since the end of

the week in which the termination occurs and the employee earns wages, or certain other amounts treated as wages, after the week in which the termination occurs equal to at least 14 times the employee's weekly benefit rate in employment covered by the unemployment insurance law of any state or the federal government. The bill defines "substantial fault" to include those acts or omissions of an employee over which the employee exercised reasonable control and which violate reasonable requirements of the employee's employer but not to include:

1. One or more minor infractions of rules unless an infraction is repeated after the employer warns the employee about the infraction.
2. One or more inadvertent errors made by the employee.
3. Any failure of the employee to perform work because of insufficient skill, ability, or equipment.

Registration and search for work

Currently, with limited exceptions, in order to become and remain eligible to receive UI benefits for any week, a claimant is required, among other things, to register for work and to conduct a reasonable search for suitable work within that week, which must include at least two actions that constitute a reasonable search as prescribed by rule by the Department of Workforce Development (DWD).

This bill requires a claimant, subject to the same exceptions, to provide information or job application materials and to participate in a public employment office workshop or training program or in similar reemployment services that do not require a participation fee, if either is required by DWD for a given week other than the claimant's first week of benefits. The bill allows DWD to use the information or job application materials provided by a claimant to assess the claimant's efforts, skills, and ability to find or obtain work and to develop a list of potential opportunities for a claimant to obtain suitable work. However, the bill provides that a claimant who is subject to the work search requirement need not apply for a specific position on that list in order to satisfy that requirement.

Prohibiting concurrent receipt of UI and SSDI benefits

The bill disqualifies a claimant from receiving UI benefits during any week in which the claimant is actually receiving social security disability insurance (SSDI) benefits and requires a claimant, when the claimant first files for UI benefits and during each subsequent week the claimant files for UI benefits, to inform DWD whether he or she is receiving SSDI benefits.

Failure to accept suitable work or recall to former employer

Currently, with certain exceptions, if an employee fails, without good cause, to accept suitable work when offered or to return to work with a former employer that recalls the employee within 52 weeks after the employee last worked for the employer, the employee is ineligible to receive benefits until four weeks have elapsed since the end of the week in which the failure occurs and the employee earns wages, or certain other amounts treated as wages, equal to at least four times the employee's weekly benefit rate in employment covered by the unemployment insurance law of any state or the federal government.

Subject to all of the same exceptions and qualifications, the bill changes the amount of wages an employee must earn to requalify under these provisions to at

least six times the employee's weekly benefit rate. The bill eliminates the requirement that, in order to requalify under these provisions, four weeks must have elapsed since the end of the week in which the failure occurs.

Termination of work; general requirements to requalify for benefits

Currently, unless an exemption applies, if an employee voluntarily terminates his or her work with an employer, the employee is generally ineligible to receive benefits until the following requalification requirements are satisfied: 1) four weeks have elapsed since the end of the week in which the termination occurs and 2) the employee earns wages after the week in which the termination occurs equal to at least four times the employee's weekly benefit rate in employment covered by the unemployment insurance law of any state or the federal government.

The bill modifies the first requalification requirement so that an employee who voluntarily terminates his or her work with an employer is generally ineligible to receive benefits until the employee earns wages after the week in which the termination occurs equal to at least six times the employee's weekly benefit rate in employment covered by the unemployment insurance law of any state or the federal government. The bill eliminates the second requalification requirement that four weeks must have elapsed before the terminating employee may again become eligible for benefits.

Termination of work; exemptions from requalification requirements

Under current law, an employee who voluntarily terminates his or her work with an employer is exempt from the requalification requirements under certain circumstances, including all of the following:

1. The employee terminated his or her work to accept a recall to work for a former employer within 52 weeks after having last worked for that employer.
2. The employee maintained a temporary residence near the terminated work; the employee maintained a permanent residence in another locality; and the employee terminated the work and returned to his or her permanent residence because the work available to the employee had been reduced to less than 20 hours per week in at least two consecutive weeks.
3. The employee left or lost his or her work because the employee reached the employer's compulsory retirement age.
4. The employee terminated part-time work because a loss of other, full-time employment made it economically unfeasible for the employee to continue the part-time work.
5. The employee terminated his or her work with a labor organization if the termination caused the employee to lose seniority rights granted under a collective bargaining agreement and resulted in the loss of the employee's employment with the employer that is a party to that collective bargaining agreement.
6. The employee terminated his or her work in a position serving as a part-time elected or appointed member of a governmental body or representative of employees; the employee was engaged in work for an employer other than the employer in which the employee served as the member or representative; and the employee was paid wages in the terminated work constituting not more than 5 percent of the employee's base period wages for purposes of entitlement for benefits.

7. The employee terminated his or her work in one of two or more concurrently held positions, at least one of which was full-time work, if the employee terminated his or her work before receiving notice of termination from a full-time work position.

8. The employee owns or controls an ownership interest in a family corporation and the employee's employment was terminated because of an involuntary cessation of the business of the corporation under certain specified conditions.

The bill eliminates these eight exemptions from the requalification requirements for employees who voluntarily terminate employment.

Under current law, subject to certain limitations, an employee who voluntarily terminates his or her work with an employer is exempt from the requalification requirements if: 1) the employee accepted work that was not suitable work under the UI law or work that the employee could have refused for specified reasons related to protecting labor standards; and 2) the employee terminated the work within ten weeks after starting the work. Under the bill, this exemption only applies if the employee terminated that work within *30 calendar days* after starting the work.

Under current law, an employee who voluntarily terminates his or her work with an employer is exempt from the requalification requirements if the employee's spouse changed his or her place of employment to a place to which it is impractical to commute and the employee terminated his or her work to accompany the spouse to that place. The bill narrows this exemption so that it only applies if the employee's spouse is an active duty member of the U.S. Armed Forces who was required by the U.S. Armed Forces to relocate.

Under current law, an employee who voluntarily terminates his or her work with an employer is exempt from the requalification requirements if the employee terminated the work to accept other covered employment and earned wages in the subsequent employment equal to at least four times the employee's weekly benefit rate if the work in the subsequent employment: 1) offered average weekly wages at least equal to the average weekly wages that the employee earned in the terminated work; 2) offered the same or a greater number of hours of work than those performed in the work terminated; 3) offered the opportunity for significantly longer term work; or 4) offered the opportunity to accept a position for which the duties were primarily discharged at a location significantly closer to the employee than the terminated work. An employee who voluntarily terminates his or her work with an employer is also exempt from the requalification requirements if the employee, while claiming benefits for partial unemployment, terminated work to accept other covered employment that offered an average weekly wage greater than the average weekly wage earned in the work terminated.

The bill consolidates these two exemptions into one exemption, which applies if the employee terminated work to accept covered employment that satisfies one of the four conditions numbered above. The exemption as consolidated applies regardless of whether the employee is claiming benefits for partial unemployment or whether the employee earns a certain amount of wages in the subsequent work.

The bill does not affect any other exemptions from the requalification requirements for employees who voluntarily terminate employment.

Temporary help companies and work search

The bill provides that there is a rebuttable presumption that a claimant who is subject to the UI law's work search requirement has not conducted a reasonable search for suitable work in a given week if: 1) the claimant was last employed by a temporary help company, as defined under current law; 2) the temporary help company required the claimant to contact the temporary help company about available assignments weekly, or less often as prescribed by the temporary help company, and the temporary help company gave the claimant written notice of that requirement at the time the claimant was initially employed by the company; 3) during that week, the claimant was required to contact the temporary help company about available assignments and the claimant did not contact the temporary help company about available assignments; and 4) the temporary help company submits a written notice within ten business days after the end of that week to DWD reporting that the claimant failed to so contact the temporary help company. The claimant may overcome the rebuttable presumption only by a showing that the claimant did in fact contact the temporary help company about available assignments or by showing that the claimant was not informed of this requirement or had other good cause for failing to do so.

The bill specifically provides that the claimant's contact of the temporary help company for a given week counts as one action toward the UI law's work search requirement for that week.

Extended training benefits

Currently, benefits may not be denied to an otherwise eligible claimant because the claimant is enrolled in a vocational training course or a basic education course that is a prerequisite to such training ("approved training") under certain conditions. Currently, a claimant may also qualify to receive benefits while participating in an extended training program under certain conditions, under such a program, if a claimant 1) has exhausted all other rights to benefits, 2) is currently enrolled in an approved training program and was so enrolled prior to the end of the claimant's benefit year (period during which benefits are payable) that qualified the claimant for benefits, 3) if not in a current benefit year, has a benefit year that ended no earlier than 52 weeks prior to the week for which the claimant first claims extended training benefits, and 4) is not receiving any similar stipends or other training allowances for nontraining costs, is entitled to extended training benefits of up to 26 times the same benefit rate that applied to the claimant during his or her most recent benefit year if the claimant is being trained for entry into a high-demand occupation. In addition, 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 extended training benefits while enrolled in a training program if the claimant first enrolled in the program within 52 weeks after the end of the claimant's benefit year that qualified the claimant for benefits. This bill deletes extended training benefits.

Treatment of cafeteria plan amounts in benefit calculations

Currently, employers must report wages to DWD and these reports are used to determine the UI benefit eligibility and amounts of benefits payable to UI claimants.

The wages reported do not include salary reduction amounts withheld from employees for cafeteria plan benefits (fringe benefits the value of which is excluded from gross income under the federal Internal Revenue Code). However, these amounts are included in the formula that is used to determine the benefit eligibility and amounts payable to claimants. DWD may require employers to report the amounts in their wage reports and employers must maintain records of these amounts.

This bill excludes salary reduction amounts for cafeteria plan benefits in calculating the wages that were paid to a claimant for purposes of determining the claimant's benefit eligibility and amounts. The bill also deletes reporting and record-keeping requirements for these amounts. The effect is to raise the threshold for benefit eligibility and to potentially decrease the amount of benefits that may become payable to certain claimants whose wages include deductions for these amounts.

Benefits for partial unemployment during weeks that include holidays

Under current law, a claimant may, under certain circumstances, receive some UI benefits while the claimant is only partially unemployed (benefits for partial unemployment). However, a claimant is ineligible to receive any benefits for partial unemployment for a week in which one or more of the following applies to the claimant for 32 or more hours in that week: 1) the claimant performs work; 2) the claimant receives certain amounts treated as wages for that week; or 3) the claimant receives holiday pay, vacation pay, termination pay, or sick pay that is treated as wages under current law.

Under the bill, for purposes of these provisions limiting the availability of benefits for partial unemployment, the 32-hour ceiling for a claimant is reduced for a given week by eight hours for each state or federal holiday that occurs during that week, if both of the following apply: 1) the claimant only has base period wages from a single employer; and 2) that employer previously provided a written notice to DWD designating that the employer will undergo a complete business shutdown on that holiday (or those holidays) and the employer does undergo a complete business shutdown on that holiday (or holiday). The bill allows an employer to designate up to seven holidays per calendar year for purposes of these provisions and requires the employer to provide the notice to DWD by December 1 of the year before the holidays. Finally, the bill provides that, if an employer that provides such a notice to DWD will not or does not actually undergo a complete business shutdown on a state or federal holiday as designated in the notice, the employer must, no later than the first business day following the week in which the state or federal holiday occurs, notify DWD in writing of that fact. The bill provides that a complete business shutdown means that all locations operated by an employer are closed for business completely and no employee employed by the business is required by the employer to report for work or be available for work.

Failure of claimants to provide requested information

Currently, DWD may require a claimant to answer questions relating to his or her UI benefit eligibility and to provide certain demographic information for auditing purposes. In addition, DWD must require each claimant to provide his or

her social security number. A claimant is not eligible to receive benefits for any week in which the claimant fails to comply with a request by DWD for information and for any subsequent week until the claimant provides the requested information or satisfies that DWD that he or she had good cause for failure to provide the information. Generally, if a claimant later complies with a request or satisfies DWD that he or she had good cause for failure to comply, the claimant is eligible to receive benefits beginning with the week in which the failure occurred, if otherwise qualified. With respect to certain specific information, however, if a claimant later provides the requested information but does not have good cause for the initial failure to provide the information, the claimant is eligible only to receive benefits that become payable in the week in which the information is provided. Under this bill, if a claimant later complies with a request, the claimant is eligible to receive benefits beginning with the week in which the failure occurred, regardless of whether the claimant satisfies DWD that he or she had good cause for failure to comply with the request. The change does not apply to a claimant's failure to provide DWD his or her social security number.

Treatment of services performed by prison inmates

Under current law, covered employment under the UI law generally does not include services by inmates of a custodial or penal institution for government units, Indian tribes, or nonprofit organizations. The bill provides that services performed for employers that are *not* government units, Indian tribes, or nonprofit organizations by inmates of state or federal prisons are also not covered employment under the UI law. As a consequence, wages paid by employers for those services are not subject to UI contribution requirements and those wages are not counted as base period wages for purposes of determining eligibility for UI benefits.

Claimant security credentials

This bill requires each claimant for UI benefits to create security credentials in order to engage in any transactions with DWD, including the filing of an initial or continued claim for benefits. The credentials may consist of a personal identification number, username, and password, or any other means prescribed by DWD. The bill provides that if a claimant's security credentials are used in any transaction with DWD, the individual using the credentials is presumed to be the claimant or the claimant's authorized agent. The presumption may be rebutted by a preponderance of evidence showing that the claimant who created the credentials or the claimant's authorized agent was not the person who used the credentials in a given transaction. The bill provides that if a claimant uses an agent to engage in any transaction with DWD using the claimant's security credentials, the claimant is responsible for the actions of the agent. The bill also provides that if a claimant who creates security credentials or the claimant's authorized agent divulges the credentials to another person, or fails to take adequate measures to protect the credentials from being divulged to an unauthorized person, and DWD pays benefits to an unauthorized person because of the claimant's action or inaction, DWD may recover from the claimant the benefits that were paid to the unauthorized person. In addition, the bill provides that if a claimant who creates security credentials or the claimant's authorized agent divulges the credentials to another person, or fails to take adequate

measures to protect the credentials from being divulged to an unauthorized person, DWD is not obligated to pursue recovery of, and is not liable to the claimant for, benefits payable to the claimant that were erroneously paid to another person. Current law contains no similar provisions.

Benefits paid to employees who lose licenses required to perform work

Currently, if an employee is required by law to have a license issued by a governmental agency to perform his or her customary work for an employer, and the employee's employment is suspended or terminated because the license is suspended, revoked, or not renewed due to the employee's fault, the employee is not eligible to receive benefits until five weeks have elapsed since the end of the week in which the suspension or termination occurs or until the license is reinstated or renewed, whichever occurs first. The wages paid by the employer who suspended or terminated the employee are excluded in determining the eligibility of and amount of benefits payable to the employee while the license suspension, revocation, or nonrenewal is in effect. If benefits are paid to an employee using wages that were paid or treated as having been paid during a period when the employee's license was suspended, revoked, or not renewed, the base period wages paid or treated as having been paid by the employer that suspended or terminated the employee are not charged to the employer's account for the period when the license suspension, revocation, or nonrenewal is in effect, but are instead charged to the balancing account of the unemployment reserve fund (pooled account financed by all employers who pay contributions that is used to pay benefits that are not chargeable to any employer's account). This bill provides that if an employee qualifies to receive benefits for any benefit year using base period wages paid or treated as having been paid during a period when wages are excluded from the employee's base period due to a license suspension, revocation, or nonrenewal, DWD must charge the cost of the benefits otherwise chargeable to the employer who suspended or terminated the employee to the balancing account for all weeks in that benefit year.

TAX CHANGES

Contribution and solvency rate schedules

Currently, all employers that engage employees in work that is covered under the UI law, other than governmental, nonprofit, and Indian tribe employers that elect to pay directly for the cost of benefits, must pay contributions (taxes) to finance UI benefits. The total contributions of an employer are the sum of the contributions payable as a result of the employer's contribution rate and the contributions payable as a result of the employer's solvency rate, each of which varies with the employment stability of the employer and the solvency of the unemployment reserve fund (fund), from which benefits are paid. An employer's contributions payable as a result of its contribution rate are credited to the employer's account in the fund, while an employer's contributions payable as a result of its solvency rate are credited to the fund's balancing account, which is used to finance benefits not payable from any employer's account.

An employer's contribution rate is determined based upon the employer's reserve percentage. The employer's reserve percentage is the net balance of the employer's account as of the computation date (generally June 30), stated as a

percentage of the employer's taxable payroll in the 12-month period ending on the computation date. Current law defines taxable payroll as the first \$14,000 of wages paid by an employer to each employee during a calendar year. An employer's solvency rate is determined by reference to the employer's contribution rate and rises as the contribution rate rises.

Currently, there are four schedules of contribution rates and four schedules of solvency rates. The schedule that applies for any year depends upon the solvency of the fund on June 30 of the preceding year. Currently, the highest contribution rate that must be paid by an employer applies to an overdrawn employer with a reserve percentage of 6.0 percent or greater. The contribution rate for such an employer is 8.50 percent of taxable payroll for each of the four schedules of contribution rates. Also currently, the highest solvency rates for such an employer are between 1.25 percent and 1.35 percent of taxable payroll, depending on which schedule is in effect.

This bill amends each of the four schedules of contribution rates so that overdrawn employers with reserve percentages greater than 6.0 percent have higher contribution rates than they do under current law. Specifically, the bill provides that: 1) if an overdrawn employer has a reserve percentage of 7.0 percent or greater, but less than 8.0 percent, the contribution rate for such an employer is 9.25 percent of taxable payroll; 2) if an overdrawn employer has a reserve percentage of 8.0 percent or greater, but less than 9.0 percent, the contribution rate for such an employer is 10.00 percent of taxable payroll; and 3) if an overdrawn employer has a reserve percentage of 9.0 percent or greater, the contribution rate for such an employer is 10.70 percent of taxable payroll.

The bill also amends each of the four schedules of solvency rates to specify the solvency rates for employers who are subject to the contribution rates created by the bill and to make minor adjustments to the maximum solvency rates under current law. The bill provides, for each of the added contribution rates in each of the four schedules, for a solvency rate of 1.30 percent of taxable payroll.

Interest on delinquent payments

Currently, if an employer does not make a payment required under the UI law to DWD by the due date, the employer must pay interest on the amount owed equal to a variable rate determined by law from the date that the payment became due. Revenues from interest payments are used to administer the UI program. This bill permits DWD to waive or decrease the interest charged to an employer in limited circumstances as prescribed by rule of DWD.

Treatment of limited liability companies consisting of the same members

Currently, for purposes of the UI law, multiple limited liability companies (LLCs) that consist of the same members are treated as a single employer unless, subject to certain provisions, each of those LLCs files a written request with DWD to be treated as a separate employer and DWD approves the request. Under the bill, consistent with the Federal Unemployment Tax Act (FUTA), multiple LLCs that consist of the same members are always treated as separate employers, for purposes of the UI law.

OTHER CHANGES***Loans by this state to the unemployment reserve fund***

Currently, with certain exceptions, the secretary of administration may reallocate, or borrow internally, from any state fund or account to ensure the continued solvency of another state fund or account if revenue to the fund or account to which the reallocation is made is expected to be sufficient to reverse the reallocation. The outstanding reallocations at any time may not exceed a total of \$400,000,000. If money from one state segregated fund is temporarily reallocated to another such fund, the secretary must charge interest to the receiving fund and credit this interest to the fund from which the reallocation is made.

This bill permits the secretary of workforce development to request the secretary of administration to reallocate moneys to the unemployment reserve fund from other state funds or accounts. Under the bill, the total outstanding amount of any reallocations may not exceed \$50,000,000 at any given time. This amount is in addition to the current limit upon reallocations of \$400,000,000. The bill prohibits the secretary of administration from assessing any interest to the unemployment reserve fund for moneys loaned to the fund. The bill provides that any loan to the unemployment reserve fund is subject to the approval of the Joint Committee on Finance. The bill directs the secretary of workforce development to request a loan from this state to the unemployment reserve fund whenever the secretary determines that employers in this state that are subject to a requirement to pay a federal unemployment tax might experience a lower tax rate if this state were to loan moneys to the fund and the loan could be made under the authority granted by the bill. The bill also directs the secretary of workforce development to repay this state for any loans made to the unemployment reserve fund whenever the secretary determines that repayment can be made without jeopardizing the ability of DWD to continue to pay other liabilities and costs chargeable to the fund. The bill directs the secretary to ensure that the timing of any repayment accords with federal requirements for ensuring a favorable tax experience for employers in this state.

Payment of interest on federal advances to reserve fund

Currently, if in any year the balance in the unemployment reserve fund is insufficient to make full payment of unemployment insurance benefits that become payable to claimants for that year, DWD secures an advance from the federal unemployment account to enable this state to make full payment of all benefits that become payable. Whenever the balance in the unemployment reserve fund is sufficient to repay the federal government for its advances and to continue to make payment of the benefits that become payable, DWD repays the federal government for its outstanding advances. Annually, the federal government assesses interest to this state on this state's outstanding advances that have not been repaid. Currently, if in any year DWD is unable to make full payment of the interest that becomes due from certain other limited sources, each employer must pay an assessment to the state unemployment interest payment fund in an amount specified by law sufficient to enable DWD to make full payment of the interest due for that year.

This bill appropriates a sum sufficient not exceeding \$30,000,000 from general purpose revenues to pay any interest that becomes due to the federal government

prior to July 1, 2015, on outstanding advances made to the unemployment reserve fund. Under the bill, DWD must first use any available moneys from this appropriation to make payment of the interest due for any year. If the amount appropriated, together with other available sources, is insufficient to make full payment of the interest that becomes due for any year, each employer must pay an assessment in the amount determined by DWD sufficient to cover the deficiency. If the moneys appropriated under the bill are not fully expended at the end of the 2013-15 fiscal biennium, the balance is retained in the general fund.

License revocations based on UI contribution delinquencies

Current law requires various state agencies and boards (licensing departments) that issue various licenses and other credentials (licenses) to revoke a license or deny an application for a license if the Department of Revenue (DOR) certifies that the license holder or applicant owes DOR delinquent taxes. Current law also allows the Wisconsin Supreme Court to decide whether to revoke or deny an application for a license to practice law if the license holder or applicant is certified by DOR to owe delinquent taxes. This bill creates similar provisions for license holders and applicants that DWD certifies are liable for delinquent UI contributions. UI contributions are taxes employers must pay to DWD for deposit with the federal government, and which are then used to pay the claims of claimants for UI benefits. The bill also includes within the definition of UI contributions other assessments, interest, fees, and penalties that have been imposed upon employers in connection with their UI contribution obligations. The provisions created in the bill apply only to delinquent UI contributions for which the employer has exhausted all legal rights to challenge the employer's liability.

Under the bill, each licensing department must enter into a memorandum of understanding with DWD. Under the memorandum, the licensing department must ask DWD to certify whether a license holder or applicant is liable for delinquent UI contributions. If DWD certifies to a licensing department that a license holder or applicant is liable for delinquent UI contributions, the licensing department must revoke the license or deny the application for a license. A licensing department must mail a notice of revocation or denial to the license holder or applicant, and the notice must inform the applicant or license holder of the right to a review of DWD's certification at a hearing conducted by DWD. The hearing is limited to questions of mistaken identity and prior payment of the delinquent UI contributions. Following the hearing, if DWD does not uphold its certification, DWD must issue the holder or applicant a nondelinquency certificate and the licensing department must reinstate the license or approve the application for a license without requiring any additional application, fee, or test, unless there are other grounds for denial or revocation. If DWD does uphold its certification, DWD must so inform the license holder or applicant and the licensing department. The license holder or applicant may seek judicial review of an adverse determination by DWD at the hearing by filing a petition for review in the Dane County circuit court and may appeal the court's decision. A license holder or applicant whose license has been revoked or denied because of delinquent UI contributions may also, after satisfying that debt, request DWD to issue a nondelinquency certificate, which the license holder or applicant

may then present to have the license reinstated, unless there are other grounds for not reinstating the license or for denying the application.

The bill includes the following within the definition of licensing department: the Department of Administration; the Board of Commissioners of Public Lands; the Department of Children and Families; the Government Accountability Board; the Department of Financial Institutions; the Department of Health Services; the Department of Natural Resources; the Department of Public Instruction; the Department of Revenue; the Department of Safety and Professional Services; the Office of the Commissioner of Insurance; and the Department of Transportation. The bill applies to various licenses administered by the aforementioned licensing departments.

The bill allows DWD to deny an application for or revoke various licenses administered by DWD if the license holder or applicant is liable for delinquent UI contributions. Such a license holder or applicant has the same rights to review by DWD and to judicial review as do holders of or applicants for licenses administered by other licensing departments.

The bill also requests the Wisconsin Supreme Court to enter into a similar memorandum of understanding with DWD. If DWD determines that a licensed attorney or an applicant for a license to practice law is liable for delinquent UI contributions, DWD may send the attorney or applicant a notice of that determination. The attorney or applicant has the same rights to a hearing and judicial review as do other license holders or applicants. However, DWD may not send the supreme court a certification of UI contribution delinquency until the attorney or applicant has exercised or exhausted his or her full rights to judicial review. If the determination is upheld following the holder or applicant's exercise or exhaustion of rights to judicial review, DWD may then certify to the supreme court that the attorney or applicant is liable for delinquent UI contributions. The supreme court may then decide whether to suspend, revoke, or deny the attorney's or applicant's license to practice law.

Financial record matching program

Currently, the Departments of Children and Families, Revenue, and Health Services (departments) operate financial records matching programs whereby the departments, for various asset verification or determination purposes, match data possessed by the departments with the records of financial institutions. This bill establishes a similar financial records matching program with DWD to allow DWD to identify the assets of persons who are delinquent in paying debts related to the UI program (UI debtors).

Under the program, financial institutions doing business in this state must enter into agreements with DWD to participate in a financial institution matching option or a state matching option. DWD may pay such a financial institution up to \$125 per calendar quarter for participating.

Under the financial institution matching option, at least once every calendar quarter DWD sends information to the financial institution, including names, addresses, and social security numbers, about UI debtors. The financial institution determines whether any UI debtor has an ownership interest in an account at the

financial institution and, if so, sends DWD information about the account, such as the type, number, and balance.

Under the state matching option, at least once every calendar quarter the financial institution sends DWD information about accounts maintained at the financial institution, including the name and social security number of each person having an ownership interest in each account. On the basis of that information, DWD determines whether any UI debtor has an ownership interest in an account at the financial institution and, if so, may request further information from the financial institution, including the person's address of record and the account balance.

The bill prohibits DWD from disclosing or retaining information concerning account holders who are not UI debtors; prohibits employees, agents, officers, and directors of financial institutions from disclosing or retaining information concerning UI debtors; and prohibits both DWD and financial institutions from using any information received under the program for any purpose not related to the program. The bill provides penalties for any employee, agent, officer, or director of a financial institution who violates any of the prohibitions. The bill also provides that a financial institution is not liable for disclosing financial information, or for taking any other action, in compliance with the program.

Departmental errors; payments to unintended payees; actions against third-party transferees

Currently, DWD is directed to waive recovery of benefits that were erroneously paid if the overpayment results from a departmental error and was not the fault of any employer, and the overpayment was not the fault of an employee or did not result from a claimant's false statement or misrepresentation. This bill directs DWD to waive recovery of an overpayment regardless of whether it results from the fault of an employer. The bill also provides specifically that "departmental error" does not include, and recovery is not waived, if DWD makes an error in computing, paying, or crediting benefits to any individual, whether or not a claimant, or in crediting contributions or reimbursements to one or more employers that results from: 1) a computer malfunction or programming error; 2) an error in transmitting data to or from a financial institution; 3) a typographical or keying error; 4) a bookkeeping or other payment processing error; 5) an action by DWD resulting from a false statement or representation by an individual; or 6) an action by DWD resulting from an unauthorized manipulation of an electronic system from within or outside DWD.

The bill provides that if DWD determines that a payment has been made to an unintended recipient erroneously without fault on the part of the intended payee, DWD may issue the correct payment to the intended payee if necessary and may recover the amount of the erroneous payment from the recipient using existing recovery procedures, if any, or a new recovery procedure created by the bill (see below). Currently, there is no similar provision.

Under current law, any person who knowingly makes a false statement or representation to obtain a benefit payment personally or for another person is guilty of a misdemeanor and may be fined not less than \$100 nor more than \$500, or imprisoned for not more than 90 days, or both, and in addition may be subject to

forfeiture of certain benefit payments that may be otherwise payable. Currently, DWD is not authorized to recover improper payments directly from third-party payees or transferees. This bill permits DWD to bring a legal action against any person, including a transferee, to preserve and recover the proceeds of any payment from the unemployment reserve fund not resulting from a departmental error if the person receives, possesses, or retains such a payment or if the proceeds are in an account at a financial institution. The bill permits DWD to bring a legal action to recover from any claimant the amount of any benefits that were erroneously paid to another person who was not entitled to receive the benefits because the claimant or the claimant's authorized agent divulged the claimant's security credentials to another person or failed to take adequate measures to protect the credentials from being divulged to an unauthorized person. The bill also permits DWD to sue for injunctive relief to require a payee, transferee, or other person, including a financial institution, in possession of the proceeds from any payment from the fund to preserve the proceeds and to prevent the transfer or use of the proceeds upon showing that the payee, transferee, or other person is not entitled to receive, possess, or retain the proceeds pending final disposition of the matter by the court.

Tardy filing fees

Currently, each employer must file a quarterly report with DWD identifying the name of and wages paid to each employee who is employed by the employer in employment covered by the UI law during the most recent calendar quarter. With limited exceptions, if an employer is delinquent in filing the report, the employer must pay a tardy filing fee of \$50. Revenue from tardy filing fees is used for various purposes to support the UI program. This bill increases the tardy filing fee to \$100 or \$20 per employee, whichever is greater, but provides that if the employer files the report within 30 days of its due date, the fee remains at \$50.

Work search audits of claimants

The bill requires DWD to conduct random audits on claimants for regular UI benefits to assess compliance with the UI law's work search requirement. The bill requires DWD to include in its annual fraud report that is presented to the Council on Unemployment Insurance information about these audits, including the number of audits conducted in the previous year and the results of those audits.

Online portal for filing complaints

The bill requires DWD to maintain a portal on the Internet that allows employers to log in and file complaints with DWD related to the administration of the UI law.

Fraud investigation positions

The bill requires DWD to request funding from the U.S. Department of Labor to hire additional employees to perform UI fraud investigation.

Social security numbers maintained by DOT

Under current law, an individual who applies to the Department of Transportation (DOT) for vehicle title, for a motor vehicle operator's license or an identification card, or for registration as a motor vehicle dealer must, with limited exceptions, state his or her social security number on the application. DOT is

generally required to maintain the confidentiality of these social security numbers but may disclose these social security numbers in limited circumstances, including to the Department of Children and Families and DOR for specified purposes.

This bill allows these social security numbers to also be disclosed to DWD for the sole purpose of enforcing or administering DWD's collection responsibilities related to UI.

Information relating to financing of UI system

This bill directs DWD to provide information to employers concerning the financing of the UI system, including the computation of reserve percentages and their effect upon the contribution and solvency rates of employers, and to post this information on the Internet. The bill, also directs DWD to include this information on any statements of account that DWD provides to employers and to provide this information in writing to each employer who becomes newly subject to a requirement to pay contributions or to reimburse for benefits paid under the UI law.

UI handbook for employers

The bill requires DWD to create and keep up-to-date a handbook for employers for the purpose of informing employers who are subject to the UI law about the provisions and requirements of the UI law. The handbook must include all of the following: 1) information about the function and purpose of UI; 2) a description of the rights and responsibilities of employers under the UI law, including the rights and responsibilities associated with hearings to determine whether claimants are eligible for benefits under the law; 3) a description of the circumstances under which workers are generally eligible and ineligible for UI benefits under the UI law; 4) disclaimers explaining that the contents of the handbook may not be relied upon as legally enforceable and that adherence to the contents does not guarantee a particular result for a decision on a UI matter; and 5) a line to allow an individual employed by the employer to sign to acknowledge that the individual is aware of the contents of the handbook. DWD must make the handbook available on the Internet and must, for a fee, distribute printed copies of the handbook to employers who so request.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state and local* 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. 13.63 (1) (b) of the statutes is amended to read:

1 13.63 (1) (b) Except as provided under par. (am), the board shall not issue a
2 license to an applicant who does not provide his or her social security number. The
3 board shall not issue a license to an applicant or shall revoke any license issued to
4 a lobbyist if the department of revenue certifies to the board that the applicant or
5 lobbyist is liable for delinquent taxes under s. 73.0301 or if the department of
6 workforce development certifies to the board that the applicant or lobbyist is liable
7 for delinquent unemployment insurance contributions under s. 108.227. The board
8 shall refuse to issue a license or shall suspend any existing license for failure of an
9 applicant or licensee to pay court-ordered payments of child or family support,
10 maintenance, birth expenses, medical expenses or other expenses related to the
11 support of a child or former spouse or failure of an applicant or licensee to comply,
12 after appropriate notice, with a subpoena or warrant issued by the department of
13 children and families or a county child support agency under s. 59.53 (5) and related
14 to paternity or child support proceedings, as provided in a memorandum of
15 understanding entered into under s. 49.857. No application may be disapproved by
16 the board except an application for a license by a person who is ineligible for licensure
17 under this subsection or s. 13.69 (4) or an application by a lobbyist whose license has
18 been revoked under this subsection or s. 13.69 (7) and only for the period of such
19 ineligibility or revocation.

20 **SECTION 2.** 13.63 (1) (c) of the statutes is amended to read:

21 13.63 (1) (c) Denial of a license on the basis of a certification by the department
22 of revenue or the department of workforce development may be reviewed under s.
23 73.0301 or 108.227, whichever is applicable. Except with respect to a license that is
24 denied or suspended pursuant to a memorandum of understanding entered into

1 under s. 49.857, denial or suspension of any other license may be reviewed under ch.
2 227.

3 SECTION 3. 16.531 (4) of the statutes is created to read:

4 16.531 (4) This section does not apply to actual or projected imbalances in the
5 unemployment reserve fund or to loans to the fund made under s. 20.002 (11) (b) 3m.

6 SECTION 4. 19.55 (2) (d) of the statutes is amended to read:

7 19.55 (2) (d) Records of the social security number of any individual who files
8 an application for licensure as a lobbyist under s. 13.63 or who registers as a principal
9 under s. 13.64, except to the department of children and families for purposes of
10 administration of s. 49.22 ~~or~~, to the department of revenue for purposes of
11 administration of s. 73.0301, and to the department of workforce development for
2 purposes of administration of s. 108.227.

13 SECTION 5. 20.002 (11) (a) of the statutes is amended to read:

14 20.002 (11) (a) All appropriations, special accounts and fund balances within
15 the general fund or any segregated fund may be made temporarily available for the
16 purpose of allowing encumbrances or financing expenditures of other general or
17 segregated fund activities ~~which do not have sufficient or for the purpose of financing~~
18 unemployment insurance benefits from the unemployment reserve fund under par.
19 (b) 3m. whenever there are insufficient moneys in the funds or accounts from which
20 they the activities are financed but have or whenever there are insufficient moneys
21 in the unemployment reserve fund to pay unemployment insurance benefit
22 payments if there are accounts receivable balances or moneys anticipated to be
23 received from lottery proceeds, as defined in s. 25.75 (1) (c), tax or contribution
4 revenues, gifts, grants, fees, sales of service, or interest earnings recorded under s.
25 16.52 (2) that will be sufficient to repay the fund or account from which moneys are

1 transferred. The secretary of administration shall determine the composition and
2 allowability of the accounts receivable balances and anticipated moneys to be
3 received for this purpose in accordance with s. 20.903 (2) and shall specifically
4 approve the use of surplus moneys from the general or segregated funds after
5 consultation with the appropriate state agency head for use by specified accounts or
6 programs. The secretary of administration shall reallocate available moneys from
7 the budget stabilization fund under s. 16.465 prior to reallocating moneys from any
8 other fund.

9 **SECTION 6.** 20.002 (11) (b) 1. of the statutes is amended to read:

10 20.002 (11) (b) 1. The Except with respect to reallocations made under subd.
11 3m., the secretary of administration shall limit the total amount of any temporary
12 reallocations to a fund other than the general fund to \$400,000,000.

13 **SECTION 7.** 20.002 (11) (b) 3m. of the statutes is created to read:

14 20.002 (11) (b) 3m. Upon request of the secretary of workforce development
15 under s. 108.16 (13), the secretary of administration may temporarily transfer
16 moneys available under par. (a) to the unemployment reserve fund. The secretary
17 of administration shall credit repayments received from the unemployment reserve
18 fund to the funds or accounts from which the transfer was made. The transfers
19 outstanding under this subdivision may not exceed a total of \$50,000,000 at any
20 time. No transfer may be made under this subdivision unless the secretary of
21 administration first submits written notice to the cochairpersons of the joint
22 committee on finance that the transfer is proposed to be made. If the cochairpersons
23 of the committee do not notify the secretary of administration that the committee has
24 scheduled a meeting for the purpose of reviewing the proposed transfer within 30
25 days after the date of the secretary's notification, the transfer may be made as

1 proposed by the secretary. If, within 30 days after the date of notification by the
2 secretary of administration, the cochairpersons of the committee notify the secretary
3 that the committee has scheduled a meeting for the purpose of reviewing the
4 proposed transfer, the transfer may be made under this subdivision only upon
5 approval of the committee.

6 SECTION 8. 20.002 (11) (c) of the statutes is amended to read:

7 20.002 (11) (c) The secretary may assess a special interest charge against the
8 programs or activities utilizing surplus moneys within the same fund under this
9 subsection in an amount not to exceed the daily interest earnings rate of the state
10 investment fund during the period of transfer of surplus moneys to other accounts
11 or programs. Except as provided in s. 16.465 and except with respect to transfers
12 made under par. (b) 3m., the secretary shall assess a special interest charge against
13 the fund utilizing surplus moneys under this subsection in an amount equal to the
14 rate of return the state investment fund earnings would have created to the fund
15 from which the reallocation was made. This interest shall be calculated and credited
16 to the appropriate fund at the same time the earnings from the state investment fund
17 are distributed and shall be considered an adjustment to those earnings.

18 SECTION 9. 20.002 (11) (d) (intro.) of the statutes is amended to read:

19 20.002 (11) (d) (intro.) ~~This~~ Except with respect to transfers made under par.
20 (b) 3m., this subsection applies only to those funds participating in the investment
21 fund for purposes of temporary reallocation between funds or accounts ~~and does not~~
22 ~~include.~~ No transfer may be made under this subsection from any of the following
3 funds or specified accounts in these funds:

24 SECTION 10. 20.445 (1) (fx) of the statutes is created to read:

1 20.445 (1) (fx) *Interest on federal advances*. A sum sufficient, not exceeding
2 \$30,000,000, to pay interest on advances made by the federal government to the
3 unemployment reserve fund under s. 108.19 (1m).

4 **SECTION 11.** 20.445 (1) (fx) of the statutes, as created by 2013 Wisconsin Act ...
5 (this act), is repealed.

6 **SECTION 12.** 20.445 (1) (gm) of the statutes is created to read:

7 20.445 (1) (gm) *Unemployment insurance handbook*. All moneys received
8 under s. 108.14 (23) (d) for the costs of printing and distribution of the unemployment
9 insurance handbook, to pay for those costs.

10 **SECTION 13.** 29.024 (2r) (title) of the statutes is amended to read:

11 29.024 (2r) (title) DENIAL AND REVOCATION OF APPROVALS BASED ON TAX
12 DELINQUENCY DELINQUENT TAXES OR UNEMPLOYMENT INSURANCE CONTRIBUTIONS.

13 **SECTION 14.** 29.024 (2r) (c) of the statutes is amended to read:

14 29.024 (2r) (c) *Disclosure of numbers*. The department of natural resources
15 may not disclose any information received under par. (a) to any person except to the
16 department of revenue for the sole purpose of making certifications required under
17 s. 73.0301 and to the department of workforce development for the sole purpose of
18 making certifications required under s. 108.227.

19 **SECTION 15.** 29.024 (2r) (d) 1. of the statutes is amended to read:

20 29.024 (2r) (d) 1. Except as provided in subd. 2., the department shall deny an
21 application to issue or renew, or revoke if already issued, an approval specified in par.
22 (a) if the applicant for or the holder of the approval fails to provide the information
23 required under par. (a) ~~or~~, if the department of revenue certifies that the applicant
24 or approval holder is liable for delinquent taxes under s. 73.0301, or if the

1 department of workforce development certifies that the applicant or approval holder
2 is liable for delinquent unemployment insurance contributions under s. 108.227.

3 SECTION 16. 48.66 (2m) (c) of the statutes is amended to read:

4 48.66 (2m) (c) The subunit of the department that obtains a social security
5 number or a federal employer identification number under par. (a) 1. may not
6 disclose that information to any person except to the department of revenue for the
7 sole purpose of requesting certifications under s. 73.0301 and to the department of
8 workforce development for the sole purpose of requesting certifications under s.
9 108.227 or on the request of the subunit of the department that administers the child
10 and spousal support program under s. 49.22 (2m).

11 SECTION 17. 48.715 (7) of the statutes is amended to read:

12 48.715 (7) The department shall deny an application for the issuance or
13 continuation of a license under s. 48.66 (1) (a) or a probationary license under s. 48.69
14 to operate a child welfare agency, group home, shelter care facility, or child care
15 center, or revoke such a license already issued, if the department of revenue certifies
16 under s. 73.0301 that the applicant or licensee is liable for delinquent taxes or if the
17 department of workforce development certifies under s. 108.227 that the applicant
18 or licensee is liable for delinquent unemployment insurance contributions. An action
19 taken under this subsection is subject to review only as provided under s. 73.0301 (5)
20 or 108.227 (5) and not as provided in s. 48.72.

21 SECTION 18. 50.498 (title) of the statutes is amended to read:

22 50.498 (title) **Denial, nonrenewal and revocation of license,**
23 **certification or registration based on ~~tax delinquency~~ delinquent taxes or**
4 **unemployment insurance contributions.**

25 SECTION 19. 50.498 (2) of the statutes is amended to read:

1 50.498 (2) The department may not disclose any information received under
2 sub. (1) to any person except to the department of revenue for the sole purpose of
3 requesting certifications under s. 73.0301 and to the department of workforce
4 development for the sole purpose of requesting certifications under s. 108.227.

5 **SECTION 20.** 50.498 (4) of the statutes is renumbered 50.498 (4) (a).

6 **SECTION 21.** 50.498 (4) (b) of the statutes is created to read:

7 50.498 (4) (b) The department shall deny an application for the issuance of a
8 certificate of approval, license or provisional license specified in sub. (1) or shall
9 revoke a certificate of approval, license or provisional license specified in sub. (1), if
10 the department of workforce development certifies under s. 108.227 that the
11 applicant for or holder of the certificate of approval, license or provisional license is
12 liable for delinquent unemployment insurance contributions.

13 **SECTION 22.** 50.498 (5) of the statutes is amended to read:

14 50.498 (5) An action taken under sub. (3) or (4) is subject to review only as
15 provided under s. 73.0301 (2) (b) and (5) or s. 108.227 (5) and (6), whichever is
16 applicable.

17 **SECTION 23.** 51.032 (title) of the statutes is amended to read:

18 **51.032 (title) Denial and revocations of certification or approval based**
19 **on ~~tax delinquency~~ delinquent taxes or unemployment insurance**
20 **contributions.**

21 **SECTION 24.** 51.032 (2) of the statutes is amended to read:

22 51.032 (2) The department may not disclose any information received under
23 sub. (1) to any person except to the department of revenue for the sole purpose of
24 requesting certifications under s. 73.0301 and to the department of workforce
25 development for the sole purpose of requesting certifications under s. 108.227.

1 **SECTION 25.** 51.032 (4) of the statutes is amended to read:

2 51.032 (4) The department shall deny an application for the issuance of a
3 certification or approval specified in sub. (1) or shall revoke a certification or
4 approval specified in sub. (1) if the department of revenue certifies under s. 73.0301
5 that the applicant for or holder of a certification or approval is liable for delinquent
6 taxes or if the department of workforce development certifies under s. 108.227 that
7 the applicant for or holder of a certification or approval is liable for delinquent
8 unemployment insurance contributions.

9 **SECTION 26.** 51.032 (5) of the statutes is amended to read:

10 51.032 (5) An action taken under sub. (3) or (4) is subject to review only as
11 provided under s. 73.0301 (2) (b) and (5) or s. 108.227 (5) and (6), whichever is
12 applicable.

13 **SECTION 27.** 71.78 (4) (o) of the statutes is amended to read:

14 71.78 (4) (o) A licensing department or the supreme court, if the supreme court
15 agrees, for the purpose of denial, nonrenewal, discontinuation and revocation of a
16 license based on tax delinquency under s. 73.0301 or unemployment insurance
17 contribution delinquency under s. 108.227.

18 **SECTION 28.** 73.0301 (2) (c) 2. of the statutes is amended to read:

19 73.0301 (2) (c) 2. A licensing department may not disclose any information
20 received under subd. 1. a. or b. to any person except to the department of revenue for
21 the purpose of requesting certifications under par. ~~(b)~~ (a) 1. or 2. in accordance with
22 the memorandum of understanding under sub. (4) and administering state taxes ~~or,~~
23 to the department of workforce development for the purpose of requesting
4 certifications under s. 108.227 (2) (a) 1. or 2. in accordance with the memorandum
25 of understanding under s. 108.227 (4) and administering the unemployment

1 insurance program, and to the department of children and families for the purpose
2 of administering s. 49.22.

3 SECTION 29. 73.0302 (title) of the statutes is amended to read:

4 73.0302 (title) **Liability for delinquent taxes or unemployment**
5 **insurance contributions.**

6 SECTION 30. 73.0302 (5) of the statutes is created to read:

7 73.0302 (5) If the department of workforce development certifies under s.
8 108.227 that an applicant for certification or recertification under s. 73.03 (50) or a
9 person who holds a certificate issued under s. 73.03 (50) is liable for delinquent
10 unemployment insurance contributions, the department of revenue shall deny the
11 application or revoke the certificate. A person subject to a denial or revocation under
12 this subsection for delinquent unemployment insurance contributions is entitled to
13 a notice under s. 108.227 (2) (b) 1. b. and hearing under s. 108.227 (5) (a) but is not
14 entitled to any other notice or hearing under this chapter.

15 SECTION 31. 73.0302 (6) of the statutes is created to read:

16 73.0302 (6) The department of revenue may disclose a social security number
17 obtained under s. 73.03 (50) (c) to the department of workforce development for the
18 purpose of requesting certifications under s. 108.227.

19 SECTION 32. 73.09 (6m) of the statutes is amended to read:

20 73.09 (6m) SOCIAL SECURITY NUMBERS. Each applicant for certification or
21 recertification under this section shall provide the applicant's social security number
22 on the application. The department of revenue may not disclose a social security
23 number that it obtains under this subsection, except to the department of workforce
24 development for the purpose of requesting certifications under s. 108.227. The

1 department of revenue may not certify or recertify any person who fails to provide
2 his or her social security number on his or her application.

3 **SECTION 33.** 73.09 (8) of the statutes is created to read:

4 **73.09 (8) LIABILITY FOR DELINQUENT UNEMPLOYMENT INSURANCE CONTRIBUTIONS.**

5 If the department of workforce development certifies under s. 108.227 that an
6 applicant for certification or recertification under this section is liable for delinquent
7 unemployment insurance contributions, the department of revenue shall deny the
8 application for certification or recertification or revoke the certificate. A person
9 subject to a denial or revocation under this subsection for delinquent unemployment
10 insurance contributions is entitled to a notice under s. 108.227 (2) (b) 1. b. and
11 hearing under s. 108.227 (5) (a) but is not entitled to any other notice or hearing
12 under this chapter.

13 **SECTION 34.** 101.02 (20) (b) of the statutes is amended to read:

14 101.02 (20) (b) Except as provided in par. (e), the department of safety and
15 professional services may not issue or renew a license unless each applicant who is
16 an individual provides the department of safety and professional services with his
17 or her social security number and each applicant that is not an individual provides
18 the department of safety and professional services with its federal employer
19 identification number. The department of safety and professional services may not
20 disclose the social security number or the federal employer identification number of
21 an applicant for a license or license renewal except to the department of revenue for
22 the sole purpose of requesting certifications under s. 73.0301 and to the department
23 of workforce development for the sole purpose of requesting certifications under s.
24 108.227.

25 **SECTION 35.** 101.02 (20) (c) of the statutes is amended to read:

1 101.02 (20) (c) The department of safety and professional services may not
2 issue or renew a license if the department of revenue certifies under s. 73.0301 that
3 the applicant or licensee is liable for delinquent taxes or if the department of
4 workforce development certifies under s. 108.227 that the applicant or licensee is
5 liable for delinquent unemployment insurance contributions.

6 **SECTION 36.** 101.02 (20) (d) of the statutes is amended to read:

7 101.02 (20) (d) The department of safety and professional services shall revoke
8 a license if the department of revenue certifies under s. 73.0301 that the licensee is
9 liable for delinquent taxes or if the department of workforce development certifies
10 under s. 108.227 that the licensee is liable for delinquent unemployment insurance
11 contributions.

12 **SECTION 37.** 102.17 (1) (c) of the statutes is amended to read:

13 102.17 (1) (c) Any party shall have the right to be present at any hearing, in
14 person or by attorney or any other agent, and to present such testimony as may be
15 pertinent to the controversy before the department. No person, firm, or corporation,
16 other than an attorney at law who is licensed to practice law in the state, may appear
17 on behalf of any party in interest before the department or any member or employee
18 of the department assigned to conduct any hearing, investigation, or inquiry relative
19 to a claim for compensation or benefits under this chapter, unless the person is 18
20 years of age or older, does not have an arrest or conviction record, subject to ss.
21 111.321, 111.322 and 111.335, is otherwise qualified, and has obtained from the
22 department a license with authorization to appear in matters or proceedings before
23 the department. Except as provided under pars. (cm) ~~and~~, (cr), and (ct), the license
24 shall be issued by the department under rules promulgated by the department. The
25 department shall maintain in its office a current list of persons to whom licenses have

1 been issued. Any license may be suspended or revoked by the department for fraud
2 or serious misconduct on the part of an agent, any license may be denied, suspended,
3 nonrenewed, or otherwise withheld by the department for failure to pay
4 court-ordered payments as provided in par. (cm) on the part of an agent, and any
5 license may be denied or revoked if the department of revenue certifies under s.
6 73.0301 that the applicant or licensee is liable for delinquent taxes or if the
7 department determines under par. (ct) that the applicant or licensee is liable for
8 delinquent contributions. Before suspending or revoking the license of the agent on
9 the grounds of fraud or misconduct, the department shall give notice in writing to the
10 agent of the charges of fraud or misconduct and shall give the agent full opportunity
11 to be heard in relation to those charges. In denying, suspending, restricting, refusing
12 to renew, or otherwise withholding a license for failure to pay court-ordered
13 payments as provided in par. (cm), the department shall follow the procedure
14 provided in a memorandum of understanding entered into under s. 49.857. The
15 license and certificate of authority shall, unless otherwise suspended or revoked, be
16 in force from the date of issuance until the June 30 following the date of issuance and
17 may be renewed by the department from time to time, but each renewed license shall
18 expire on the June 30 following the issuance of the renewed license.

19 **SECTION 38.** 102.17 (1) (ct) of the statutes is created to read:

20 102.17 (1) (ct) 1. The department may deny an application for the issuance or
21 renewal of a license under par. (c), or revoke such a license already issued, if the
22 department determines that the applicant or licensee is liable for delinquent
23 contributions, as defined in s. 108.227 (1) (d). Notwithstanding par. (c), an action
24 taken under this subdivision is subject to review only as provided under s. 108.227
25 (5) and not as provided in ch. 227.

1 2. If the department denies an application or revokes a license under subd. 1.,
2 the department shall mail a notice of denial or revocation to the applicant or license
3 holder. The notice shall include a statement of the facts that warrant the denial or
4 revocation and a statement that the applicant or license holder may, within 30 days
5 after the date on which the notice of denial or revocation is mailed, file a written
6 request with the department to have the determination that the applicant or license
7 holder is liable for delinquent contributions reviewed at a hearing under s. 108.227
8 (5) (a).

9 3. If, after a hearing under s. 108.227 (5) (a), the department affirms a
10 determination under subd. 1. that an applicant or license holder is liable for
11 delinquent contributions, the department shall affirm its denial or revocation. An
12 applicant or license holder may seek judicial review under s. 108.227 (6) of an
13 affirmation by the department of a denial or revocation under this subdivision.

14 4. If, after a hearing under s. 108.227 (5) (a), the department determines that
15 a person whose license is revoked or whose application is denied under subd. 1. is not
16 liable for delinquent contributions, as defined in s. 108.227 (1) (d), the department
17 shall reinstate the license or approve the application, unless there are other grounds
18 for revocation or denial. The department may not charge a fee for reinstatement of
19 a license under this subdivision.

20 **SECTION 39.** 103.005 (10) of the statutes is amended to read:

21 103.005 (10) Except as provided in ss. 103.06 (5) (d), 103.275 (2) (bm) ~~and~~, (br),
22 ~~and (bt)~~, 103.34 (10) (b) ~~and~~, (c), ~~and (d)~~, 103.91 (4) (b) ~~and~~, (c), ~~and (d)~~, 103.92 (6) ~~and~~,
23 (7), ~~and (8)~~, 104.07 (5) ~~and~~, (6), ~~and (7)~~, and 105.13 (2) ~~and~~, (3), ~~and (4)~~, orders of the
24 department under chs. 103 to 106 shall be subject to review in the manner provided
25 in ch. 227.

1 SECTION 40. 103.275 (2) (b) (intro.) of the statutes is amended to read:

2 103.275 (2) (b) (intro.) Except as provided under pars. (bm) ~~and~~, (br), and (bt),
3 upon receipt of a properly completed application, the department shall issue a
4 house-to-house employer certificate if all of the following apply:

5 SECTION 41. 103.275 (2) (bt) of the statutes is created to read:

6 103.275 (2) (bt) 1. The department may deny an application for the issuance
7 or renewal of a house-to-house employer certificate, or revoke such a certificate
8 already issued, if the department determines that the applicant or house-to-house
9 employer is liable for delinquent contributions, as defined in s. 108.227 (1) (d).
10 Notwithstanding sub. (7) and s. 103.005 (10), an action taken under this subdivision
11 is subject to review only as provided under s. 108.227 (5) and not as provided in sub.
2 (7) and ch. 227.

13 2. If the department denies an application or revokes a certificate under subd.
14 1., the department shall mail a notice of denial or revocation to the applicant or
15 house-to-house employer. The notice shall include a statement of the facts that
16 warrant the denial or revocation and a statement that the applicant or
17 house-to-house employer may, within 30 days after the date on which the notice of
18 denial or revocation is mailed, file a written request with the department to have the
19 determination that the applicant or house-to-house employer is liable for
20 delinquent contributions reviewed at a hearing under s. 108.227 (5) (a).

21 3. If, after a hearing under s. 108.227 (5) (a), the department affirms a
22 determination under subd. 1. that an applicant or house-to-house employer is liable
3 for delinquent contributions, the department shall affirm its denial or revocation.
24 An applicant or house-to-house employer may seek judicial review under s. 108.227

1 (6) of an affirmation by the department of a denial or revocation under this
2 subdivision.

3 4. If, after a hearing under s. 108.227 (5) (a), the department determines that
4 a person whose certificate is revoked or whose application is denied under subd. 1.
5 is not liable for delinquent contributions, as defined in s. 108.227 (1) (d), the
6 department shall reinstate the certificate or approve the application, unless there
7 are other grounds for revocation or denial. The department may not charge a fee for
8 reinstatement of a certificate under this subdivision.

9 SECTION 42. 103.275 (7) (b) of the statutes is amended to read:

10 103.275 (7) (b) Except as provided in sub. (2) (bm) ~~and~~, (br), and (bt), after
11 providing at least 10 days' notice to a house-to-house employer, the department may,
12 on its own or upon a written and signed complaint, suspend the house-to-house
13 employer's certificate. The department shall serve a copy of the complaint with
14 notice of a suspension of the certificate on the person complained against, and the
15 person shall file an answer to the complaint with the department and the
16 complainant within 10 days after service. After receiving the answer, the
17 department shall set the matter for hearing as promptly as possible and within 30
18 days after the date of filing the complaint. Either party may appear at the hearing
19 in person or by attorney or agent. The department shall make its findings and
20 determination concerning the suspension within 90 days after the date that the
21 hearing is concluded and send a copy to each interested party.

22 SECTION 43. 103.275 (7) (c) of the statutes is amended to read:

23 103.275 (7) (c) Except as provided in sub. (2) (bm) ~~and~~, (br), and (bt), the
24 department may revoke a certificate issued under sub. (2) after holding a public
25 hearing at a place designated by the department. At least 10 days prior to the

1 revocation hearing, the department shall send written notice of the time and place
2 of the revocation hearing to the person holding the certificate and to the person's
3 attorney or agent of record by mailing the notice to their last-known address. The
4 testimony presented and proceedings at the revocation hearing shall be recorded and
5 preserved as the records of the department. The department shall, as soon after the
6 hearing as possible, make its findings and determination concerning revocation and
7 send a copy to each interested party.

8 **SECTION 44.** 103.34 (3) (c) of the statutes is amended to read:

9 103.34 (3) (c) Subject to par. (d) and sub. (10) (b) ~~and (c), and (d)~~, after
10 completing the investigation under par. (b), the department shall issue a certificate
11 of registration to the applicant if the department determines that the applicant
12 meets the minimum requirements under this section and rules promulgated under
13 sub. (13) for issuance of a certificate of registration and is satisfied that the applicant
14 will comply with this section and those rules.

15 **SECTION 45.** 103.34 (10) (title) of the statutes is amended to read:

16 103.34 (10) (title) CHILD SUPPORT; DELINQUENT TAXES OR UNEMPLOYMENT
17 INSURANCE CONTRIBUTIONS.

18 **SECTION 46.** 103.34 (10) (d) of the statutes is created to read:

19 103.34 (10) (d) 1. The department may deny an application for the issuance or
20 renewal of a certificate of registration, or revoke a certificate of registration already
21 issued, if the department determines that the applicant or registrant is liable for
22 delinquent contributions, as defined in s. 108.227 (1) (d). Notwithstanding s. 103.005
3 (10), an action taken under this subdivision is subject to review only as provided
24 under s. 108.227 (5) and not as provided in ch. 227.

1 2. If the department denies an application or revokes a certificate of
2 registration under subd. 1., the department shall mail a notice of denial or revocation
3 to the applicant or registrant. The notice shall include a statement of the facts that
4 warrant the denial or revocation and a statement that the applicant or registrant
5 may, within 30 days after the date on which the notice of denial or revocation is
6 mailed, file a written request with the department to have the determination that
7 the applicant or registrant is liable for delinquent contributions reviewed at a
8 hearing under s. 108.227 (5) (a).

9 3. If, after a hearing under s. 108.227 (5) (a), the department affirms a
10 determination under subd. 1. that an applicant or registrant is liable for delinquent
11 contributions, the department shall affirm its denial or revocation. An applicant or
12 registrant may seek judicial review under s. 108.227 (6) of an affirmation by the
13 department of a denial or revocation under this subdivision.

14 4. If, after a hearing under s. 108.227 (5) (a), the department determines that
15 a person whose certificate of registration is revoked or whose application is denied
16 under subd. 1. is not liable for delinquent contributions, as defined in s. 108.227 (1)
17 (d), the department shall reinstate the certificate of registration or approve the
18 application, unless there are other grounds for revocation or denial. The department
19 may not charge a fee for reinstatement of a certificate under this subdivision.

20 **SECTION 47.** 103.91 (4) (d) of the statutes is created to read:

21 103.91 (4) (d) 1. The department may deny an application for the issuance or
22 renewal of a certificate of registration under sub. (1), or revoke such a certificate
23 already issued, if the department determines that the applicant or registrant is
24 liable for delinquent contributions, as defined in s. 108.227 (1) (d). Notwithstanding

1 s. 103.005 (10), an action taken under this subdivision is subject to review only as
2 provided under s. 108.227 (5) and not as provided in ch. 227.

3 2. If the department denies an application or revokes a certificate of
4 registration under subd. 1., the department shall mail a notice of denial or revocation
5 to the applicant or registrant. The notice shall include a statement of the facts that
6 warrant the denial or revocation and a statement that the applicant or registrant
7 may, within 30 days after the date on which the notice of denial or revocation is
8 mailed, file a written request with the department to have the determination that
9 the applicant or registrant is liable for delinquent contributions reviewed at a
10 hearing under s. 108.227 (5) (a).

11 3. If, after a hearing under s. 108.227 (5) (a), the department affirms a
12 determination under subd. 1. that an applicant or registrant is liable for delinquent
13 contributions, the department shall affirm its denial or revocation. An applicant or
14 registrant may seek judicial review under s. 108.227 (6) of an affirmation by the
15 department of a denial or revocation under this subdivision.

16 4. If, after a hearing under s. 108.227 (5) (a), the department determines that
17 a person whose certificate is revoked or whose application is denied under subd. 1.
18 is not liable for delinquent contributions, as defined in s. 108.227 (1) (d), the
19 department shall reinstate the certificate or approve the application, unless there
20 are other grounds for revocation or denial. The department may not charge a fee for
21 reinstatement of a certificate under this subdivision.

22 SECTION 48. 103.92 (3) of the statutes is amended to read:

23 103.92 (3) CERTIFICATE. The department shall inspect each camp for which
24 application to operate is made, to determine if it is in compliance with the rules of
25 the department establishing minimum standards for migrant labor camps. Except

1 as provided under subs. (6) ~~and~~, (7), and (8), if the department finds that the camp
2 is in compliance with the rules, it shall issue a certificate authorizing the camp to
3 operate until March 31 of the next year. The department shall refuse to issue a
4 certificate if it finds that the camp is in violation of such rules, if the person
5 maintaining the camp has failed to pay court-ordered payments as provided in sub.
6 (6) or if the person maintaining the camp is liable for delinquent taxes as provided
7 in sub. (7) or delinquent unemployment insurance contributions as provided in sub.
8 (8).

9 SECTION 49. 103.92 (8) of the statutes is created to read:

10 103.92 (8) LIABILITY FOR DELINQUENT UNEMPLOYMENT INSURANCE CONTRIBUTIONS.

11 (a) The department may deny an application for the issuance or renewal of a
12 certificate to operate a migrant labor camp, or revoke such a certificate already
13 issued, if the department determines that the applicant or person operating the
14 camp is liable for delinquent contributions, as defined in s. 108.227 (1) (d).
15 Notwithstanding s. 103.005 (10), an action taken under this paragraph is subject to
16 review only as provided under s. 108.227 (5) and not as provided in ch. 227.

17 (b) If the department denies an application or revokes a certificate under par.
18 (a), the department shall mail a notice of denial or revocation to the applicant or
19 person operating the camp. The notice shall include a statement of the facts that
20 warrant the denial or revocation and a statement that the applicant or person
21 operating the camp may, within 30 days after the date on which the notice of denial
22 or revocation is mailed, file a written request with the department to have the
23 determination that the applicant or person operating the camp is liable for
24 delinquent contributions reviewed at a hearing under s. 108.227 (5) (a).

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1 (c) If, after a hearing under s. 108.227 (5) (a), the department affirms a
2 determination under par. (a) that an applicant or person operating a camp is liable
3 for delinquent contributions, the department shall affirm its denial or revocation.
4 An applicant or person operating a camp may seek judicial review under s. 108.227
5 (6) of an affirmation by the department of a denial or revocation under this
6 paragraph.

7 (d) If, after a hearing under s. 108.227 (5) (a), the department determines that
8 a person whose certificate is revoked or whose application is denied under par. (a) is
9 not liable for delinquent contributions, as defined in s. 108.227 (1) (d), the
10 department shall reinstate the certificate or approve the application, unless there
11 are other grounds for revocation or denial. The department may not charge a fee for
12 reinstatement of a certificate under this paragraph.

13 **SECTION 50.** 104.07 (1) and (2) of the statutes are amended to read:

14 104.07 (1) The department shall make rules, and, except as provided under
15 subs. (5) ~~and, (6), and (7)~~, grant licenses to any employer who employs any employee
16 who is unable to earn the living wage determined by the department, permitting the
17 employee to work for a wage that is commensurate with the employee's ability. Each
18 license so granted shall establish a wage for the licensee.

19 (2) The department shall make rules, and, except as provided under subs. (5)
20 ~~and, (6), and (7)~~, grant licenses to sheltered workshops, to permit the employment
21 of workers with disabilities who are unable to earn the living wage at a wage that
22 is commensurate with their ability and productivity. A license granted to a sheltered
23 workshop under this subsection may be issued for the entire workshop or a
24 department of the workshop.

25 **SECTION 51.** 104.07 (7) of the statutes is created to read:

1 104.07 (7) (a) The department may deny an application for the issuance or
2 renewal of a license under sub. (1) or (2), or revoke such a license already issued, if
3 the department determines that the applicant or licensee is liable for delinquent
4 contributions, as defined in s. 108.227 (1) (d). Notwithstanding s. 103.005 (10), an
5 action taken under this paragraph is subject to review only as provided under s.
6 108.227 (5) and not as provided in ch. 227.

7 (b) If the department denies an application or revokes a license under par. (a),
8 the department shall mail a notice of denial or revocation to the applicant or licensee.
9 The notice shall include a statement of the facts that warrant the denial or revocation
10 and a statement that the applicant or licensee may, within 30 days after the date on
11 which the notice of denial or revocation is mailed, file a written request with the
12 department to have the determination that the applicant or licensee is liable for
13 delinquent contributions reviewed at a hearing under s. 108.227 (5) (a).

14 (c) If, after a hearing under s. 108.227 (5) (a), the department affirms a
15 determination under par. (a) that an applicant or licensee is liable for delinquent
16 contributions, the department shall affirm its denial or revocation. An applicant or
17 licensee may seek judicial review under s. 108.227 (6) of an affirmation by the
18 department of a denial or revocation under this paragraph.

19 (d) If, after a hearing under s. 108.227 (5) (a), the department determines that
20 a person whose license is revoked or whose application is denied under par. (a) is not
21 liable for delinquent contributions, as defined in s. 108.227 (1) (d), the department
22 shall reinstate the license or approve the application, unless there are other grounds
23 for revocation or denial. The department may not charge a fee for reinstatement of
24 a license under this paragraph.

25 **SECTION 52.** 105.13 (1) of the statutes is amended to read:

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1 105.13 (1) The department may issue licenses to employment agents, and
2 refuse to issue a license whenever, after investigation, the department finds that the
3 character of the applicant makes the applicant unfit to be an employment agent, that
4 the applicant has failed to pay court-ordered payments as provided in sub. (2) ~~or~~, that
5 the applicant is liable for delinquent taxes as provided in sub. (3), or that the
6 applicant is liable for delinquent unemployment insurance contributions as
7 provided in sub. (4), or when the premises for conducting the business of an
8 employment agent is found upon investigation to be unfit for such use. Any license
9 granted by the department may be suspended or revoked by it upon notice to the
10 licensee and good cause. Failure to comply with this chapter and rules promulgated
11 thereunder, or with any lawful orders of the department, is cause to suspend or
12 revoke a license. Failure to pay court-ordered payments as provided in sub. (2) is
13 cause to deny, suspend, restrict, refuse to renew or otherwise withhold a license.
14 Liability for delinquent taxes as provided in sub. (3) or delinquent unemployment
15 insurance contributions as provided in sub. (4) is cause to deny or revoke a license.

16 **SECTION 53.** 105.13 (4) of the statutes is created to read:

17 105.13 (4) (a) The department may deny an application for the issuance or
18 renewal of an employment agent's license, or revoke such a license already issued,
19 if the department determines that the applicant or licensee is liable for delinquent
20 contributions, as defined in s. 108.227 (1) (d). Notwithstanding s. 103.005 (10), an
21 action taken under this paragraph is subject to review only as provided under s.
22 108.227 (5) and not as provided in ch. 227.

23 (b) If the department denies an application or revokes a license under par. (a),
24 the department shall mail a notice of denial or revocation to the applicant or licensee.
25 The notice shall include a statement of the facts that warrant the denial or revocation

1 and a statement that the applicant or licensee may, within 30 days after the date on
2 which the notice of denial or revocation is mailed, file a written request with the
3 department to have the determination that the applicant or licensee is liable for
4 delinquent contributions reviewed at a hearing under s. 108.227 (5) (a).

5 (c) If, after a hearing under s. 108.227 (5) (a), the department affirms a
6 determination under par. (a) that an applicant or licensee is liable for delinquent
7 contributions, the department shall affirm its denial or revocation. An applicant or
8 licensee may seek judicial review under s. 108.227 (6) of an affirmation by the
9 department of a denial or revocation under this paragraph.

10 (d) If, after a hearing under s. 108.227 (5) (a), the department determines that
11 a person whose license is revoked or whose application is denied under par. (a) is not
12 liable for delinquent contributions, as defined in s. 108.227 (1) (d), the department
13 shall reinstate the license or approve the application, unless there are other grounds
14 for revocation or denial. The department may not charge a fee for reinstatement of
15 a license under this paragraph.

16 **SECTION 54.** 108.02 (3) of the statutes is created to read:

17 108.02 (3) ALCOHOL BEVERAGES. "Alcohol beverages" has the meaning given in
18 s. 125.02 (1).

19 **SECTION 55.** 108.02 (4m) (a) of the statutes is amended to read:

20 108.02 (4m) (a) All earnings for wage-earning service which are paid to an
21 employee during his or her base period as a result of employment for an employer
22 except any payment made to or on behalf of an employee or his or her beneficiary
23 under a cafeteria plan within the meaning of 26 USC 125, if the payment would not
24 be treated as wages without regard to that plan and if 26 USC 125 would not treat
25 the payment as constructively received;

1 **SECTION 56.** 108.02 (4m) (g) of the statutes is repealed.

2 **SECTION 57.** 108.02 (9) of the statutes is created to read:

3 108.02 (9) CONTROLLED SUBSTANCE. "Controlled substance" has the meaning
4 given in s. 961.01 (4).

5 **SECTION 58.** 108.02 (9m) of the statutes is created to read:

6 108.02 (9m) CONTROLLED SUBSTANCE ANALOG. "Controlled substance analog"
7 has the meaning given in s. 961.01 (4m).

8 **SECTION 59.** 108.02 (10e) (intro.) of the statutes is renumbered 108.02 (10e)
9 (am) (intro.) and amended to read:

10 108.02 (10e) (am) (intro.) "Departmental error" means an error made by the
11 department in computing or paying benefits which results exclusively from:

12 **SECTION 60.** 108.02 (10e) (a) and (b) of the statutes are renumbered 108.02
13 (10e) (am) 1. and 2.

14 **SECTION 61.** 108.02 (10e) (bm) of the statutes is created to read:

15 108.02 (10e) (bm) "Departmental error" does not include an error made by the
16 department in computing, paying, or crediting benefits to any individual, whether
17 or not a claimant, or in crediting contributions or reimbursements to one or more
18 employers that results from any of the following:

19 1. A computer malfunction or programming error.

20 2. An error in transmitting data to or from a financial institution.

21 3. A typographical or keying error.

22 4. A bookkeeping or other payment processing error.

23 5. An action by the department resulting from a false statement or
24 representation by an individual, including a statement or representation relating to
25 the individual's identity.

1 6. An action by the department resulting from an unauthorized manipulation
2 of an electronic system from within or outside the department.

3 **SECTION 62.** 108.02 (13) (a) of the statutes is amended to read:

4 108.02 (13) (a) "Employer" means every government unit and Indian tribe, and
5 any person, association, corporation, whether domestic or foreign, or legal
6 representative, debtor in possession or trustee in bankruptcy or receiver or trustee
7 of a person, partnership, association, or corporation, or guardian of the estate of a
8 person, or legal representative of a deceased person, any partnership or partnerships
9 consisting of the same partners, except as provided in par. (L), any limited liability
10 company ~~or limited liability companies consisting of the same members, except as~~
11 ~~provided in par. (kL)~~, and any fraternal benefit society as defined in s. 614.01 (1) (a),
12 which is subject to this chapter under the statutes of 1975, or which has had
13 employment in this state and becomes subject to this chapter under this subsection
14 and, notwithstanding any other provisions of this section, any service insurance
15 corporation organized or operating under ch. 613, except as provided in s. 108.152
16 (6) (a) 3.

17 **SECTION 63.** 108.02 (13) (kL) of the statutes is repealed.

18 **SECTION 64.** 108.02 (15) (kt) of the statutes is created to read:

19 108.02 (15) (kt) "Employment", as applied to work for a given employer other
20 than a government unit, an Indian tribe, or a nonprofit organization, except as the
21 employer elects otherwise with the department's approval, does not include service
22 performed by an inmate of a state prison, as defined in s. 302.01, or a federal prison.

23 **SECTION 65.** 108.02 (15m) (intro.) of the statutes is amended to read:

24 108.02 (15m) FAMILY CORPORATION. (intro.) ~~Except as provided in s. 108.04 (7)~~
25 (r), "family Family corporation" means:

SECTION 66

1 **SECTION 66.** 108.04 (1) (f) of the statutes is amended to read:

2 108.04 (1) (f) If an employee is required by law to have a license issued by a
3 governmental agency to perform his or her customary work for an employer, and the
4 employee's employment is suspended or terminated because the employee's license
5 has been suspended, revoked or not renewed due to the employee's fault, the
6 employee is not eligible to receive benefits until 5 weeks have elapsed since the end
7 of the week in which the suspension or termination occurs or until the license is
8 reinstated or renewed, whichever occurs first. The wages paid by the employer with
9 which an employee's employment is suspended or terminated shall be excluded from
10 the employee's base period wages under s. 108.06 (1) for purposes of benefit
11 entitlement while the suspension, revocation or nonrenewal of the license is in effect.
12 This paragraph does not preclude an employee from establishing a benefit year using
13 the wages excluded under this paragraph if the employee qualifies to establish a
14 benefit year under s. 108.06 (2) (a). The department shall charge to the fund's
15 balancing account any benefits paid during a benefit year otherwise chargeable to
16 the account of an employer that is subject to the contribution requirements of ss.
17 108.17 and 108.18 from which base period wages are excluded under this paragraph
18 if an employee qualifies to receive benefits for any week in that benefit year using
19 wages that were excluded under this paragraph.

20 **SECTION 67.** 108.04 (1) (g) (intro.) of the statutes is amended to read:

21 108.04 (1) (g) (intro.) Except as provided in par. (gm) and ~~s. 108.06 (7) (d)~~, the
22 base period wages utilized to compute total benefits payable to an individual under
23 s. 108.06 (1) as a result of the following employment shall not exceed 10 times the
24 individual's weekly benefit rate based solely on that employment under s. 108.05 (1):

25 **SECTION 68.** 108.04 (1) (hm) of the statutes is amended to read:

1 108.04 (1) (hm) The department may require any claimant to appear before it
2 and to answer truthfully, orally or in writing, any questions relating to the claimant's
3 eligibility for benefits ~~and~~ or to provide such demographic information as may be
4 necessary to permit the department to conduct a statistically valid sample audit of
5 compliance with this chapter. A claimant is not eligible to receive benefits for any
6 week in which the claimant fails to comply with a request by the department to
7 provide the information required under this paragraph, or any subsequent week,
8 until the claimant complies or satisfies the department that he or she had good cause
9 for failure to comply with a request of the department under this paragraph. If
10 Except as provided in s. 108.04 (2) (e) and (f), if a claimant later complies with a
11 request by the department ~~or satisfies the department that he or she had good cause~~
12 ~~for failure to comply with a request~~, the claimant is eligible to receive benefits as of
13 the week in which the failure occurred, if otherwise qualified.

14 **SECTION 69.** 108.04 (1) (i) of the statutes is repealed.

15 **SECTION 70.** 108.04 (2) (a) 3. c. of the statutes is amended to read:

16 108.04 (2) (a) 3. c. Whether the individual has recall rights with the employer
17 under the terms of any applicable collective bargaining agreement; and

18 **SECTION 71.** 108.04 (2) (a) 4. of the statutes is created to read:

19 108.04 (2) (a) 4. If the claimant is claiming benefits for a week other than an
20 initial week, the claimant provides information or job application materials that are
21 requested by the department and participates in a public employment office
22 workshop or training program or in similar reemployment services that are required
23 by the department under sub. (15) (a) 2.

24 **SECTION 72.** 108.04 (2) (g) of the statutes is created to read:

1 108.04 (2) (g) 1. Each claimant shall create security credentials in order to
2 engage in transactions with the department, including the filing of an initial or
3 continued claim for benefits. The security credentials may consist of a personal
4 identification number, username, and password, or any other means prescribed by
5 the department.

6 2. If a claimant's security credentials are used in the filing of an initial or
7 continued claim for benefits or any other transaction, the individual using the
8 security credentials is presumed to have been the claimant or the claimant's
9 authorized agent. This presumption may be rebutted by a preponderance of evidence
10 showing that the claimant who created the security credentials or the claimant's
11 authorized agent was not the person who used the credentials in a given transaction.

2 If a claimant uses an agent to engage in any transaction with the department using
13 the claimant's security credentials, the claimant is responsible for the actions of the
14 agent. If a claimant who created security credentials or the claimant's authorized
15 agent divulges the credentials to another person, or fails to take adequate measures
16 to protect the credentials from being divulged to an unauthorized person, and the
17 department pays benefits to an unauthorized person because of the claimant's action
18 or inaction, the department may recover from the claimant the benefits that were
19 paid to the unauthorized person in the same manner as provided for overpayments
20 to claimants under s. 108.22 (8) or under 108.245. If a claimant who created security
21 credentials or the claimant's authorized agent divulges the credentials to another
22 person, or fails to take adequate measures to protect the credentials from being
23 divulged to an unauthorized person, the department is not obligated to pursue
4 recovery of, or to reimburse the claimant for, benefits payable to the claimant that
25 were erroneously paid to another person.

1 **SECTION 73.** 108.04 (2) (h) of the statutes is created to read:

2 108.04 (2) (h) A claimant shall, when the claimant first files a claim for benefits
3 under this chapter and during each subsequent week the claimant files for benefits
4 under this chapter, inform the department whether he or she is receiving social
5 security disability insurance benefits under 42 USC ch. 7 subch. II.

6 **SECTION 74.** 108.04 (2) (i) of the statutes is created to read:

7 108.04 (2) (i) 1. There is a rebuttable presumption that a claimant who is
8 subject to the requirement under par. (a) 3. to conduct a reasonable search for
9 suitable work has not conducted a reasonable search for suitable work in a given
10 week if all of the following apply:

11 a. The claimant was last employed by a temporary help company.

12 b. The temporary help company required the claimant to contact the temporary
13 help company about available assignments weekly, or less often as prescribed by the
14 temporary help company, and the company gave the claimant written notice of that
15 requirement at the time the claimant was initially employed by the company.

16 c. During that week, the claimant was required to contact the temporary help
17 company about available assignments and the claimant did not contact the
18 temporary help company about available assignments.

19 d. The temporary help company submits a written notice to the department
20 within 10 business days after the end of that week reporting that the claimant did
21 not contact the company about available assignments.

22 2. A claimant may only rebut the presumption under subd. 1. if the claimant
23 demonstrates one of the following to the department for a given week:

24 a. That the claimant did contact the temporary help company about available
25 assignments during that week.

1 b. That the claimant was not informed by the temporary help company of the
2 requirement to contact the temporary help company or had other good cause for his
3 or her failure to contact the temporary help company about available assignments
4 during that week.

5 3. If a claimant who was last employed by a temporary help company contacts
6 the temporary help company during a given week about available assignments, that
7 contact constitutes one action that constitutes a reasonable search for suitable work,
8 for purposes of par. (a) 3.

9 **SECTION 75.** 108.04 (5) of the statutes is renumbered 108.04 (5) (intro.) and
10 amended to read:

11 108.04 (5) DISCHARGE FOR MISCONDUCT. (intro.) ~~Unless sub. (5g) results in~~
12 ~~disqualification, an~~ An employee whose work is terminated by an employing unit for
13 misconduct by the employee connected with the employee's work is ineligible to
14 receive benefits until 7 weeks have elapsed since the end of the week in which the
15 discharge occurs and the employee earns wages after the week in which the
16 discharge occurs equal to at least 14 times the employee's weekly benefit rate under
17 s. 108.05 (1) in employment or other work covered by the unemployment insurance
18 law of any state or the federal government. For purposes of requalification, the
19 employee's weekly benefit rate shall be ~~that the rate which that~~ that would have been paid
20 had the discharge not occurred. The wages paid to an employee by an employer
21 which terminates employment of the employee for misconduct connected with the
22 employee's employment shall be excluded from the employee's base period wages
23 under s. 108.06 (1) for purposes of benefit entitlement. This subsection does not
24 preclude an employee who has employment with an employer other than the
25 employer which terminated the employee for misconduct from establishing a benefit

1 year using the base period wages excluded under this subsection if the employee
2 qualifies to establish a benefit year under s. 108.06 (2) (a). The department shall
3 charge to the fund's balancing account any benefits otherwise chargeable to the
4 account of an employer that is subject to the contribution requirements under ss.
5 108.17 and 108.18 from which base period wages are excluded under this subsection.
6 For purposes of this subsection, "misconduct" means one or more actions or conduct
7 evincing such willful or wanton disregard of an employer's interest as is found in
8 deliberate violations or disregard of standards of behavior which an employer has a
9 right to expect of his or her employees, or in carelessness or negligence of such degree
10 or recurrence as to manifest culpability, wrongful intent, or evil design of equal
11 severity to such disregard, or to show an intentional and substantial disregard of an
12 employer's interests, or of an employee's duties and obligations to his or her
13 employer. In addition, "misconduct" includes:

14 **SECTION 76.** 108.04 (5) (a) to (g) of the statutes are created to read:

15 108.04 (5) (a) A violation by an employee of an employer's reasonable written
16 policy concerning the use of alcohol beverages, or use of a controlled substance or a
17 controlled substance analog, if the employee:

- 18 1. Had knowledge of the alcohol beverage or controlled substance policy; and
- 19 2. Admitted to the use of alcohol beverages or a controlled substance or
20 controlled substance analog or refused to take a test or tested positive for the use of
21 alcohol beverages or a controlled substance or controlled substance analog in a test
22 used by the employer in accordance with a testing methodology approved by the
23 department.

24 (b) Theft of an employer's property or services with intent to deprive the
25 employer of the property or services permanently, theft of currency of any value,

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1 felonious conduct connected with an employee's employment with his or her
2 employer, or intentional or negligent conduct by an employee that causes substantial
3 damage to his or her employer's property.

4 (c) Conviction of an employee of a crime or other offense subject to civil
5 forfeiture, while on or off duty, if the conviction makes it impossible for the employee
6 to perform the duties that the employee performs for his or her employer.

7 (d) One or more threats or acts of harassment, assault, or other physical
8 violence instigated by an employee at the workplace of his or her employer.

9 (e) Absenteeism by an employee on more than 2 occasions within the 120-day
10 period before the date of the employee's termination, unless otherwise specified by
11 his or her employer in an employment manual of which the employee has
12 acknowledged receipt with his or her signature, or excessive tardiness by an
13 employee in violation of a policy of the employer that has been communicated to the
14 employee, if the employee does not provide to his or her employer both notice and one
15 or more valid reasons for the absenteeism or tardiness.

16 (f) Unless directed by an employee's employer, falsifying business records of the
17 employer.

18 (g) Unless directed by the employer, a willful and deliberate violation of a
19 written and uniformly applied standard or regulation of the federal government or
20 a state or tribal government by an employee of an employer that is licensed or
21 certified by a governmental agency, which standard or regulation has been
22 communicated by the employer to the employee and which violation would cause the
23 employer to be sanctioned or to have its license or certification suspended by the
4 agency.

25 SECTION 77. 108.04 (5g) of the statutes is repealed and recreated to read:

1 108.04 (5g) DISCHARGE FOR SUBSTANTIAL FAULT. (a) An employee whose work is
2 terminated by an employing unit for substantial fault by the employee connected
3 with the employee's work is ineligible to receive benefits until 7 weeks have elapsed
4 since the end of the week in which the termination occurs and the employee earns
5 wages after the week in which the termination occurs equal to at least 14 times the
6 employee's weekly benefit rate under s. 108.05 (1) in employment or other work
7 covered by the unemployment insurance law of any state or the federal government.
8 For purposes of requalification, the employee's benefit rate shall be the rate that
9 would have been paid had the discharge not occurred. For purposes of this
10 paragraph, "substantial fault" includes those acts or omissions of an employee over
11 which the employee exercised reasonable control and which violate reasonable
12 requirements of the employee's employer but does not include any of the following:

13 1. One or more minor infractions of rules unless an infraction is repeated after
14 the employer warns the employee about the infraction.

15 2. One or more inadvertent errors made by the employee.

16 3. Any failure of the employee to perform work because of insufficient skill,
17 ability, or equipment.

18 (b) The department shall charge to the fund's balancing account the cost of any
19 benefits paid to an employee that are otherwise chargeable to the account of an
20 employer that is subject to the contribution requirements under ss. 108.17 and
21 108.18 if the employee is discharged by the employer and paragraph (a) applies.

22 **SECTION 78.** 108.04 (7) (a) of the statutes is amended to read:

23 108.04 (7) (a) If an employee terminates work with an employing unit, the
24 employee is ineligible to receive benefits until ~~4 weeks have elapsed since the end~~
25 ~~of the week in which the termination occurs and the employee earns wages after the~~

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1 week in which the termination occurs equal to at least ~~4~~ 6 times the employee's
2 weekly benefit rate under s. 108.05 (1) in employment or other work covered by the
3 unemployment insurance law of any state or the federal government. For purposes
4 of requalification, the employee's weekly benefit rate shall be that rate which would
5 have been paid had the termination not occurred. This paragraph does not preclude
6 an employee from establishing a benefit year by using the base period wages paid by
7 the employer from which the employee voluntarily terminated, if the employee is
8 qualified to establish a benefit year under s. 108.06 (2) (a).

9 **SECTION 79.** 108.04 (7) (d), (g), (j), (k), (m), (n), (o), (p) and (r) of the statutes are
10 repealed.

11 **SECTION 80.** 108.04 (7) (e) of the statutes is amended to read:

12 108.04 (7) (e) Paragraph (a) does not apply if the department determines that
13 the employee accepted work which the employee could have failed to accept with good
14 cause under sub. (8) and terminated such work with the same good cause and within
15 the first ~~10 weeks~~ 30 calendar days after starting the work, or that the employee
16 accepted work which the employee could have refused under sub. (9) and terminated
17 such work within the first ~~10 weeks~~ 30 calendar days after starting the work. For
18 purposes of this paragraph, an employee has the same good cause for voluntarily
19 terminating work if the employee could have failed to accept the work under sub. (8)
20 (d) when it was offered, regardless of the reason articulated by the employee for the
21 termination.

22 **SECTION 81.** 108.04 (7) (h) of the statutes is amended to read:

23 108.04 (7) (h) The department shall charge to the fund's balancing account
24 benefits paid to an employee that are otherwise chargeable to the account of an
25 employer that is subject to the contribution requirements of ss. 108.17 and 108.18

1 if the employee voluntarily terminates employment with that employer and par. (a),
2 (c), ~~(d)~~, (e), ~~(k)~~, (L), ~~(o)~~, ~~(p)~~, (q), (s), or (t) applies.

3 **SECTION 82.** 108.04 (7) (L) (intro.) of the statutes is amended to read:

4 108.04 (7) (L) (intro.) Paragraph (a) does not apply if the department
5 determines that the employee terminated work to accept employment or other work
6 covered by the unemployment insurance law of any state or the federal government,
7 ~~and earned wages in the subsequent work equal to at least 4 times the employee's~~
8 ~~weekly benefit rate under s. 108.05 (1) if the work:~~

9 **SECTION 83.** 108.04 (7) (t) of the statutes is renumbered 108.04 (7) (t) (intro.)
10 and amended to read:

11 108.04 (7) (t) (intro.) Paragraph (a) does not apply if the department
12 determines that the all of the following apply to an employee:

13 1. The employee's spouse changed his or her place of employment is a member
14 of the U.S. armed forces on active duty.

15 2. The employee's spouse was required by the U.S. armed forces to relocate to
16 a place to which it is impractical for the employee to commute and the.

17 3. The employee terminated his or her work to accompany the spouse to that
18 place.

19 **SECTION 84.** 108.04 (8) (a) and (c) of the statutes are amended to read:

20 108.04 (8) (a) If an employee fails, without good cause, to accept suitable work
21 when offered, the employee is ineligible to receive benefits until ~~4 weeks have~~
22 ~~elapsed since the end of the week in which the failure occurs~~ and the employee earns
23 wages after the week in which the failure occurs equal to at least ~~4~~ 6 times the
24 employee's weekly benefit rate under s. 108.05 (1) in employment or other work
25 covered by the unemployment insurance law of any state or the federal government.

1 For purposes of requalification, the employee's weekly benefit rate shall be that rate
2 which would have been paid had the failure not occurred. This paragraph does not
3 preclude an employee from establishing a benefit year during a period in which the
4 employee is ineligible to receive benefits under this paragraph if the employee
5 qualifies to establish a benefit year under s. 108.06 (2) (a). The department shall
6 charge to the fund's balancing account any benefits otherwise chargeable to the
7 account of an employer that is subject to the contribution requirements under ss.
8 108.17 and 108.18 whenever an employee of that employer fails, without good cause,
9 to accept suitable work offered by that employer.

10 (c) If an employee fails, without good cause, to return to work with a former
11 employer that recalls the employee within 52 weeks after the employee last worked
12 for that employer, the employee is ineligible to receive benefits until ~~4 weeks have~~
13 ~~elapsed since the end of the week in which the failure occurs and the employee earns~~
14 wages after the week in which the failure occurs equal to at least ~~4~~ 6 times the
15 employee's weekly benefit rate under s. 108.05 (1) in employment or other work
16 covered by the unemployment insurance law of any state or the federal government.
17 For purposes of requalification, the employee's weekly benefit rate shall be that rate
18 which would have been paid had the failure not occurred. This paragraph does not
19 preclude an employee from establishing a benefit year during a period in which the
20 employee is ineligible to receive benefits under this paragraph if the employee
21 qualifies to establish a benefit year under s. 108.06 (2) (a). The department shall
22 charge to the fund's balancing account any benefits otherwise chargeable to the
23 account of any employer that is subject to the contribution requirements under ss.
24 108.17 and 108.18 whenever an employee of that employer fails, without good cause,

1 to return to work with that employer. If an employee receives actual notice of a recall
2 to work, par. (a) applies in lieu of this paragraph.

3 SECTION 85. 108.04 (12) (f) of the statutes is created to read:

4 108.04 (12) (f) 1. Any individual who actually receives social security disability
5 insurance benefits under 42 USC ch. 7 subch. II in a given week is ineligible for
6 benefits paid or payable in that same week under this chapter.

7 2. Information that the department receives or acquires from the federal social
8 security administration that an individual is receiving social security disability
9 insurance benefits under 42 USC ch. 7 subch. II in a given week is considered
10 conclusive, absent clear and convincing evidence that the information was
11 erroneous.

12 SECTION 86. 108.04 (15) of the statutes is created to read:

13 108.04 (15) DEPARTMENT POWERS TO ASSIST CLAIMANTS. (a) Except as provided
14 in par. (b), the department may do any of the following for the purpose of assisting
15 claimants to find or obtain work:

16 1. Use the information or materials provided under sub. (2) (a) 4. to assess a
17 claimant's efforts, skills, and ability to find or obtain work and to develop a list of
18 potential opportunities for a claimant to obtain suitable work. A claimant who
19 otherwise satisfies the requirement under sub. (2) (a) 3. is not required to apply for
20 any specific positions on the list in order to satisfy that requirement.

21 2. Require a claimant to participate in a public employment office workshop or
22 training program or in similar reemployment services that do not charge the
23 claimant a participation fee and that offer instruction to improve the claimant's
24 ability to obtain suitable work.

1 (b) This subsection does not apply with respect to a claimant who is exempt
2 from any of the requirements in sub. (2) (a) 2. or 3. in a given week.

3 **SECTION 87.** 108.05 (1) (n) to (p) of the statutes are repealed.

4 **SECTION 88.** 108.05 (1) (q) (intro.) of the statutes is amended to read:

5 108.05 (1) (q) (intro.) Each eligible employee shall be paid benefits for each
6 week of total unemployment that commences on or after January 4, 2009, and before
7 January 5, 2014, at the weekly benefit rate specified in this paragraph. Unless sub.
8 (1m) applies, the weekly benefit rate shall equal 4 percent of the employee's base
9 period wages that were paid during that quarter of the employee's base period in
10 which the employee was paid the highest total wages, rounded down to the nearest
11 whole dollar, except that, if that amount is less than the minimum amount shown
12 in the following schedule, no benefits are payable to the employee and, if that amount
13 is more than the maximum amount shown in the following schedule, the employee's
14 weekly benefit rate shall be the maximum amount shown in the following schedule
15 and except that, if the employee's benefits are exhausted during any week under s.
16 108.06 (1), the employee shall be paid the remaining amount of benefits payable to
17 the employee in lieu of the amount shown in the following schedule: [See Figure
18 108.05 (1) (q) following]

19 **SECTION 89.** 108.05 (1) (q) (intro.) of the statutes, as affected by 2013 Wisconsin
20 Acts 11 and (this act), is repealed and recreated to read:

21 108.05 (1) (q) (intro.) Except as provided in s. 108.062 (6) (a), each eligible
22 employee shall be paid benefits for each week of total unemployment that
23 commences on or after January 4, 2009, and before January 5, 2014, at the weekly
4 benefit rate specified in this paragraph. Unless sub. (1m) applies, the weekly benefit
25 rate shall equal 4 percent of the employee's base period wages that were paid during

1 that quarter of the employee's base period in which the employee was paid the
2 highest total wages, rounded down to the nearest whole dollar, except that, if that
3 amount is less than the minimum amount shown in the following schedule, no
4 benefits are payable to the employee and, if that amount is more than the maximum
5 amount shown in the following schedule, the employee's weekly benefit rate shall be
6 the maximum amount shown in the following schedule and except that, if the
7 employee's benefits are exhausted during any week under s. 108.06 (1), the employee
8 shall be paid the remaining amount of benefits payable to the employee in lieu of the
9 amount shown in the following schedule: [See Figure 108.05 (1) (q) following]

10 **SECTION 90.** 108.05 (1) (r) (intro.) of the statutes, as created by 2013 Wisconsin
11 Act (this act), is repealed and recreated to read:

12 108.05 (1) (r) (intro.) Except as provided in s. 108.062 (6) (a), each eligible
13 employee shall be paid benefits for each week of total unemployment that
14 commences on or after January 5, 2014, at the weekly benefit rate specified in this
15 paragraph. Unless sub. (1m) applies, the weekly benefit rate shall equal 4 percent
16 of the employee's base period wages that were paid during that quarter of the
17 employee's base period in which the employee was paid the highest total wages,
18 rounded down to the nearest whole dollar, except that, if that amount is less than the
19 minimum amount shown in the following schedule, no benefits are payable to the
20 employee and, if that amount is more than the maximum amount shown in the
21 following schedule, the employee's weekly benefit rate shall be the maximum
22 amount shown in the following schedule and except that, if the employee's benefits
23 are exhausted during any week under s. 108.06 (1), the employee shall be paid the
24 remaining amount of benefits payable to the employee in lieu of the amount shown
25 in the following schedule: [See Figure 108.05 (1) (r) following]

1 SECTION 91. 108.05 (1) (r) of the statutes is created to read:

2 108.05 (1) (r) Each eligible employee shall be paid benefits for each week of total
3 unemployment that commences on or after January 5, 2014, at the weekly benefit
4 rate specified in this paragraph. Unless sub. (1m) applies, the weekly benefit rate
5 shall equal 4 percent of the employee's base period wages that were paid during that
6 quarter of the employee's base period in which the employee was paid the highest
7 total wages, rounded down to the nearest whole dollar, except that, if that amount
8 is less than the minimum amount shown in the following schedule, no benefits are
9 payable to the employee and, if that amount is more than the maximum amount
10 shown in the following schedule, the employee's weekly benefit rate shall be the
11 maximum amount shown in the following schedule and except that, if the employee's
12 benefits are exhausted during any week under s. 108.06 (1), the employee shall be
13 paid the remaining amount of benefits payable to the employee in lieu of the amount
14 shown in the following schedule: [See Figure 108.05 (1) (r) following]

Figure 108.05 (1) (r):

Line	Highest Quarterly Wages Paid		Weekly Benefit Rate
1.	Under	\$1,350.00	\$ 0
2.	1,350.00	to 1,374.99	54
3.	1,375.00	to 1,399.99	55
4.	1,400.00	to 1,424.99	56
5.	1,425.00	to 1,449.99	57
6.	1,450.00	to 1,474.99	58
7.	1,475.00	to 1,499.99	59

8.	1,500.00	to	1,524.99	60
9.	1,525.00	to	1,549.99	61
10.	1,550.00	to	1,574.99	62
11.	1,575.00	to	1,599.99	63
12.	1,600.00	to	1,624.99	64
13.	1,625.00	to	1,649.99	65
14.	1,650.00	to	1,674.99	66
15.	1,675.00	to	1,699.99	67
16.	1,700.00	to	1,724.99	68
17.	1,725.00	to	1,749.99	69
18.	1,750.00	to	1,774.99	70
19.	1,775.00	to	1,799.99	71
20.	1,800.00	to	1,824.99	72
21.	1,825.00	to	1,849.99	73
22.	1,850.00	to	1,874.99	74
23.	1,875.00	to	1,899.99	75
24.	1,900.00	to	1,924.99	76
25.	1,925.00	to	1,949.99	77
26.	1,950.00	to	1,974.99	78
27.	1,975.00	to	1,999.99	79
28.	2,000.00	to	2,024.99	80
29.	2,025.00	to	2,049.99	81
30.	2,050.00	to	2,074.99	82
31.	2,075.00	to	2,099.99	83

32.	2,100.00	to	2,124.99	84
33.	2,125.00	to	2,149.99	85
34.	2,150.00	to	2,174.99	86
35.	2,175.00	to	2,199.99	87
36.	2,200.00	to	2,224.99	88
37.	2,225.00	to	2,249.99	89
38.	2,250.00	to	2,274.99	90
39.	2,275.00	to	2,299.99	91
40.	2,300.00	to	2,324.99	92
41.	2,325.00	to	2,349.99	93
42.	2,350.00	to	2,374.99	94
43.	2,375.00	to	2,399.99	95
44.	2,400.00	to	2,424.99	96
45.	2,425.00	to	2,449.99	97
46.	2,450.00	to	2,474.99	98
47.	2,475.00	to	2,499.99	99
48.	2,500.00	to	2,524.99	100
49.	2,525.00	to	2,549.99	101
50.	2,550.00	to	2,574.99	102
51.	2,575.00	to	2,599.99	103
52.	2,600.00	to	2,624.99	104
53.	2,625.00	to	2,649.99	105
54.	2,650.00	to	2,674.99	106
55.	2,675.00	to	2,699.99	107

56.	2,700.00	to	2,724.99	108
57.	2,725.00	to	2,749.99	109
58.	2,750.00	to	2,774.99	110
59.	2,775.00	to	2,799.99	111
60.	2,800.00	to	2,824.99	112
61.	2,825.00	to	2,849.99	113
62.	2,850.00	to	2,874.99	114
63.	2,875.00	to	2,899.99	115
64.	2,900.00	to	2,924.99	116
65.	2,925.00	to	2,949.99	117
66.	2,950.00	to	2,974.99	118
67.	2,975.00	to	2,999.99	119
68.	3,000.00	to	3,024.99	120
69.	3,025.00	to	3,049.99	121
70.	3,050.00	to	3,074.99	122
71.	3,075.00	to	3,099.99	123
72.	3,100.00	to	3,124.99	124
73.	3,125.00	to	3,149.99	125
74.	3,150.00	to	3,174.99	126
75.	3,175.00	to	3,199.99	127
76.	3,200.00	to	3,224.99	128
77.	3,225.00	to	3,249.99	129
78.	3,250.00	to	3,274.99	130
79.	3,275.00	to	3,299.99	131

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80.	3,300.00	to	3,324.99	132
81.	3,325.00	to	3,349.99	133
82.	3,350.00	to	3,374.99	134
83.	3,375.00	to	3,399.99	135
84.	.....	3,400.00	to	3,424.99	.....	136
85.	.....	3,425.00	to	3,449.99	.....	137
86.	.....	3,450.00	to	3,474.99	.....	138
87.	.....	3,475.00	to	3,499.99	.....	139
88.	.....	3,500.00	to	3,524.99	.....	140
89.	.....	3,525.00	to	3,549.99	.....	141
90.	.....	3,550.00	to	3,574.99	.....	142
91.	.....	3,575.00	to	3,599.99	.....	143
92.	.....	3,600.00	to	3,624.99	.....	144
93.	.....	3,625.00	to	3,649.99	.....	145
94.	.....	3,650.00	to	3,674.99	.....	146
95.	.....	3,675.00	to	3,699.99	.....	147
96.	.....	3,700.00	to	3,724.99	.....	148
97.	.....	3,725.00	to	3,749.99	.....	149
98.	.....	3,750.00	to	3,774.99	.....	150
99.	.....	3,775.00	to	3,799.99	.....	151
100.	.....	3,800.00	to	3,824.99	.....	152
101.	.....	3,825.00	to	3,849.99	.....	153
102.	.....	3,850.00	to	3,874.99	.....	154
103.	.....	3,875.00	to	3,899.99	.....	155

104.	.....	3,900.00	to	3,924.99	.....	156
105.	.....	3,925.00	to	3,949.99	.....	157
106.	.....	3,950.00	to	3,974.99	.....	158
107.	.....	3,975.00	to	3,999.99	.....	159
108.	.....	4,000.00	to	4,024.99	.....	160
109.	.....	4,025.00	to	4,049.99	.....	161
110.	.....	4,050.00	to	4,074.99	.....	162
111.	.....	4,075.00	to	4,099.99	.....	163
112.	.....	4,100.00	to	4,124.99	.....	164
113.	.....	4,125.00	to	4,149.99	.....	165
114.	.....	4,150.00	to	4,174.99	.....	166
115.	.....	4,175.00	to	4,199.99	.....	167
116.	.....	4,200.00	to	4,224.99	.....	168
117.	.....	4,225.00	to	4,249.99	.....	169
118.	.....	4,250.00	to	4,274.99	.....	170
119.	.....	4,275.00	to	4,299.99	.....	171
120.	.....	4,300.00	to	4,324.99	.....	172
121.	.....	4,325.00	to	4,349.99	.....	173
122.	.....	4,350.00	to	4,374.99	.....	174
123.	.....	4,375.00	to	4,399.99	.....	175
124.	.....	4,400.00	to	4,424.99	.....	176
125.	4,425.00	to	4,449.99	177
126.	4,450.00	to	4,474.99	178
127.	4,475.00	to	4,499.99	179

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128.	4,500.00	to	4,524.99	180
129.	4,525.00	to	4,549.99	181
130.	4,550.00	to	4,574.99	182
131.	4,575.00	to	4,599.99	183
132.	.....	4,600.00	to	4,624.99	.....	184
133.	.....	4,625.00	to	4,649.99	.....	185
134.	.....	4,650.00	to	4,674.99	.....	186
135.	.....	4,675.00	to	4,699.99	.....	187
136.	.....	4,700.00	to	4,724.99	.....	188
137.	.....	4,725.00	to	4,749.99	.....	189
138.	.....	4,750.00	to	4,774.99	.....	190
139.	.....	4,775.00	to	4,799.99	.....	191
140.	.....	4,800.00	to	4,824.99	.....	192
141.	.....	4,825.00	to	4,849.99	.....	193
142.	.....	4,850.00	to	4,874.99	.....	194
143.	.....	4,875.00	to	4,899.99	.....	195
144.	.....	4,900.00	to	4,924.99	.....	196
145.	.....	4,925.00	to	4,949.99	.....	197
146.	.....	4,950.00	to	4,974.99	.....	198
147.	.....	4,975.00	to	4,999.99	.....	199
148.	.....	5,000.00	to	5,024.99	.....	200
149.	.....	5,025.00	to	5,049.99	.....	201
150.	.....	5,050.00	to	5,074.99	.....	202
151.	.....	5,075.00	to	5,099.99	.....	203

152.	.....	5,100.00	to	5,124.99	.....	204
153.	.....	5,125.00	to	5,149.99	.....	205
154.	.....	5,150.00	to	5,174.99	.....	206
155.	.....	5,175.00	to	5,199.99	.....	207
156.	.....	5,200.00	to	5,224.99	.....	208
157.	.....	5,225.00	to	5,249.99	.....	209
158.	.....	5,250.00	to	5,274.99	.....	210
159.	.....	5,275.00	to	5,299.99	.....	211
160.	.....	5,300.00	to	5,324.99	.....	212
161.	.....	5,325.00	to	5,349.99	.....	213
162.	.....	5,350.00	to	5,374.99	.....	214
163.	.....	5,375.00	to	5,399.99	.....	215
164.	.....	5,400.00	to	5,424.99	.....	216
165.	.....	5,425.00	to	5,449.99	.....	217
166.	.....	5,450.00	to	5,474.99	.....	218
167.	.....	5,475.00	to	5,499.99	.....	219
168.	.....	5,500.00	to	5,524.99	.....	220
169.	.....	5,525.00	to	5,549.99	.....	221
170.	.....	5,550.00	to	5,574.99	.....	222
171.	.....	5,575.00	to	5,599.99	.....	223
172.	.....	5,600.00	to	5,624.99	.....	224
173.	5,625.00	to	5,649.99	225
174.	5,650.00	to	5,674.99	226
175.	5,675.00	to	5,699.99	227

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176.	5,700.00	to	5,724.99	228
177.	5,725.00	to	5,749.99	229
178.	5,750.00	to	5,774.99	230
179.	5,775.00	to	5,799.99	231
180.	.....	5,800.00	to	5,824.99	.....	232
181.	.....	5,825.00	to	5,849.99	.....	233
182.	.....	5,850.00	to	5,874.99	.....	234
183.	.....	5,875.00	to	5,899.99	.....	235
184.	.....	5,900.00	to	5,924.99	.....	236
185.	.....	5,925.00	to	5,949.99	.....	237
186.	.....	5,950.00	to	5,974.99	.....	238
187.	.....	5,975.00	to	5,999.99	.....	239
188.	.....	6,000.00	to	6,024.99	.....	240
189.	.....	6,025.00	to	6,049.99	.....	241
190.	.....	6,050.00	to	6,074.99	.....	242
191.	.....	6,075.00	to	6,099.99	.....	243
192.	.....	6,100.00	to	6,124.99	.....	244
193.	.....	6,125.00	to	6,149.99	.....	245
194.	.....	6,150.00	to	6,174.99	.....	246
195.	.....	6,175.00	to	6,199.99	.....	247
196.	.....	6,200.00	to	6,224.99	.....	248
197.	.....	6,225.00	to	6,249.99	.....	249
198.	.....	6,250.00	to	6,274.99	.....	250
199.	.....	6,275.00	to	6,299.99	.....	251

200.	.....	6,300.00	to	6,324.99	.....	252
201.	.....	6,325.00	to	6,349.99	.....	253
202.	.....	6,350.00	to	6,374.99	.....	254
203.	.....	6,375.00	to	6,399.99	.....	255
204.	.....	6,400.00	to	6,424.99	.....	256
205.	.....	6,425.00	to	6,449.99	.....	257
206.	.....	6,450.00	to	6,474.99	.....	258
207.	.....	6,475.00	to	6,499.99	.....	259
208.	.....	6,500.00	to	6,524.99	.....	260
209.	.....	6,525.00	to	6,549.99	.....	261
210.	.....	6,550.00	to	6,574.99	.....	262
211.	.....	6,575.00	to	6,599.99	.....	263
212.	.....	6,600.00	to	6,624.99	.....	264
213.	.....	6,625.00	to	6,649.99	.....	265
214.	.....	6,650.00	to	6,674.99	.....	266
215.	.....	6,675.00	to	6,699.99	.....	267
216.	.....	6,700.00	to	6,724.99	.....	268
217.	.....	6,725.00	to	6,749.99	.....	269
218.	.....	6,750.00	to	6,774.99	.....	270
219.	.....	6,775.00	to	6,799.99	.....	271
220.	.....	6,800.00	to	6,824.99	.....	272
221.	6,825.00	to	6,849.99	273
222.	6,850.00	to	6,874.99	274
223.	6,875.00	to	6,899.99	275

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224.	6,900.00	to	6,924.99	276
225.	6,925.00	to	6,949.99	277
226.	6,950.00	to	6,974.99	278
227.	6,975.00	to	6,999.99	279
228.	.....	7,000.00	to	7,024.99	.....	280
229.	.....	7,025.00	to	7,049.99	.....	281
230.	.....	7,050.00	to	7,074.99	.....	282
231.	.....	7,075.00	to	7,099.99	.....	283
232.	.....	7,100.00	to	7,124.99	.....	284
233.	.....	7,125.00	to	7,149.99	.....	285
234.	.....	7,150.00	to	7,174.99	.....	286
235.	.....	7,175.00	to	7,199.99	.....	287
236.	.....	7,200.00	to	7,224.99	.....	288
237.	.....	7,225.00	to	7,249.99	.....	289
238.	.....	7,250.00	to	7,274.99	.....	290
239.	.....	7,275.00	to	7,299.99	.....	291
240.	.....	7,300.00	to	7,324.99	.....	292
241.	.....	7,325.00	to	7,349.99	.....	293
242.	.....	7,350.00	to	7,374.99	.....	294
243.	.....	7,375.00	to	7,399.99	.....	295
244.	.....	7,400.00	to	7,424.99	.....	296
245.	.....	7,425.00	to	7,449.99	.....	297
246.	.....	7,450.00	to	7,474.99	.....	298
247.	.....	7,475.00	to	7,499.99	.....	299

248.	.....	7,500.00	to	7,524.99	.....	300
249.	.....	7,525.00	to	7,549.99	.....	301
250.	.....	7,550.00	to	7,574.99	.....	302
251.	.....	7,575.00	to	7,599.99	.....	303
252.	.....	7,600.00	to	7,624.99	.....	304
253.	.....	7,625.00	to	7,649.99	.....	305
254.	.....	7,650.00	to	7,674.99	.....	306
255.	.....	7,675.00	to	7,699.99	.....	307
256.	.....	7,700.00	to	7,724.99	.....	308
257.	.....	7,725.00	to	7,749.99	.....	309
258.	.....	7,750.00	to	7,774.99	.....	310
259.	.....	7,775.00	to	7,799.99	.....	311
260.	.....	7,800.00	to	7,824.99	.....	312
261.	.....	7,825.00	to	7,849.99	.....	313
262.	.....	7,850.00	to	7,874.99	.....	314
263.	.....	7,875.00	to	7,899.99	.....	315
264.	.....	7,900.00	to	7,924.99	.....	316
265.	.....	7,925.00	to	7,949.99	.....	317
266.	.....	7,950.00	to	7,974.99	.....	318
267.	.....	7,975.00	to	7,999.99	.....	319
268.	.....	8,000.00	to	8,024.99	.....	320
269.	8,025.00	to	8,049.99	321
270.	8,050.00	to	8,074.99	322
271.	8,075.00	to	8,099.99	323

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272.	8,100.00	to	8,124.99	324
273.	8,125.00	to	8,149.99	325
274.	8,150.00	to	8,174.99	326
275.	8,175.00	to	8,199.99	327
276.	8,200.00	to	8,224.99	328
277.	8,225.00	to	8,249.99	329
278.	8,250.00	to	8,274.99	330
279.	8,275.00	to	8,299.99	331
280.	8,300.00	to	8,324.99	332
281.	8,325.00	to	8,349.99	333
282.	8,350.00	to	8,374.99	334
283.	8,375.00	to	8,399.99	335
284.	8,400.00	to	8,424.99	336
285.	8,425.00	to	8,449.99	337
286.	8,450.00	to	8,474.99	338
287.	8,475.00	to	8,499.99	339
288.	8,500.00	to	8,524.99	340
289.	8,525.00	to	8,549.99	341
290.	8,550.00	to	8,574.99	342
291.	8,575.00	to	8,599.99	343
292.	8,600.00	to	8,624.99	344
293.	8,625.00	to	8,649.99	345
294.	8,650.00	to	8,674.99	346
295.	8,675.00	to	8,699.99	347

296.	8,700.00	to	8,724.99	348
297.	8,725.00	to	8,749.99	349
298.	8,750.00	to	8,774.99	350
299.	8,775.00	to	8,799.99	351
300.	8,800.00	to	8,824.99	352
301.	8,825.00	to	8,849.99	353
302.	8,850.00	to	8,874.99	354
303.	8,875.00	to	8,899.99	355
304.	8,900.00	to	8,924.99	356
305.	8,925.00	to	8,949.99	357
306.	8,950.00	to	8,974.99	358
307.	8,975.00	to	8,999.99	359
308.	9,000.00	to	9,024.99	360
309.	9,025.00	to	9,049.99	361
310.	9,050.00	to	9,074.99	362
311.	9,075.00	to	9,099.99	363
312.	9,100.00	to	9,124.99	364
313.	9,125.00	to	9,149.99	365
314.	9,150.00	to	9,174.99	366
315.	9,175.00	to	9,199.99	367
316.	9,200.00	to	9,224.99	368
317.	9,225.00	to	9,249.99	369
318.	9,250.00	and over		370

1 108.05 (2) (c) This chapter's maximum weekly benefit rate, as to weeks of
2 unemployment in the ensuing half year, shall equal the result obtained by rounding
3 $66\frac{2}{3}\%$ of the "average wages per average week" to the nearest multiple of one
4 dollar, and the minimum weekly benefit rate shall be an amount which is ~~15%~~ 14.6
5 percent of the maximum rate and adjusted, if not a multiple of one dollar, to the next
6 lower multiple of one dollar.

7 **SECTION 93.** 108.05 (3) (a) of the statutes is amended to read:

8 108.05 (3) (a) Except as provided in pars. (c), (d) and (dm) if an eligible employee
9 earns wages in a given week, the first \$30 of the wages shall be disregarded and the
10 employee's applicable weekly benefit payment shall be reduced by 67% of the
11 remaining amount, except that no such employee is eligible for benefits if the
12 employee's benefit payment would be less than \$5 for any week. For purposes of this
13 paragraph, "wages" includes ~~any salary reduction amounts earned that are not~~
14 ~~wages and that are deducted from the salary of a claimant by an employer pursuant~~
15 ~~to a salary reduction agreement under a cafeteria plan, within the meaning of 26~~
16 ~~USC 125, and any amount that a claimant would have earned in available work~~
17 under s. 108.04 (1) (a) which is treated as wages under s. 108.04 (1) (bm), but excludes
18 any amount that a claimant earns for services performed as a volunteer fire fighter,
19 volunteer emergency medical technician, or volunteer first responder. In applying
20 this paragraph, the department shall disregard discrepancies of less than \$2
21 between wages reported by employees and employers.

22 **SECTION 94.** 108.05 (3) (a) of the statutes, as affected by 2013 Wisconsin Acts
23 11 and (this act), is repealed and recreated to read:

4 108.05 (3) (a) Except as provided in pars. (c), (d) and (dm) and s. 108.062, if an
25 eligible employee earns wages in a given week, the first \$30 of the wages shall be

1 disregarded and the employee's applicable weekly benefit payment shall be reduced
2 by 67% of the remaining amount, except that no such employee is eligible for benefits
3 if the employee's benefit payment would be less than \$5 for any week. For purposes
4 of this paragraph, "wages" includes any amount that a claimant would have earned
5 in available work under s. 108.04 (1) (a) which is treated as wages under s. 108.04
6 (1) (bm), but excludes any amount that a claimant earns for services performed as
7 a volunteer fire fighter, volunteer emergency medical technician, or volunteer first
8 responder. In applying this paragraph, the department shall disregard
9 discrepancies of less than \$2 between wages reported by employees and employers.

10 **SECTION 95.** 108.05 (3) (c) (intro.) of the statutes is amended to read:

11 108.05 (3) (c) (intro.) ~~A- Except as provided in par. (cm),~~ a claimant is ineligible
12 to receive any benefits for a week in which one or more of the following applies to the
13 claimant for 32 or more hours in that week:

14 **SECTION 96.** 108.05 (3) (c) (intro.) of the statutes, as affected by 2013 Wisconsin
15 11 and (this act), is repealed and recreated to read:

16 108.05 (3) (c) (intro.) Except when otherwise authorized in an approved
17 work-share program under s. 108.062 and except as provided in par. (cm), a claimant
18 is ineligible to receive any benefits for a week in which one or more of the following
19 applies to the claimant for 32 or more hours in that week:

20 **SECTION 97.** 108.05 (3) (cm) of the statutes is created to read:

21 108.05 (3) (cm) 1. In this paragraph:

22 a. "Complete business shutdown" means that all locations operated by an
23 employer are closed for business completely and no employee employed by the
24 business is required by the employer to report for work or be available for work.

SECTION 97

1 b. "State or federal holiday" means a day specified in s. 230.35 (4) (a) or in 5 USC
2 6103 (a).

3 2. An employer may, on or before December 1, provide to the department a
4 written notice designating that the employer will undergo a complete business
5 shutdown on one or more state or federal holidays in the succeeding calendar year.
6 An employer may not designate more than 7 state or federal holidays under this
7 subdivision for a complete business shutdown during the succeeding calendar year.

8 3. A notice under subd. 2. is not valid for any year subsequent to the succeeding
9 calendar year.

10 4. The number of hours specified in par. (c), as it applies to a claimant, is
11 reduced by 8 hours for the week during which a state or federal holiday occurs if all
12 of the following apply:

13 a. The claimant has base period wages only from the employer under subd. 2.

14 b. The employer designated the state or federal holiday for a complete business
15 shutdown under subd. 2. and underwent a complete business shutdown on that day.

16 5. If an employer that provides a notice under subd. 2. will not or does not
17 undergo a complete business shutdown on a state or federal holiday as designated
18 in the notice, the employer shall, no later than the first business day following the
19 week in which the state or federal holiday occurs, provide the department with a
20 written notice indicating that the complete business shutdown will not or did not
21 occur.

22 **SECTION 98.** 108.06 (1) of the statutes is amended to read:

23 108.06 (1) Except as provided in subs. sub. (6) ~~and (7)~~ and ss. 108.141 and
24 108.142, no claimant may receive total benefits based on employment in a base
25 period greater than ~~26 times~~ the number of weeks determined under s. 108.06 (1m)

1 multiplied by the claimant's weekly benefit rate under s. 108.05 (1) or 40% of the
 2 claimant's base period wages, whichever is lower. Except as provided in subs. sub.
 3 (6) and (7) and ss. 108.141 and 108.142, if a claimant's base period wages are reduced
 4 or canceled under s. 108.04 (5) or (18), or suspended under s. 108.04 (1) (f), (10) (a),
 5 or (17), the claimant may not receive total benefits based on employment in a base
 6 period greater than ~~26 times~~ the number of weeks determined under s. 108.06 (1m)
 7 multiplied by the claimant's weekly benefit rate under s. 108.05 (1) or 40% of the base
 8 period wages not reduced, canceled or suspended which were paid or payable to the
 9 claimant, whichever is lower.

10 **SECTION 99.** 108.06 (1m) of the statutes is created to read:

11 108.06 (1m) (a) The department shall determine the maximum number of
 12 weeks of regular benefits under sub. (1) by determining the seasonally adjusted
 13 statewide average unemployment rate for the first and 3rd calendar quarters of each
 14 year as determined by the U.S. department of labor, bureau of labor statistics, for the
 15 months in that quarter. For claimants whose benefit years begin on or after January
 16 1 and before July 1 of any year, the department shall make the determination by
 17 using the 3rd calendar quarter of the preceding year. For claimants whose benefit
 18 years begin after June 30 and on or before December 31 of any year, the department
 19 shall make the determination by using the first calendar quarter of that year. For
 20 benefit years to which each determination applies, the maximum number of weeks
 21 of regular benefits is as follows: [See Figure 108.06 (1m) (a) following]

Figure 108.06 (1m) (a):

<u>Statewide average unemployment rate</u>	<u>Maximum weeks of benefits</u>
8 percent or higher	26
At least 7.5 percent but less than 8 percent	25

At least 7.0 percent but less than 7.5 percent	24
At least 6.5 percent but less than 7.0 percent	23
At least 6.0 percent but less than 6.5 percent	22
At least 5.5 percent but less than 6.0 percent	21
Less than 5.5 percent	20

1 (b) The maximum number of weeks of regular benefits payable to a claimant
2 under sub. (1) in the first week of the claimant's benefit year remains the same
3 regardless of the maximum number of weeks of regular benefits in effect in any
4 subsequent week that benefits become payable to the claimant.

5 **SECTION 100.** 108.06 (2) (c) of the statutes is amended to read:

6 108.06 (2) (c) No benefits are payable to a claimant for any week of
7 unemployment not occurring during the claimant's benefit year except under sub. (7)
8 and ss. 108.141 and 108.142.

9 **SECTION 101.** 108.06 (2) (cm) of the statutes is amended to read:

10 108.06 (2) (cm) If an employee qualifies to receive benefits using the base period
11 described in s. 108.02 (4) (b), the wages used to compute the employee's benefit
12 entitlement are not available for use in any subsequent benefit computation for the
13 same employee, except under sub. (7) and s. 108.141 or 108.142.

14 **SECTION 102.** 108.06 (3) of the statutes is amended to read:

15 108.06 (3) There shall be payable to an employee, for weeks ending within the
16 employee's benefit year, only those benefits computed for that benefit year based on
17 the wages paid to the employee in the immediately preceding base period. Wages
18 used in a given benefit computation are not available for use in any subsequent
19 benefit computation except under sub. (7) and s. 108.141.

20 **SECTION 103.** 108.06 (6) (intro.) of the statutes is amended to read:

1 108.06 (6) (intro.) If a claimant has established a benefit year prior to the
2 effective date of any increase in the maximum weekly benefit rate provided under
3 s. 108.05 (1), the claimant has not exhausted his or her total benefit entitlement
4 under sub. (1) for that benefit year on that effective date, and the claimant was
5 entitled to receive the maximum weekly benefit rate under s. 108.05 (1) that was in
6 effect prior to that effective date, the limitation on the total benefits authorized to
7 be paid to a claimant under sub. (1) does not apply to that claimant in that benefit
8 year. Unless ~~sub. (7) or~~ s. 108.141 or 108.142 applies, the claimant's remaining
9 benefit entitlement in that benefit year for the period beginning on that effective date
10 shall be computed by:

11 **SECTION 104.** 108.06 (7) of the statutes is repealed.

12 **SECTION 105.** 108.07 (8) of the statutes is repealed.

13 **SECTION 106.** 108.10 (intro.) of the statutes is amended to read:

14 **108.10 Settlement of issues other than benefit claims.** (intro.) ~~In~~ Except
15 as provided in s. 108.245 (3), in connection with any issue arising under this chapter
16 as to the status or liability of an employing unit in this state, for which no review is
17 provided under s. 108.09 or 108.227 (5) and whether or not a penalty is provided in
18 s. 108.24, the following procedure shall apply:

19 **SECTION 107.** 108.14 (8n) (e) of the statutes is amended to read:

20 108.14 (8n) (e) The department shall charge this state's share of any benefits
21 paid under this subsection to the account of each employer by which the employee
22 claiming benefits was employed in the applicable base period, in proportion to the
23 total amount of wages he or she earned from each employer in the base period, except
24 that if s. 108.04 (1) (f), (5), (7) (a), (c), ~~(d)~~, (e), ~~(k)~~, (L), ~~(o)~~, ~~(p)~~, (q), (s), or (t), (7m) or (8)
25 (a) or 108.07 (3), (3r), or (5) (b) ~~or (8)~~ would have applied to employment by such an

1 employer who is subject to the contribution requirements of ss. 108.17 and 108.18,
2 the department shall charge the share of benefits based on employment with that
3 employer to the fund's balancing account, or, if s. 108.04 (1) (f) or (5) or 108.07 (3)
4 would have applied to an employer that is not subject to the contribution
5 requirements of ss. 108.17 and 108.18, the department shall charge the share of
6 benefits based on that employment in accordance with s. 108.07 (5) (a) and (b). The
7 department shall also charge the fund's balancing account with any other state's
8 share of such benefits pending reimbursement by that state.

9 **SECTION 108.** 108.14 (19) of the statutes is amended to read:

10 108.14 (19) On or about February 15 annually, the department shall prepare
11 and furnish to the council on unemployment insurance a report summarizing the
12 department's activities related to detection and prosecution of unemployment
13 insurance fraud in the preceding year. The department shall include in the report
14 information about audits conducted by the department under sub. (20), including the
15 number and results of audits performed, in the previous year.

16 **SECTION 109.** 108.14 (20) of the statutes is created to read:

17 108.14 (20) The department shall conduct random audits on claimants for
18 benefits under this chapter to assess compliance with the work search requirements
19 under s. 108.04 (2) (a) 3.

20 **SECTION 110.** 108.14 (21) of the statutes is created to read:

21 108.14 (21) The department shall maintain a portal on the Internet that allows
22 employers to log in and file with the department complaints related to the
23 administration of this chapter.

24 **SECTION 111.** 108.14 (23) of the statutes is created to read:

1 108.14 (23) (a) The department shall create and keep up-to-date a handbook
2 for the purpose of informing employers that are subject to this chapter about the
3 provisions and requirements of this chapter.

4 (b) The department shall include all of the following in the handbook:

5 1. Information about the function and purpose of unemployment insurance
6 under this chapter.

7 2. A description of the rights and responsibilities of employers under this
8 chapter, including the rights and responsibilities associated with hearings to
9 determine whether claimants are eligible for benefits under this chapter.

10 3. A description of the circumstances under which workers are generally
11 eligible and ineligible for benefits under this chapter.

12 4. Disclaimers explaining that the contents of the handbook may not be relied
13 upon as legally enforceable and that adherence to the content does not guarantee a
14 particular result for a decision under this chapter.

15 5. A line to allow an individual employed by an employer to sign to acknowledge
16 that the individual is aware of the contents of the handbook.

17 (c) The department shall make the handbook available on the Internet.

18 (d) The department shall distribute printed copies of the handbook to persons
19 who request a copy and may charge a fee as provided in s. 20.908 for the costs of
20 printing and distribution.

21 **SECTION 112.** 108.14 (24) of the statutes is created to read:

22 108.14 (24) The department shall provide information to employers concerning
23 the financing of the unemployment insurance system, including the computation of
24 reserve percentages and their effect upon the contribution and solvency rates of
25 employers, and shall post this information on the Internet. If the department

1 provided a statement of account to any employer, the department shall include the
2 same information on the statement. In addition, the department shall provide the
3 same information in writing to each employer who becomes newly subject to a
4 requirement to pay contributions or reimbursements under this chapter.

5 **SECTION 113.** 108.141 (7) (a) of the statutes is amended to read:

6 108.141 (7) (a) The department shall charge the state's share of each week of
7 extended benefits to each employer's account in proportion to the employer's share
8 of the total wages of the employee receiving the benefits in the employee's base
9 period, except that if the employer is subject to the contribution requirements of ss.
10 108.17 and 108.18 the department shall charge the share of extended benefits to
11 which s. 108.04 (1) (f), (5), (7) (a), (c), ~~(d)~~, (e), ~~(k)~~, (L), ~~(o)~~, ~~(p)~~, (q), (s), or (t), (7m) or (8)
12 (a) or 108.07 (3), (3r), or (5) (b) ~~or~~ (8) applies to the fund's balancing account.

13 **SECTION 114.** 108.142 (4) of the statutes is amended to read:

14 108.142 (4) DURATION OF WISCONSIN SUPPLEMENTAL BENEFITS. During a
15 Wisconsin supplemental benefit period, no claimant may receive total benefits based
16 on employment in a base period greater than 34 times the sum of the number of
17 weeks determined under s. 108.06 (1m) and 8, multiplied by the claimant's weekly
18 benefit rate under s. 108.05 (1) or 40% of wages paid or payable to the claimant in
19 his or her base period under s. 108.04 (4) (a), whichever is lower.

20 **SECTION 115.** 108.16 (2) (g) and (h) of the statutes are amended to read:

21 108.16 (2) (g) Whenever the department receives a request of 2 or more
22 partnerships ~~or limited liability companies~~ consisting of the same partners ~~or~~
23 members to be treated as separate employers prior to October 1 of any year, the
4 department shall apportion the balance in any existing account of the partnerships
25 ~~or limited liability companies~~ among the separate employers on January 1 following

1 the date of receipt of the request in proportion to the payrolls incurred in the
2 businesses operated by each of the employers in the 4 completed calendar quarters
3 ending on the computation date preceding the date of receipt of the request and shall
4 calculate the reserve percentage of each separate employer in accordance with the
5 proportion of the payroll attributable to that employer. Section 108.18 (2) is not made
6 applicable to the separate employers by reason of such treatment. For purposes of
7 s. 108.18 (7), the department shall treat the partnerships ~~or limited liability~~
8 ~~companies~~ as separate employers on November 1 preceding that January 1. For
9 purposes of s. 108.18 (7) (b) and (c), the department shall treat the separate
10 employers as existing employers on that January 1.

11 (h) Whenever, prior to October 1 of any year, the department receives a written
12 request by all partnerships ~~or limited liability companies~~ consisting of the same
13 partners ~~or members~~ which have elected to be treated as separate employers for the
14 partnerships ~~or limited liability companies~~ to be treated as a single employer, the
15 department shall combine the balances in the existing accounts of the separate
16 employers into a new account on January 1 following the date of receipt of the request
17 and shall calculate the reserve percentage of the single employer in accordance with
18 the combined payroll attributable to each of the separate employers in the 4
19 completed calendar quarters ending on the computation date preceding that
20 January 1. Section 108.18 (2) is not made applicable to the single employer by reason
21 of such treatment. For purposes of s. 108.18 (7), the department shall treat the
22 partnerships ~~or limited liability companies~~ as a single employer on November 1
23 preceding that January 1. For purposes of s. 108.18 (7) (b) and (c), the department
24 shall treat the single employer as an existing employer on that January 1.

25 **SECTION 116.** 108.16 (3) (c) of the statutes is created to read:

1 108.16 (3) (c) Any nonrecoverable payment made without fault on the part of
2 the intended payee.

3 **SECTION 117.** 108.16 (6) (o) of the statutes is created to read:

4 108.16 (6) (o) Any erroneous payment recovered under s. 108.22 (8e).

5 **SECTION 118.** 108.16 (6m) (a) of the statutes is amended to read:

6 108.16 (6m) (a) The benefits thus chargeable under s. 108.04 (1) (f), (5), (5g),
7 (7) (h), (8) (a), (13) (c) or (d) or (16) (e), 108.07 (3), (3r), (5) (b), (5m), or (6), or (8), 108.14
8 (8n) (e), 108.141, 108.151, or 108.152 or sub. (6) (e) or (7) (a) and (b).

9 **SECTION 119.** 108.16 (6m) (h) of the statutes is created to read:

10 108.16 (6m) (h) Any amount paid to correct a payment under s. 108.22 (8e) that
11 is not recovered or recoverable.

12 **SECTION 120.** 108.16 (13) of the statutes is created to read:

13 108.16 (13) If the secretary determines that employers in this state that are
14 subject to a requirement to pay a federal unemployment tax might experience a lower
15 tax rate if this state were to loan moneys to the fund under s. 20.002 (11) (b) 3m., the
16 secretary shall request the secretary of administration to make one or more transfers
17 to the fund in the amount required to maintain a favorable federal tax experience for
18 employers. The secretary shall not request a transfer under this subsection if the
19 outstanding balance of such transfers at the time of the request would exceed
20 \$50,000,000. Whenever the secretary determines that the balance of the fund
21 permits repayment of a transfer, in whole or in part, without jeopardizing the ability
22 of the department to continue to pay other liabilities and costs chargeable to the fund,
3 the secretary shall repay the department of administration for the amount that the
24 secretary determines is available for repayment. The secretary shall ensure that the

1 timing of any repayment accords with federal requirements for ensuring a favorable
2 tax experience for employers in this state.

3 SECTION 121. 108.18 (4) (figure) Schedule A line 23. of the statutes is amended
4 to read:

Figure 108.18 (4):

Schedule A

Line	Reserve Percentage	Contribution Rate
23.	Overdrawn by <u>at least 6.0%</u> or more <u>but under 7.0%</u>	8.50

5 SECTION 122. 108.18 (4) (figure) Schedule A lines 24. to 26. of the statutes are
6 created to read:

Figure 108.18 (4):

Schedule A

Line	Reserve Percentage	Contribution Rate
24.	Overdrawn by at least 7.0% but under 8.0%	9.25
25.	Overdrawn by at least 8.0% but under 9.0%	10.00
26.	Overdrawn by 9.0% or more	10.70

7 SECTION 123. 108.18 (4) (figure) Schedule B line 23. of the statutes is amended
8 to read:

Figure 108.18 (4):

Schedule B

Line	Reserve Percentage	Contribution Rate
23.	Overdrawn by <u>at least 6.0%</u> or more <u>but under 7.0%</u>	8.50

9 SECTION 124. 108.18 (4) (figure) Schedule B lines 24. to 26. of the statutes are

1 created to read:

Figure 108.18 (4):

Schedule B

Line	Reserve Percentage	Contribution Rate
24.	Overdrawn by at least 7.0% but under 8.0%	9.25
25.	Overdrawn by at least 8.0% but under 9.0%	10.00
26.	Overdrawn by 9.0% or more	10.70

2 SECTION 125. 108.18 (4) (figure) Schedule C line 23. of the statutes is amended
3 to read:

Figure 108.18 (4):

Schedule C

Line	Reserve Percentage	Contribution Rate
23.	Overdrawn by <u>at least 6.0% or more but under 7.0%</u>	8.50

4 SECTION 126. 108.18 (4) (figure) Schedule C lines 24. to 26. of the statutes are
5 created to read:

Figure: 108.18 (4)

Schedule C

Line	Reserve Percentage	Contribution Rate
24.	Overdrawn by at least 7.0% but under 8.0%	9.25
25.	Overdrawn by at least 8.0% but under 9.0%	10.00
26.	Overdrawn by 9.0% or more	10.70

6 SECTION 127. 108.18 (4) (figure) Schedule D line 23. of the statutes is amended
7 to read:

Figure 108.18 (4):

Schedule D

Line	Reserve Percentage	Contribution Rate
23.	Overdrawn by <u>at least 6.0% or more but under 7.0%</u>	8.50

1 **SECTION 128.** 108.18 (4) (figure) Schedule D lines 24. to 26. of the statutes are
2 created to read:

Figure 108.18 (4):

Schedule D

Line	Reserve Percentage	Contribution Rate
24.	Overdrawn by at least 7.0% but under 8.0%	9.25
25.	Overdrawn by at least 8.0% but under 9.0%	10.00
26.	Overdrawn by 9.0% or more	10.70

3 **SECTION 129.** 108.18 (9) (figure) Schedule A lines 25 to 27 of the statutes are
4 created to read:

Figure 108.18 (9):

Schedule A

Line	Contribution Rate	Solvency Rate	
		Employers with payroll under \$500,000	Employers with payroll of \$500,000 or more
25	9.25	1.30	1.30
26	10.00	1.30	1.30
27	10.70	1.30	1.30

1 **SECTION 130.** 108.18 (9) (figure) Schedule B lines 25 to 27 of the statutes are
 2 created to read:

Figure 108.18 (9):

Schedule B

Line	Contribution Rate	Solvency Rate	
		Employers with payroll under \$500,000	Employers with payroll of \$500,000 or more
		25	9.25 .....	1.30 .....	1.30
26	10.00	1.30	1.30
27	10.70	1.30	1.30

3 **SECTION 131.** 108.18 (9) (figure) Schedule C line 24 of the statutes is amended
 4 to read:

Figure 108.18 (9):

Schedule C

Line	Contribution Rate	Solvency Rate	
		Employers with payroll under \$500,000	Employers with payroll of \$500,000 or more
		24	8.50

1 SECTION 132. 108.18 (9) (figure) Schedule C lines 25 to 27 of the statutes are
2 created to read:

Figure 108.18 (9):

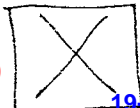
Schedule C			
Line	Contribution Rate	Solvency Rate	
		Employers with payroll under \$500,000	Employers with payroll of \$500,000 or more
		25	9.25 .....	1.30 .....	1.30
26	10.00	1.30	1.30
27	10.70	1.30	1.30

3 SECTION 133. 108.18 (9) (figure) Schedule D lines 25 to 27 of the statutes are
4 created to read:

Figure 108.18 (9):

Schedule D			
Line	Contribution Rate	Solvency Rate	
		Employers with payroll under \$500,000	Employers with payroll of \$500,000 or more
		25	9.25 .....	1.30 .....	1.30
26	10.00	1.30	1.30
27	10.70	1.30	1.30

5 SECTION 134. 108.19 (1m) of the statutes is amended to read:

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1 108.19 (1m) ~~Each~~ The department shall pay any interest due on advances from
2 the federal unemployment account to the unemployment reserve fund under Title
3 XII of the federal social security act (42 USC 1321 to 1324) by first applying any
4 amount available for that purpose from the appropriation under s. 20.445 (1) (fx).
5 If the amount appropriated under s. 20.445 (1) (fx) is insufficient to make full
6 payment of the amount due for any year, the department shall then apply any
7 unencumbered balance in the unemployment interest payment fund and any
8 amounts paid under s. 108.20 (2m). If those amounts are insufficient to make full
9 payment of the amount due for any year, the department shall require each employer
10 subject to this chapter as of the date a rate is established under this subsection shall
11 to pay an assessment to the unemployment interest payment fund at a rate
12 established by the department sufficient to pay interest due on those advances from
13 the federal unemployment account under title XII of the social security act (42 USC
14 1321 to 1324). The rate established by the department for employers who finance
15 benefits under s. 108.15 (2), 108.151 (2), or 108.152 (1) shall be 75% of the rate
16 established for other employers. The amount of any employer's assessment shall be
17 the product of the rate established for that employer multiplied by the employer's
18 payroll of the previous calendar year as taken from quarterly employment and wage
19 reports filed by the employer under s. 108.205 (1) or, in the absence of the filing of
20 such reports, estimates made by the department. Each assessment made under this
21 subsection is due on the 30th day commencing after the date on which notice of the
22 assessment is mailed by the department. If the amounts collected from employers
23 under this subsection are in excess of the amounts needed to pay interest due, the
24 department shall use any excess to pay interest owed in subsequent years on
25 advances from the federal unemployment account. If the department determines

1 that additional interest obligations are unlikely, the department shall transfer the
2 excess to the balancing account of the fund.

3 **SECTION 135.** 108.19 (1m) of the statutes, as affected by 2013 Wisconsin Act
4 (this act), is amended to read:

5 108.19 (1m) ~~The department shall pay any interest due on advances from the~~
6 ~~federal unemployment account to the unemployment reserve fund under Title XII of~~
7 ~~the federal social security act (42 USC 1321 to 1324) by first applying any amount~~
8 ~~available for that purpose from the appropriation under s. 20.445 (1) (fx). If the~~
9 ~~amount appropriated under s. 20.445 (1) (fx) is insufficient to make full payment of~~
10 ~~the amount due for any year, the department shall then apply any unencumbered~~
11 ~~balance in the unemployment interest payment fund and any amounts paid under~~
12 ~~s. 108.20 (2m). If those amounts are insufficient to make full payment of the amount~~
13 ~~due for any year, the department shall require each~~ Each employer subject to this
14 chapter as of the date a rate is established under this subsection to shall pay an
15 assessment to the unemployment interest payment fund at a rate established by the
16 department sufficient to pay interest due on those advances from the federal
17 unemployment account under Title XII of the social security act (42 USC 1321 to
18 1324). The rate established by the department for employers who finance benefits
19 under s. 108.15 (2), 108.151 (2), or 108.152 (1) shall be 75% of the rate established
20 for other employers. The amount of any employer's assessment shall be the product
21 of the rate established for that employer multiplied by the employer's payroll of the
22 previous calendar year as taken from quarterly employment and wage reports filed
23 by the employer under s. 108.205 (1) or, in the absence of the filing of such reports,
24 estimates made by the department. Each assessment made under this subsection
25 is due on the 30th day commencing after the date on which notice of the assessment

1 is mailed by the department. If the amounts collected from employers under this
2 subsection are in excess of the amounts needed to pay interest due, the department
3 shall use any excess to pay interest owed in subsequent years on advances from the
4 federal unemployment account. If the department determines that additional
5 interest obligations are unlikely, the department shall transfer the excess to the
6 balancing account of the fund.

7 **SECTION 136.** 108.205 (1) of the statutes is amended to read:

8 108.205 (1) Each employer shall file with the department, in such form as the
9 department by rule requires, a quarterly report showing the name, social security
10 number and wages paid to each employee who is employed by the employer in
11 employment with the employer during the quarter. ~~The department may also by rule~~
12 ~~require each employer to include in the report any salary reduction amounts that are~~
13 ~~not wages and that would have been paid to each such employee by the employer as~~
14 ~~salary during the quarter but for a salary reduction agreement under a cafeteria~~
15 ~~plan, within the meaning of 26 USC 125.~~ The employer shall file the report no later
16 than the last day of the month following the completion of each quarter.

17 **SECTION 137.** 108.21 (1) of the statutes is amended to read:

18 108.21 (1) Every employing unit which employs one or more individuals to
19 perform work in this state shall keep an accurate work record for each individual
20 employed by it, including full name, address and social security number, which will
21 permit determination of the weekly wages earned by each such individual, the wages
22 paid within each quarter to that individual ~~and the salary reduction amounts that~~
23 ~~are not wages and that would have been paid by the employing unit to that individual~~
24 ~~as salary but for a salary reduction agreement under a cafeteria plan, within the~~
25 ~~meaning of 26 USC 125.~~ Each such employing unit shall permit any authorized

1 representative of the department to examine, at any reasonable time, the work
2 record and any other records which may show any wages paid by the employing unit,
3 ~~or any salary reduction amounts that are not wages and that would have been paid~~
4 ~~by the employing unit as salary but for a salary reduction agreement under a~~
5 ~~cafeteria plan, within the meaning of 26 USC 125, regardless of the format in which~~
6 such a record is maintained. If such a record is maintained by an employing unit in
7 machine-readable format, the employing unit shall provide the department with
8 information necessary to retrieve the record. If the department determines that the
9 employing unit is unable to provide access to such a record or that the retrieval
10 capability at the site where the record is maintained is not adequate for efficient
11 examination, the employing unit shall provide a copy of the record to the department
12 and shall allow the department to remove the copy from that site for such period as
13 will permit examination at another location. Each such employing unit shall furnish
14 to the department upon demand a sworn statement of the information contained in
15 any such record.

16 **SECTION 138.** 108.22 (1) (a) of the statutes is amended to read:

17 108.22 (1) (a) ~~If Except as provided in par. (cm), if~~ any employer, other than an
18 employer which has ceased business and has not paid or incurred a liability to pay
19 wages in any quarter following the cessation of business, is delinquent in making by
20 the assigned due date any payment to the department required of it under this
21 chapter, the employer shall pay interest on the delinquent payment at that monthly
22 rate that annualized is equal to 9 percent or to 2 percent more than the prime rate
23 as published in the Wall Street Journal as of September 30 of the preceding year,
24 whichever is greater, for each month or fraction thereof that the employer is
25 delinquent from the date such payment became due. If any such employer is

1 delinquent in ~~making filing~~ any quarterly report under s. 108.205 (1) by the assigned
2 due date, the ~~employer shall pay~~ department may assess a tardy filing fee of \$50 to
3 the employer for each delinquent quarterly report in the amount of \$100 or \$20 per
4 employee, as reported on the employer's most recent quarterly report, whichever is
5 greater, or, if the report is filed within 30 days of its due date, in the amount of \$50.
6 If the department cannot determine the number of the employer's employees from
7 the employer's most recent quarterly report, the department may reasonably
8 estimate the number of the employer's employees for purposes of this paragraph.

9 SECTION 139. 108.22 (1) (cm) of the statutes is created to read:

10 108.22 (1) (cm) In limited circumstances as prescribed by rule of the
11 department, the department may waive or decrease the interest charged under par.
12 (a).

13 SECTION 140. 108.22 (8) (c) 1. a. of the statutes is amended to read:

14 108.22 (8) (c) 1. a. The overpayment was the result of a departmental error and
15 ~~was not the fault of any employer under s. 108.04 (13) (f); and~~

16 SECTION 141. 108.22 (8e) of the statutes is created to read:

17 108.22 (8e) If the department determines a payment has been made to an
18 unintended recipient erroneously without fault on the part of the intended payee, the
19 department may issue the correct payment to the intended payee if necessary, and
20 may recover the amount of the erroneous payment from the recipient under this
21 section or s. 108.225 or 108.245.

22 SECTION 142. 108.223 of the statutes is created to read:

23 108.223 **Financial record matching program.** (1) DEFINITIONS. In this
24 section:

1 (a) "Account" means a demand deposit account, checking account, negotiable
2 withdrawal order account, savings account, time deposit account, or money market
3 mutual fund account.

4 (b) "Debtor" has the meaning given in s. 108.225 (1) (c).

5 (c) "Financial institution" has the meaning given in 12 USC 3401 (1).

6 (2) MATCHING PROGRAM AND AGREEMENTS. (a) The department shall operate a
7 financial record matching program under this section for the purpose of identifying
8 the assets of debtors.

9 (b) The department shall enter into agreements with financial institutions
10 doing business in this state to operate the financial record matching program under
11 this section. An agreement shall require the financial institution to participate in
12 the financial record matching program by electing either the financial institution
13 matching option under sub. (3) or the state matching option under sub. (4). The
14 financial institution and the department may by mutual agreement make changes
15 to the agreement. A financial institution that wishes to choose a different matching
16 option shall provide the department with at least 60 days notice. The department
17 shall furnish the financial institution with a signed copy of the agreement.

18 (c) The department may reimburse a financial institution up to \$125 per
19 calendar quarter for participating in the financial record matching program under
20 this section. The department shall make reimbursements under this paragraph
21 from the appropriation under s. 20.445 (1) (n).

22 (d) To the extent feasible, the information to be exchanged under the matching
23 program shall be provided by electronic data exchange as prescribed by the
24 department in the agreement under par. (b).

1 (3) FINANCIAL INSTITUTION MATCHING OPTION. If a financial institution with
2 which the department has an agreement under sub. (2) elects the financial
3 institution matching option under this subsection, all of the following apply:

4 (a) At least once each calendar quarter, the department shall provide to the
5 financial institution, in the manner specified in the agreement under sub. (2) (b),
6 information regarding debtors. The information shall include names and social
7 security or other taxpayer identification numbers.

8 (b) Based on the information received under par. (a), the financial institution
9 shall take actions necessary to determine whether any debtor has an ownership
10 interest in an account maintained at the financial institution. If the financial
11 institution determines that a debtor has an ownership interest in an account at the
12 financial institution, the financial institution shall provide the department with a
13 notice containing the debtor's name, address of record, social security number or
14 other taxpayer identification number, and account information. The account
15 information shall include the account number, the account type, the nature of the
16 ownership interest in the account, and the balance of the account at the time that the
17 record match is made. The notice under this paragraph shall be provided in the
18 manner specified in the agreement under sub. (2) (b) and, to the extent feasible, by
19 an electronic data exchange.

20 (4) STATE MATCHING OPTION. If a financial institution with which the department
21 has an agreement under sub. (2) elects the state matching option under this
22 subsection, all of the following apply:

23 (a) At least once each calendar quarter, the financial institution shall provide
24 the department with information concerning all accounts maintained at the
25 financial institution. For each account maintained at the financial institution, the

1 financial institution shall notify the department of the name and social security
2 number or other tax identification number of each person having an ownership
3 interest in the account, together with a description of each person's interest. The
4 information required under this paragraph shall be provided in the manner specified
5 in the agreement under sub. (2) (b) and, to the extent feasible, by an electronic data
6 exchange.

7 (b) The department shall take actions necessary to determine whether any
8 debtor has an ownership interest in an account maintained at the financial
9 institution providing information under par. (a). Upon the request of the
10 department, the financial institution shall provide to the department, for each
11 debtor who matches information provided by the financial institution under par. (a),
12 the address of record, the account number and account type, and the balance of the
13 account.

14 (5) USE OF INFORMATION BY FINANCIAL INSTITUTION; PENALTY. A financial
15 institution participating in the financial record matching program under this
16 section, and the employees, agents, officers, and directors of the financial institution,
17 may use information received from the department under sub. (3) only for the
18 purpose of matching records and may use information provided by the department
19 in requesting additional information under sub. (4) only for the purpose of providing
20 the additional information. Neither the financial institution nor any employee,
21 agent, officer, or director of the financial institution may disclose or retain
22 information received from the department concerning debtors. Any person who
23 violates this subsection may be fined not less than \$50 nor more than \$1,000 or
24 imprisoned in the county jail for not less than 10 days or more than one year or both.

1 (6) USE OF INFORMATION BY DEPARTMENT. The department may use information
2 provided by a financial institution under this section only for matching records under
3 sub. (4), for administering the financial record matching program under this section,
4 and for pursuing the collection of amounts owed to the department by debtors. The
5 department may not disclose or retain information received from a financial
6 institution under this section concerning account holders who are not debtors.

7 (7) FINANCIAL INSTITUTION LIABILITY. A financial institution is not liable to any
8 person for disclosing information to the department in accordance with an
9 agreement under this section or for any other action that the financial institution
10 takes in good faith to comply with this section.

11 **SECTION 143.** 108.225 (1) (b) of the statutes is amended to read:

12 108.225 (1) (b) "Debt" means a delinquent contribution or repayment of a
13 benefit overpayment, a delinquent assessment under s. 108.04 (11) (cm) or 108.19
14 (1m), a liability incurred under s. 108.04 (11) (bh), an erroneous payment from the
15 fund recovered under s. 108.245, or any liability of a 3rd party for failure to surrender
16 to the department property or rights to property subject to levy after proceedings
17 under sub. (4) (b) and s. 108.10 to determine that liability.

18 **SECTION 144.** 108.227 of the statutes is created to read:

19 **108.227 License denial, nonrenewal, discontinuation, suspension and**
20 **revocation based on delinquent unemployment insurance contributions.**

21 (1) DEFINITIONS. In this section:

22 (a) "Contribution" includes contributions under ss. 108.17 and 108.18, interest
23 for a nontimely payment or a fee assessed on an employer, an assessment under s.
24 108.19, any payment due for a forfeiture imposed upon an employing unit under s.

1 108.04 (11) (c), and any other penalty assessed by the department under this chapter
2 against an employing unit.

3 (b) "Credential" has the meaning given in s. 440.01 (2) (a), but does not include
4 a registration as an inactive licensee under s. 452.12 (6) (b).

5 (c) "Credentialing board" means a board, examining board or affiliated
6 credentialing board in the department of safety and professional services that grants
7 a credential.

8 (d) "Liable for delinquent contributions" means that a person has exhausted
9 all of the person's remedies under s. 108.10 to challenge the assertion that the person
10 owes the department any contributions and the person is delinquent in the payment
11 of those contributions.

12 (e) "License" means any of the following:

13 1. An approval specified in s. 29.024 (2r) or a license specified in s. 169.35.

14 2. A license issued by the department of children and families under s. 48.66
15 (1) (a) to a child welfare agency, group home, shelter care facility, or child care center,
16 as required by s. 48.60, 48.625, 48.65, or 938.22 (7).

17 3. A license, certificate of approval, provisional license, conditional license,
18 certification, certification card, registration, permit, training permit or approval
19 specified in s. 50.35, 50.49 (6) (a) or (10), 51.038, 51.04, 51.42 (7) (b) 11., 51.421 (3)
20 (a), 51.45 (8), 146.40 (3) or (3m), 252.23 (2), 252.24 (2), 254.176, 254.20 (3), 255.08 (2)
21 (a), 256.15 (5) (a) or (b), (6g) (a), (7), or (8) (a) or (f) or 343.305 (6) (a) or a permit for
22 operation of a campground specified in s. 254.47 (1).

23 5. A license, as defined in s. 101.02 (20) (a).

24 6. A license or certificate of registration issued by the department of financial
25 institutions, or a division of it, under ss. 138.09, 138.12, 138.14, 217.06, 218.0101 to

1 218.0163, 218.02, 218.04, 218.05, 224.72, 224.725, 224.93 or under subch. IV of ch.
2 551.

3 7. A license described in s. 218.0114 (14) (a) and (g), a license described in s.
4 218.0114 (14) (b), (c) or (e), a license issued under s. 218.11, 218.12, 218.22, 218.32,
5 218.41, 343.61 or 343.62, a buyer identification card issued under s. 218.51 or a
6 certificate of registration issued under s. 341.51.

7 7m. A license issued under s. 562.05 or 563.24.

8 8. A license, registration or certification specified in s. 299.07 (1) (a).

9 9. A credential.

10 10. A license or permit granted by the department of public instruction.

11 11. A license to practice law.

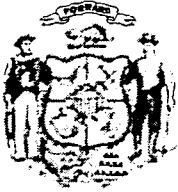
12 12. A license issued under s. 628.04, 632.69 (2), or 633.14 or a temporary license
13 issued under s. 628.09.

14 13. A license issued by the government accountability board under s. 13.63 (1).

15 14. A permit under s. 170.12.

16 15. A certificate under s. 73.03 (50) or a certification under s. 73.09.

17 (f) "Licensing department" means the department of administration; the board
18 of commissioners of public lands; the department of children and families; the
19 government accountability board; the department of financial institutions; the
20 department of health services; the department of natural resources; the department
21 of public instruction; the department of revenue; the department of safety and
22 professional services; the office of the commissioner of insurance; or the department
23 of transportation.



P14
2
1

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

TODAY 1130 AM
1130

Repeal

1 AN ACT *to repeal* 20.445 (1) (fx); 108.02 (4m) (g), 108.02 (13) (kL), 108.04 (1) (i),
2 108.04 (7) (d), (g), (j), (k), (m), (n), (o), (p) and (r), 108.05 (1) (n) to (p), 108.06 (7)
3 and 108.07 (8); *to renumber* 50.498 (4) and 108.02 (10e) (a) and (b); *to*
4 *renumber and amend* 108.02 (10e) (intro.), 108.04 (5), 108.04 (7) (t) and
5 440.12; *to amend* 13.63 (1) (b), 13.63 (1) (c), 19.55 (2) (d), 20.002 (11) (a), 20.002
6 (11) (b) 1., 20.002 (11) (c), 20.002 (11) (d) (intro.), 29.024 (2r) (title), 29.024 (2r)
7 (c), 29.024 (2r) (d) 1., 48.66 (2m) (c), 48.715 (7), 50.498 (title), 50.498 (2), 50.498
8 (5), 51.032 (title), 51.032 (2), 51.032 (4), 51.032 (5), 71.78 (4) (o), 73.0301 (2) (c)
9 2., 73.0302 (title), 73.09 (6m), 101.02 (20) (b), 101.02 (20) (c), 101.02 (20) (d),
10 102.17 (1) (c), 103.005 (10), 103.275 (2) (b) (intro.), 103.275 (7) (b), 103.275 (7)
11 (c), 103.34 (3) (c), 103.34 (10) (title), 103.92 (3), 104.07 (1) and (2), 105.13 (1),
12 108.02 (4m) (a), 108.02 (13) (a), 108.02 (15m) (intro.), 108.04 (1) (f), 108.04 (1)
13 (g) (intro.), 108.04 (1) (hm), 108.04 (2) (a) 3. c., 108.04 (7) (a), 108.04 (7) (e),
14 108.04 (7) (h), 108.04 (7) (L) (intro.), 108.04 (8) (a) and (c), 108.05 (1) (q) (intro.),
15 108.05 (2) (c), 108.05 (3) (a), 108.05 (3) (c) (intro.), 108.06 (1), 108.06 (2) (c),

1 108.06 (2) (cm), 108.06 (3), 108.06 (6) (intro.), 108.10 (intro.), 108.14 (8n) (e),
2 108.14 (19), 108.141 (7) (a), 108.142 (4), 108.16 (2) (g) and (h), 108.16 (6m) (a),
3 108.18 (4) (figure) Schedule A line 23., 108.18 (4) (figure) Schedule B line 23.,
4 108.18 (4) (figure) Schedule C line 23., 108.18 (4) (figure) Schedule D line 23.,
5 108.18 (9) (figure) Schedule C line 24, 108.19 (1m), 108.19 (1m), 108.205 (1),
6 108.21 (1), 108.22 (1) (a), 108.22 (8) (c) 1. a., 108.225 (1) (b), 115.31 (6m), 118.19
7 (1m) (a), 118.19 (1m) (b), 138.09 (1m) (b) 2. a., 138.09 (3) (am) 2., 138.09 (4) (c),
8 138.12 (3) (d) 2. a., 138.12 (5) (am) 1. b., 138.12 (5) (am) 3., 138.14 (4) (a) 2. a.,
9 138.14 (9) (d), 146.40 (4d) (b), 146.40 (4d) (d), 146.40 (4d) (e), 169.35 (title),
10 169.35 (2), 169.35 (3), 170.12 (3m) (b) 1., 217.05 (1m) (b) 1., 217.09 (4), 217.09
11 (6), 218.0114 (21e) (a), 218.0114 (21g) (b) 1., 218.0116 (1g) (b), 218.02 (2) (a) 2.
12 a., 218.04 (3) (a) 2. a., 218.04 (5) (b), 218.05 (3) (am) 2. a., 218.05 (12) (b), 218.05
13 (12) (e), 218.11 (2) (am) 3., 218.12 (2) (am) 2., 218.21 (2m) (b), 218.31 (1m) (b),
14 218.41 (2) (am) 2., 218.51 (3) (am) 2., 224.72 (2) (c) 2. a., 224.725 (2) (b) 1. a.,
15 224.927 (1), 227.53 (1) (a) 3., 252.241 (title), 252.241 (2), 254.115 (title), 254.115
16 (2), 254.176 (5), 254.20 (7), 256.18 (title), 256.18 (2), 256.18 (5), 299.07 (title),
17 299.07 (1) (b) 1., 299.08 (1) (b) 2., 341.51 (4g) (b), 342.06 (1) (eg), 343.14 (1),
18 343.14 (2j), 343.305 (6) (e) 3. b., 343.61 (2) (b), 343.62 (2) (b), 343.69 (1), 440.03
19 (11m) (c), 452.18, 551.412 (4g) (a) 1., 551.605 (2), 562.05 (8m) (a), 562.05 (8m)
20 (b), 563.285 (title), 563.285 (2) (a), 563.285 (2) (b), 628.095 (4) (b), 628.097 (title),
21 628.097 (2m), 628.10 (2) (cm), 632.69 (2) (c), 632.69 (2) (d) 2., 632.69 (4) (d),
22 633.14 (2c) (b), 633.14 (2m) (b), 633.15 (2) (d), 751.155 (title), 751.155 (1),
23 751.155 (2) and 751.155 (3); **to repeal and recreate** 108.04 (5g), 108.05 (1) (q)
24 (intro.), 108.05 (1) (r) (intro.), 108.05 (3) (a) and 108.05 (3) (c) (intro.); and **to**
25 **create** 16.531 (4), 20.002 (11) (b) 3m., 20.445 (1) (fx), 20.445 (1) (gm), 50.498 (4)

1 (b), 73.0302 (5), 73.0302 (6), 73.09 (8), 102.17 (1) (ct), 103.275 (2) (bt), 103.34 (10)
2 (d), 103.91 (4) (d), 103.92 (8), 104.07 (7), 105.13 (4), 108.02 (3), 108.02 (9), 108.02
3 (9m), 108.02 (10e) (bm), 108.02 (15) (kt), 108.04 (2) (a) 4., 108.04 (2) (g), 108.04
4 (2) (h), 108.04 (2) (i), 108.04 (5) (a) to (g), 108.04 (12) (f), 108.04 (15), 108.05 (1)
5 (r), 108.05 (3) (cm), 108.06 (1m), 108.14 (20), 108.14 (21), 108.14 (23), 108.14
6 (24), 108.16 (3) (c), 108.16 (6) (o), 108.16 (6m) (h), 108.16 (13), 108.18 (4) (figure)
7 Schedule A lines 24. to 26., 108.18 (4) (figure) Schedule B lines 24. to 26., 108.18
8 (4) (figure) Schedule C lines 24. to 26., 108.18 (4) (figure) Schedule D lines 24.
9 to 26., 108.18 (9) (figure) Schedule A lines 25 to 27, 108.18 (9) (figure) Schedule
10 B lines 25 to 27, 108.18 (9) (figure) Schedule C lines 25 to 27, 108.18 (9) (figure)
11 Schedule D lines 25 to 27, 108.22 (1) (cm), 108.22 (8e), 108.223, 108.227,
12 108.245, 138.12 (4) (a) 1m., 138.12 (4) (b) 5m., 138.14 (5) (b) 2m., 138.14 (9) (cm),
13 170.12 (8) (b) 1. bm., 170.12 (8) (b) 4., 217.06 (5m), 217.09 (1t), 218.0116 (1m)
14 (a) 2m., 218.0116 (1m) (d), 218.02 (3) (dm), 218.02 (6) (d), 218.02 (9) (a) 1m.,
15 218.04 (4) (am) 2m., 218.04 (5) (at), 218.05 (4) (c) 2m., 218.05 (11) (bm), 218.05
16 (12) (at), 218.11 (6m) (c), 218.12 (3m) (c), 218.22 (3m) (c), 218.32 (3m) (c), 218.41
17 (3m) (b) 3., 218.51 (4m) (b) 3., 224.44, 224.72 (7m) (bm), 224.725 (6) (bm), 224.77
18 (2m) (e), 224.95 (1) (bm), 252.241 (5), 254.115 (5), 256.18 (4m), 299.07 (3), 341.51
19 (4m) (c), 343.305 (6) (e) 6., 343.66 (3m), 440.12 (2), 551.406 (6) (a) 1m., 551.412
20 (4g) (a) 2m., 551.412 (4g) (d), 562.05 (5) (a) 11., 562.05 (8) (f) and 563.285 (1m)

21 of the statutes; **relating to:** various changes in the unemployment insurance
22 law, ~~loans by this state to the unemployment reserve fund; payment of interest~~
23 ~~on advances made by the federal government to the unemployment reserve~~
24 ~~fund;~~ license revocations based on delinquency in payment of unemployment

1 insurance contributions; granting rule-making authority; providing a penalty;
2 and making appropriations.

Analysis by the Legislative Reference Bureau

This bill makes various changes in the unemployment insurance (UI) law. Significant changes include:

BENEFIT DURATION AND AMOUNTS

Maximum benefit duration for total unemployment

Currently, the maximum number of weeks of regular UI benefits payable to an eligible claimant who is totally unemployed and who earns sufficient wages to qualify for those benefits is 26 weeks. The cost of these benefits is paid for by employers of this state. During periods of high unemployment, an eligible claimant may qualify to receive up to an additional 13 weeks of "extended benefits." Fifty percent of the cost of these benefits is paid for by employers of this state and 50 percent of the cost is paid for by the federal government.

This bill changes the maximum number of weeks of regular benefits payable to an eligible claimant who is totally unemployed to an amount that varies depending upon the seasonally adjusted statewide average unemployment rate for the first or third calendar quarter immediately preceding the beginning of the claimant's benefit year (period during which benefits are payable following the filing of a benefit claim). For claimants whose benefit years begin during the first half of each year, the claimant's maximum benefits are calculated based upon the rate for the third quarter of the preceding year, and for claimants whose benefit years begin during the second half of each year, the claimant's maximum benefits are calculated based upon the rate for the first quarter of that year. Under the bill, once a claimant begins a benefit year, the maximum number of weeks of regular benefits is fixed for that benefit year. Because the maximum number of weeks of extended benefits payable to a claimant is calculated in part based upon the maximum number of weeks of regular benefits payable to a claimant, the change also reduces the maximum number of weeks of extended benefits payable to a claimant. Under the bill, the maximum number of weeks of regular benefits for total unemployment is determined as follows:

<u>Statewide unemployment rate</u>	<u>Maximum weeks of benefits</u>
8 percent or higher	26
At least 7.5 percent but less than 8 percent	25
At least 7.0 percent but less than 7.5 percent	24
At least 6.5 percent but less than 7.0 percent	23
At least 6.0 percent but less than 6.5 percent	22
At least 5.5 percent but less than 6.0 percent	21
Less than 5.5 percent	20

Benefit amounts

Currently, weekly UI benefit rates for total unemployment range from \$54 for an employee who earns wages (or certain other amounts treated as wages) of at least \$1,350 during at least one quarter of the employee's base period (period preceding a claim during which benefit rights accrue) to \$363 for an employee who earns wages (or certain other amounts treated as wages) of at least \$9,075 during any such quarter. This bill adjusts weekly benefit rates for weeks of unemployment beginning on or after January 5, 2014, to rates ranging from \$54 for an employee who earns wages (or certain other amounts treated as wages) of at least \$1,350 during at least one quarter of the employee's base period to \$370 for an employee who earns wages (or certain other amounts treated as wages) of at least \$9,250 during any such quarter. The bill does not affect the benefit rate of any employee who earns wages (or certain other amounts treated as wages) of at least \$1,350 during at least one quarter of the employee's base period or any employee who earns wages (or certain other amounts treated as wages) of at least \$9,075 during at least one quarter of the employee's base period.

OTHER BENEFIT CHANGES**Misconduct**

Currently, if an employee is discharged for misconduct connected with his or her employment (interpreted by the courts to include only misconduct that evinces such willful or wanton disregard of an employer's interests as is found in deliberate violations or disregard of standards of behavior that the employer has a right to expect of his or her employees, or in carelessness or negligence to such degree or recurrence as to manifest culpability, wrongful intent, or evil design of the same level of severity as that disregard, or to show an intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to the employer) the employee is ineligible to receive benefits until seven weeks have elapsed since the end of the week in which the discharge occurs and the employee earns wages, or certain other amounts treated as wages, after the week in which the discharge occurs equal to at least 14 times the employee's weekly benefit rate in employment covered by the unemployment insurance law of any state or the federal government. In addition, all wages earned with the employer that discharges the employee are excluded in determining the amount of any future benefits to which the employee is entitled. However, if an employee is discharged for failing to notify an employer of absenteeism or tardiness that becomes excessive under certain conditions, the employee is ineligible to receive benefits until at least six weeks have elapsed since the end of the week in which the discharge occurs and until the employee earns wages, or certain other amounts treated as wages, after the week in which the discharge occurs equal to at least six times the employee's weekly benefit rate in employment covered by the unemployment insurance law of any state or the federal government.

This bill deletes the current suspension and requalifying requirement for discharges resulting from absenteeism or tardiness but retains and modifies the current suspension and requalifying requirement for misconduct. The bill also creates a new suspension and requalifying requirement for discharges resulting

from substantial fault by an employee. The bill defines "misconduct" to mean "one or more actions or conduct evincing such willful or wanton disregard of an employer's interests as is found in deliberate violations or disregard of standards of behavior which an employer has a right to expect of his or her employees, or in carelessness or negligence of such degree or recurrence as to manifest culpability, wrongful intent, or evil design of equal severity to such disregard, or to show an intentional and substantial disregard of an employer's interests, or of an employee's duties and obligations to his or her employer." The bill also provides that "misconduct" specifically includes:

1. A violation by an employee of an employer's reasonable written policy concerning the use of alcohol beverages, or use of a controlled substance or controlled substance analog, if the employee had knowledge of the policy and either admitted to the use of alcohol beverages or a controlled substance or controlled substance analog or refused to take a test or tested positive for the use of alcohol beverages or a controlled substance or controlled substance analog in a test administered by the employer in accordance with a testing methodology approved by DWD.

2. Theft of an employer's property or services with intent to deprive the employer of the property or services permanently, theft of currency of any value, felonious conduct connected with an employee's employment, or intentional or negligent conduct by an employee that causes substantial damage to his or her employer's property.

3. Conviction of an employee of a crime or other offense subject to civil forfeiture, while on or off duty, if the conviction makes it impossible for the employee to perform the duties that the employee performs for the employer.

4. One or more threats or acts of harassment, assault, or other physical violence instigated by an employee at the workplace of his or her employer.

5. Absenteeism by an employee on more than two occasions within the 120-day period before the date of the employee's termination, unless otherwise specified by his or her employer in an employment manual of which the employee has acknowledged receipt with his or her signature, or excessive tardiness by an employee in violation of a policy of the employer that has been communicated to the employee, if the employee does not provide to his or her employer both notice and one or more valid reasons for the absenteeism or tardiness.

6. Unless directed by an employee's employer, falsifying business records of the employer.

7. Unless directed by the employer, a willful and deliberate violation of a written and uniformly applied standard or regulation of the federal government or a state or tribal government by an employee of an employer that is licensed or certified by a governmental agency, which standard or regulation has been communicated by the employer to the employee and which violation would cause the employer to be sanctioned or to have its license or certification suspended by the agency.

In addition, the bill provides that an employee whose work is terminated by his or her employer for substantial fault by the employee connected with the employee's work is ineligible to receive benefits until seven weeks have elapsed since the end of

the week in which the termination occurs and the employee earns wages, or certain other amounts treated as wages, after the week in which the termination occurs equal to at least 14 times the employee's weekly benefit rate in employment covered by the unemployment insurance law of any state or the federal government. The bill defines "substantial fault" to include those acts or omissions of an employee over which the employee exercised reasonable control and which violate reasonable requirements of the employee's employer but not to include:

1. One or more minor infractions of rules unless an infraction is repeated after the employer warns the employee about the infraction.
2. One or more inadvertent errors made by the employee.
3. Any failure of the employee to perform work because of insufficient skill, ability, or equipment.

Registration and search for work

Currently, with limited exceptions, in order to become and remain eligible to receive UI benefits for any week, a claimant is required, among other things, to register for work and to conduct a reasonable search for suitable work within that week, which must include at least two actions that constitute a reasonable search as prescribed by rule by the Department of Workforce Development (DWD).

This bill requires a claimant, subject to the same exceptions, to provide information or job application materials and to participate in a public employment office workshop or training program or in similar reemployment services that do not require a participation fee, if either is required by DWD for a given week other than the claimant's first week of benefits. The bill allows DWD to use the information or job application materials provided by a claimant to assess the claimant's efforts, skills, and ability to find or obtain work and to develop a list of potential opportunities for a claimant to obtain suitable work. However, the bill provides that a claimant who is subject to the work search requirement need not apply for a specific position on that list in order to satisfy that requirement.

Prohibiting concurrent receipt of UI and SSDI benefits

The bill disqualifies a claimant from receiving UI benefits during any week in which the claimant is actually receiving social security disability insurance (SSDI) benefits and requires a claimant, when the claimant first files for UI benefits and during each subsequent week the claimant files for UI benefits, to inform DWD whether he or she is receiving SSDI benefits.

Failure to accept suitable work or recall to former employer

Currently, with certain exceptions, if an employee fails, without good cause, to accept suitable work when offered or to return to work with a former employer that recalls the employee within 52 weeks after the employee last worked for the employer, the employee is ineligible to receive benefits until four weeks have elapsed since the end of the week in which the failure occurs and the employee earns wages, or certain other amounts treated as wages, equal to at least four times the employee's weekly benefit rate in employment covered by the unemployment insurance law of any state or the federal government.

Subject to all of the same exceptions and qualifications, the bill changes the amount of wages an employee must earn to requalify under these provisions to at

least six times the employee's weekly benefit rate. The bill eliminates the requirement that, in order to requalify under these provisions, four weeks must have elapsed since the end of the week in which the failure occurs.

Termination of work; general requirements to requalify for benefits

Currently, unless an exemption applies, if an employee voluntarily terminates his or her work with an employer, the employee is generally ineligible to receive benefits until the following requalification requirements are satisfied: 1) four weeks have elapsed since the end of the week in which the termination occurs and 2) the employee earns wages after the week in which the termination occurs equal to at least four times the employee's weekly benefit rate in employment covered by the unemployment insurance law of any state or the federal government.

The bill modifies the first requalification requirement so that an employee who voluntarily terminates his or her work with an employer is generally ineligible to receive benefits until the employee earns wages after the week in which the termination occurs equal to at least six times the employee's weekly benefit rate in employment covered by the unemployment insurance law of any state or the federal government. The bill eliminates the second requalification requirement that four weeks must have elapsed before the terminating employee may again become eligible for benefits.

Termination of work; exemptions from requalification requirements

Under current law, an employee who voluntarily terminates his or her work with an employer is exempt from the requalification requirements under certain circumstances, including all of the following:

1. The employee terminated his or her work to accept a recall to work for a former employer within 52 weeks after having last worked for that employer.
2. The employee maintained a temporary residence near the terminated work; the employee maintained a permanent residence in another locality; and the employee terminated the work and returned to his or her permanent residence because the work available to the employee had been reduced to less than 20 hours per week in at least two consecutive weeks.
3. The employee left or lost his or her work because the employee reached the employer's compulsory retirement age.
4. The employee terminated part-time work because a loss of other, full-time employment made it economically unfeasible for the employee to continue the part-time work.
5. The employee terminated his or her work with a labor organization if the termination caused the employee to lose seniority rights granted under a collective bargaining agreement and resulted in the loss of the employee's employment with the employer that is a party to that collective bargaining agreement.
6. The employee terminated his or her work in a position serving as a part-time elected or appointed member of a governmental body or representative of employees; the employee was engaged in work for an employer other than the employer in which the employee served as the member or representative; and the employee was paid wages in the terminated work constituting not more than 5 percent of the employee's base period wages for purposes of entitlement for benefits.

7. The employee terminated his or her work in one of two or more concurrently held positions, at least one of which was full-time work, if the employee terminated his or her work before receiving notice of termination from a full-time work position.

8. The employee owns or controls an ownership interest in a family corporation and the employee's employment was terminated because of an involuntary cessation of the business of the corporation under certain specified conditions.

The bill eliminates these eight exemptions from the requalification requirements for employees who voluntarily terminate employment.

Under current law, subject to certain limitations, an employee who voluntarily terminates his or her work with an employer is exempt from the requalification requirements if: 1) the employee accepted work that was not suitable work under the UI law or work that the employee could have refused for specified reasons related to protecting labor standards; and 2) the employee terminated the work within ten weeks after starting the work. Under the bill, this exemption only applies if the employee terminated that work within *30 calendar days* after starting the work.

Under current law, an employee who voluntarily terminates his or her work with an employer is exempt from the requalification requirements if the employee's spouse changed his or her place of employment to a place to which it is impractical to commute and the employee terminated his or her work to accompany the spouse to that place. The bill narrows this exemption so that it only applies if the employee's spouse is an active duty member of the U.S. Armed Forces who was required by the U.S. Armed Forces to relocate.

Under current law, an employee who voluntarily terminates his or her work with an employer is exempt from the requalification requirements if the employee terminated the work to accept other covered employment and earned wages in the subsequent employment equal to at least four times the employee's weekly benefit rate if the work in the subsequent employment: 1) offered average weekly wages at least equal to the average weekly wages that the employee earned in the terminated work; 2) offered the same or a greater number of hours of work than those performed in the work terminated; 3) offered the opportunity for significantly longer term work; or 4) offered the opportunity to accept a position for which the duties were primarily discharged at a location significantly closer to the employee than the terminated work. An employee who voluntarily terminates his or her work with an employer is also exempt from the requalification requirements if the employee, while claiming benefits for partial unemployment, terminated work to accept other covered employment that offered an average weekly wage greater than the average weekly wage earned in the work terminated.

The bill consolidates these two exemptions into one exemption, which applies if the employee terminated work to accept covered employment that satisfies one of the four conditions numbered above. The exemption as consolidated applies regardless of whether the employee is claiming benefits for partial unemployment or whether the employee earns a certain amount of wages in the subsequent work.

The bill does not affect any other exemptions from the requalification requirements for employees who voluntarily terminate employment.

9

Temporary help companies and work search

The bill provides that there is a rebuttable presumption that a claimant who is subject to the UI law's work search requirement has not conducted a reasonable search for suitable work in a given week if: 1) the claimant was last employed by a temporary help company, as defined under current law; 2) the temporary help company required the claimant to contact the temporary help company about available assignments weekly, or less often as prescribed by the temporary help company, and the temporary help company gave the claimant written notice of that requirement at the time the claimant was initially employed by the company; 3) during that week, the claimant was required to contact the temporary help company about available assignments and the claimant did not contact the temporary help company about available assignments; and 4) the temporary help company submits a written notice within ten business days after the end of that week to DWD reporting that the claimant failed to so contact the temporary help company. The claimant may overcome the rebuttable presumption only by a showing that the claimant did in fact contact the temporary help company about available assignments or by showing that the claimant was not informed of this requirement or had other good cause for failing to do so.

The bill specifically provides that the claimant's contact of the temporary help company for a given week counts as one action toward the UI law's work search requirement for that week.

Extended training benefits

Currently, benefits may not be denied to an otherwise eligible claimant because the claimant is enrolled in a vocational training course or a basic education course that is a prerequisite to such training ("approved training") under certain conditions. Currently, a claimant may also qualify to receive benefits while participating in an extended training program under certain conditions, under such a program, if a claimant 1) has exhausted all other rights to benefits, 2) is currently enrolled in an approved training program and was so enrolled prior to the end of the claimant's benefit year (period during which benefits are payable) that qualified the claimant for benefits, 3) if not in a current benefit year, has a benefit year that ended no earlier than 52 weeks prior to the week for which the claimant first claims extended training benefits, and 4) is not receiving any similar stipends or other training allowances for nontraining costs, is entitled to extended training benefits of up to 26 times the same benefit rate that applied to the claimant during his or her most recent benefit year if the claimant is being trained for entry into a high-demand occupation. In addition, 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 extended training benefits while enrolled in a training program if the claimant first enrolled in the program within 52 weeks after the end of the claimant's benefit year that qualified the claimant for benefits. This bill deletes extended training benefits.

Treatment of cafeteria plan amounts in benefit calculations

Currently, employers must report wages to DWD and these reports are used to determine the UI benefit eligibility and amounts of benefits payable to UI claimants.

The wages reported do not include salary reduction amounts withheld from employees for cafeteria plan benefits (fringe benefits the value of which is excluded from gross income under the federal Internal Revenue Code). However, these amounts are included in the formula that is used to determine the benefit eligibility and amounts payable to claimants. DWD may require employers to report the amounts in their wage reports and employers must maintain records of these amounts.

This bill excludes salary reduction amounts for cafeteria plan benefits in calculating the wages that were paid to a claimant for purposes of determining the claimant's benefit eligibility and amounts. The bill also deletes reporting and record-keeping requirements for these amounts. The effect is to raise the threshold for benefit eligibility and to potentially decrease the amount of benefits that may become payable to certain claimants whose wages include deductions for these amounts.

Benefits for partial unemployment during weeks that include holidays

Under current law, a claimant may, under certain circumstances, receive some UI benefits while the claimant is only partially unemployed (benefits for partial unemployment). However, a claimant is ineligible to receive any benefits for partial unemployment for a week in which one or more of the following applies to the claimant for 32 or more hours in that week: 1) the claimant performs work; 2) the claimant receives certain amounts treated as wages for that week; or 3) the claimant receives holiday pay, vacation pay, termination pay, or sick pay that is treated as wages under current law.

Under the bill, for purposes of these provisions limiting the availability of benefits for partial unemployment, the 32-hour ceiling for a claimant is reduced for a given week by eight hours for each state or federal holiday that occurs during that week, if both of the following apply: 1) the claimant only has base period wages from a single employer; and 2) that employer previously provided a written notice to DWD designating that the employer will undergo a complete business shutdown on that holiday (or those holidays) and the employer does undergo a complete business shutdown on that holiday (or holiday). The bill allows an employer to designate up to seven holidays per calendar year for purposes of these provisions and requires the employer to provide the notice to DWD by December 1 of the year before the holidays. Finally, the bill provides that, if an employer that provides such a notice to DWD will not or does not actually undergo a complete business shutdown on a state or federal holiday as designated in the notice, the employer must, no later than the first business day following the week in which the state or federal holiday occurs, notify DWD in writing of that fact. The bill provides that a complete business shutdown means that all locations operated by an employer are closed for business completely and no employee employed by the business is required by the employer to report for work or be available for work.

Failure of claimants to provide requested information

Currently, DWD may require a claimant to answer questions relating to his or her UI benefit eligibility and to provide certain demographic information for auditing purposes. In addition, DWD must require each claimant to provide his or

her social security number. A claimant is not eligible to receive benefits for any week in which the claimant fails to comply with a request by DWD for information and for any subsequent week until the claimant provides the requested information or satisfies that DWD that he or she had good cause for failure to provide the information. Generally, if a claimant later complies with a request or satisfies DWD that he or she had good cause for failure to comply, the claimant is eligible to receive benefits beginning with the week in which the failure occurred, if otherwise qualified. With respect to certain specific information, however, if a claimant later provides the requested information but does not have good cause for the initial failure to provide the information, the claimant is eligible only to receive benefits that become payable in the week in which the information is provided. Under this bill, if a claimant later complies with a request, the claimant is eligible to receive benefits beginning with the week in which the failure occurred, regardless of whether the claimant satisfies DWD that he or she had good cause for failure to comply with the request. The change does not apply to a claimant's failure to provide DWD his or her social security number.

Treatment of services performed by prison inmates

Under current law, covered employment under the UI law generally does not include services by inmates of a custodial or penal institution for government units, Indian tribes, or nonprofit organizations. The bill provides that services performed for employers that are *not* government units, Indian tribes, or nonprofit organizations by inmates of state or federal prisons are also not covered employment under the UI law. As a consequence, wages paid by employers for those services are not subject to UI contribution requirements and those wages are not counted as base period wages for purposes of determining eligibility for UI benefits.

Claimant security credentials

This bill requires each claimant for UI benefits to create security credentials in order to engage in any transactions with DWD, including the filing of an initial or continued claim for benefits. The credentials may consist of a personal identification number, username, and password, or any other means prescribed by DWD. The bill provides that if a claimant's security credentials are used in any transaction with DWD, the individual using the credentials is presumed to be the claimant or the claimant's authorized agent. The presumption may be rebutted by a preponderance of evidence showing that the claimant who created the credentials or the claimant's authorized agent was not the person who used the credentials in a given transaction. The bill provides that if a claimant uses an agent to engage in any transaction with DWD using the claimant's security credentials, the claimant is responsible for the actions of the agent. The bill also provides that if a claimant who creates security credentials or the claimant's authorized agent divulges the credentials to another person, or fails to take adequate measures to protect the credentials from being divulged to an unauthorized person, and DWD pays benefits to an unauthorized person because of the claimant's action or inaction, DWD may recover from the claimant the benefits that were paid to the unauthorized person. In addition, the bill provides that if a claimant who creates security credentials or the claimant's authorized agent divulges the credentials to another person, or fails to take adequate

measures to protect the credentials from being divulged to an unauthorized person, DWD is not obligated to pursue recovery of, and is not liable to the claimant for, benefits payable to the claimant that were erroneously paid to another person. Current law contains no similar provisions.

Benefits paid to employees who lose licenses required to perform work

Currently, if an employee is required by law to have a license issued by a governmental agency to perform his or her customary work for an employer, and the employee's employment is suspended or terminated because the license is suspended, revoked, or not renewed due to the employee's fault, the employee is not eligible to receive benefits until five weeks have elapsed since the end of the week in which the suspension or termination occurs or until the license is reinstated or renewed, whichever occurs first. The wages paid by the employer who suspended or terminated the employee are excluded in determining the eligibility of and amount of benefits payable to the employee while the license suspension, revocation, or nonrenewal is in effect. If benefits are paid to an employee using wages that were paid or treated as having been paid during a period when the employee's license was suspended, revoked, or not renewed, the base period wages paid or treated as having been paid by the employer that suspended or terminated the employee are not charged to the employer's account for the period when the license suspension, revocation, or nonrenewal is in effect, but are instead charged to the balancing account of the unemployment reserve fund (pooled account financed by all employers who pay contributions that is used to pay benefits that are not chargeable to any employer's account). This bill provides that if an employee qualifies to receive benefits for any benefit year using base period wages paid or treated as having been paid during a period when wages are excluded from the employee's base period due to a license suspension, revocation, or nonrenewal, DWD must charge the cost of the benefits otherwise chargeable to the employer who suspended or terminated the employee to the balancing account for all weeks in that benefit year.

TAX CHANGES

Contribution and solvency rate schedules

Currently, all employers that engage employees in work that is covered under the UI law, other than governmental, nonprofit, and Indian tribe employers that elect to pay directly for the cost of benefits, must pay contributions (taxes) to finance UI benefits. The total contributions of an employer are the sum of the contributions payable as a result of the employer's contribution rate and the contributions payable as a result of the employer's solvency rate, each of which varies with the employment stability of the employer and the solvency of the unemployment reserve fund (fund), from which benefits are paid. An employer's contributions payable as a result of its contribution rate are credited to the employer's account in the fund, while an employer's contributions payable as a result of its solvency rate are credited to the fund's balancing account, which is used to finance benefits not payable from any employer's account.

An employer's contribution rate is determined based upon the employer's reserve percentage. The employer's reserve percentage is the net balance of the employer's account as of the computation date (generally June 30), stated as a

percentage of the employer's taxable payroll in the 12-month period ending on the computation date. Current law defines taxable payroll as the first \$14,000 of wages paid by an employer to each employee during a calendar year. An employer's solvency rate is determined by reference to the employer's contribution rate and rises as the contribution rate rises.

Currently, there are four schedules of contribution rates and four schedules of solvency rates. The schedule that applies for any year depends upon the solvency of the fund on June 30 of the preceding year. Currently, the highest contribution rate that must be paid by an employer applies to an overdrawn employer with a reserve percentage of 6.0 percent or greater. The contribution rate for such an employer is 8.50 percent of taxable payroll for each of the four schedules of contribution rates. Also currently, the highest solvency rates for such an employer are between 1.25 percent and 1.35 percent of taxable payroll, depending on which schedule is in effect.

This bill amends each of the four schedules of contribution rates so that overdrawn employers with reserve percentages greater than 6.0 percent have higher contribution rates than they do under current law. Specifically, the bill provides that: 1) if an overdrawn employer has a reserve percentage of 7.0 percent or greater, but less than 8.0 percent, the contribution rate for such an employer is 9.25 percent of taxable payroll; 2) if an overdrawn employer has a reserve percentage of 8.0 percent or greater, but less than 9.0 percent, the contribution rate for such an employer is 10.00 percent of taxable payroll; and 3) if an overdrawn employer has a reserve percentage of 9.0 percent or greater, the contribution rate for such an employer is 10.70 percent of taxable payroll.

The bill also amends each of the four schedules of solvency rates to specify the solvency rates for employers who are subject to the contribution rates created by the bill and to make minor adjustments to the maximum solvency rates under current law. The bill provides, for each of the added contribution rates in each of the four schedules, for a solvency rate of 1.30 percent of taxable payroll.

Interest on delinquent payments

Currently, if an employer does not make a payment required under the UI law to DWD by the due date, the employer must pay interest on the amount owed equal to a variable rate determined by law from the date that the payment became due. Revenues from interest payments are used to administer the UI program. This bill permits DWD to waive or decrease the interest charged to an employer in limited circumstances as prescribed by rule of DWD.

Treatment of limited liability companies consisting of the same members

Currently, for purposes of the UI law, multiple limited liability companies (LLCs) that consist of the same members are treated as a single employer unless, subject to certain provisions, each of those LLCs files a written request with DWD to be treated as a separate employer and DWD approves the request. Under the bill, consistent with the Federal Unemployment Tax Act (FUTA), multiple LLCs that consist of the same members are always treated as separate employers, for purposes of the UI law.

OTHER CHANGES***Loans by this state to the unemployment reserve fund***

Currently, with certain exceptions, the secretary of administration may reallocate, or borrow internally, from any state fund or account to ensure the continued solvency of another state fund or account if revenue to the fund or account to which the reallocation is made is expected to be sufficient to reverse the reallocation. The outstanding reallocations at any time may not exceed a total of \$400,000,000. If money from one state segregated fund is temporarily reallocated to another such fund, the secretary must charge interest to the receiving fund and credit this interest to the fund from which the reallocation is made.

This bill permits the secretary of workforce development to request the secretary of administration to reallocate moneys to the unemployment reserve fund from other state funds or accounts. Under the bill, the total outstanding amount of any reallocations may not exceed \$50,000,000 at any given time. This amount is in addition to the current limit upon reallocations of \$400,000,000. The bill prohibits the secretary of administration from assessing any interest to the unemployment reserve fund for moneys loaned to the fund. The bill provides that any loan to the unemployment reserve fund is subject to the approval of the Joint Committee on Finance. The bill directs the secretary of workforce development to request a loan from this state to the unemployment reserve fund whenever the secretary determines that employers in this state that are subject to a requirement to pay a federal unemployment tax might experience a lower tax rate if this state were to loan moneys to the fund and the loan could be made under the authority granted by the bill. The bill also directs the secretary of workforce development to repay this state for any loans made to the unemployment reserve fund whenever the secretary determines that repayment can be made without jeopardizing the ability of DWD to continue to pay other liabilities and costs chargeable to the fund. The bill directs the secretary to ensure that the timing of any repayment accords with federal requirements for ensuring a favorable tax experience for employers in this state.

Payment of interest on federal advances to reserve fund

Currently, if in any year the balance in the unemployment reserve fund is insufficient to make full payment of unemployment insurance benefits that become payable to claimants for that year, DWD secures an advance from the federal unemployment account to enable this state to make full payment of all benefits that become payable. Whenever the balance in the unemployment reserve fund is sufficient to repay the federal government for its advances and to continue to make payment of the benefits that become payable, DWD repays the federal government for its outstanding advances. Annually, the federal government assesses interest to this state on this state's outstanding advances that have not been repaid. Currently, if in any year DWD is unable to make full payment of the interest that becomes due from certain other limited sources, each employer must pay an assessment to the state unemployment interest payment fund in an amount specified by law sufficient to enable DWD to make full payment of the interest due for that year.

This bill appropriates a sum sufficient not exceeding \$30,000,000 from general purpose revenues to pay any interest that becomes due to the federal government

prior to July 1, 2015, on outstanding advances made to the unemployment reserve fund. Under the bill, DWD must first use any available moneys from this appropriation to make payment of the interest due for any year. If the amount appropriated, together with other available sources, is insufficient to make full payment of the interest that becomes due for any year, each employer must pay an assessment in the amount determined by DWD sufficient to cover the deficiency. If the moneys appropriated under the bill are not fully expended at the end of the 2013-15 fiscal biennium, the balance is retained in the general fund.

License revocations based on UI contribution delinquencies

Current law requires various state agencies and boards (licensing departments) that issue various licenses and other credentials (licenses) to revoke a license or deny an application for a license if the Department of Revenue (DOR) certifies that the license holder or applicant owes DOR delinquent taxes. Current law also allows the Wisconsin Supreme Court to decide whether to revoke or deny an application for a license to practice law if the license holder or applicant is certified by DOR to owe delinquent taxes. This bill creates similar provisions for license holders and applicants that DWD certifies are liable for delinquent UI contributions. UI contributions are taxes employers must pay to DWD for deposit with the federal government, and which are then used to pay the claims of claimants for UI benefits. The bill also includes within the definition of UI contributions other assessments, interest, fees, and penalties that have been imposed upon employers in connection with their UI contribution obligations. The provisions created in the bill apply only to delinquent UI contributions for which the employer has exhausted all legal rights to challenge the employer's liability.

Under the bill, each licensing department must enter into a memorandum of understanding with DWD. Under the memorandum, the licensing department must ask DWD to certify whether a license holder or applicant is liable for delinquent UI contributions. If DWD certifies to a licensing department that a license holder or applicant is liable for delinquent UI contributions, the licensing department must revoke the license or deny the application for a license. A licensing department must mail a notice of revocation or denial to the license holder or applicant, and the notice must inform the applicant or license holder of the right to a review of DWD's certification at a hearing conducted by DWD. The hearing is limited to questions of mistaken identity and prior payment of the delinquent UI contributions. Following the hearing, if DWD does not uphold its certification, DWD must issue the holder or applicant a nondelinquency certificate and the licensing department must reinstate the license or approve the application for a license without requiring any additional application, fee, or test, unless there are other grounds for denial or revocation. If DWD does uphold its certification, DWD must so inform the license holder or applicant and the licensing department. The license holder or applicant may seek judicial review of an adverse determination by DWD at the hearing by filing a petition for review in the Dane County circuit court and may appeal the court's decision. A license holder or applicant whose license has been revoked or denied because of delinquent UI contributions may also, after satisfying that debt, request DWD to issue a nondelinquency certificate, which the license holder or applicant

may then present to have the license reinstated, unless there are other grounds for not reinstating the license or for denying the application.

The bill includes the following within the definition of licensing department: the Department of Administration; the Board of Commissioners of Public Lands; the Department of Children and Families; the Government Accountability Board; the Department of Financial Institutions; the Department of Health Services; the Department of Natural Resources; the Department of Public Instruction; the Department of Revenue; the Department of Safety and Professional Services; the Office of the Commissioner of Insurance; and the Department of Transportation. The bill applies to various licenses administered by the aforementioned licensing departments.

The bill allows DWD to deny an application for or revoke various licenses administered by DWD if the license holder or applicant is liable for delinquent UI contributions. Such a license holder or applicant has the same rights to review by DWD and to judicial review as do holders of or applicants for licenses administered by other licensing departments.

The bill also requests the Wisconsin Supreme Court to enter into a similar memorandum of understanding with DWD. If DWD determines that a licensed attorney or an applicant for a license to practice law is liable for delinquent UI contributions, DWD may send the attorney or applicant a notice of that determination. The attorney or applicant has the same rights to a hearing and judicial review as do other license holders or applicants. However, DWD may not send the supreme court a certification of UI contribution delinquency until the attorney or applicant has exercised or exhausted his or her full rights to judicial review. If the determination is upheld following the holder or applicant's exercise or exhaustion of rights to judicial review, DWD may then certify to the supreme court that the attorney or applicant is liable for delinquent UI contributions. The supreme court may then decide whether to suspend, revoke, or deny the attorney's or applicant's license to practice law.

Financial record matching program

Currently, the Departments of Children and Families, Revenue, and Health Services (departments) operate financial records matching programs whereby the departments, for various asset verification or determination purposes, match data possessed by the departments with the records of financial institutions. This bill establishes a similar financial records matching program with DWD to allow DWD to identify the assets of persons who are delinquent in paying debts related to the UI program (UI debtors).

Under the program, financial institutions doing business in this state must enter into agreements with DWD to participate in a financial institution matching option or a state matching option. DWD may pay such a financial institution up to \$125 per calendar quarter for participating.

Under the financial institution matching option, at least once every calendar quarter DWD sends information to the financial institution, including names, addresses, and social security numbers, about UI debtors. The financial institution determines whether any UI debtor has an ownership interest in an account at the

financial institution and, if so, sends DWD information about the account, such as the type, number, and balance.

Under the state matching option, at least once every calendar quarter the financial institution sends DWD information about accounts maintained at the financial institution, including the name and social security number of each person having an ownership interest in each account. On the basis of that information, DWD determines whether any UI debtor has an ownership interest in an account at the financial institution and, if so, may request further information from the financial institution, including the person's address of record and the account balance.

The bill prohibits DWD from disclosing or retaining information concerning account holders who are not UI debtors; prohibits employees, agents, officers, and directors of financial institutions from disclosing or retaining information concerning UI debtors; and prohibits both DWD and financial institutions from using any information received under the program for any purpose not related to the program. The bill provides penalties for any employee, agent, officer, or director of a financial institution who violates any of the prohibitions. The bill also provides that a financial institution is not liable for disclosing financial information, or for taking any other action, in compliance with the program.

Departmental errors; payments to unintended payees; actions against third-party transferees

Currently, DWD is directed to waive recovery of benefits that were erroneously paid if the overpayment results from a departmental error and was not the fault of any employer, and the overpayment was not the fault of an employee or did not result from a claimant's false statement or misrepresentation. This bill directs DWD to waive recovery of an overpayment regardless of whether it results from the fault of an employer. The bill also provides specifically that "departmental error" does not include, and recovery is not waived, if DWD makes an error in computing, paying, or crediting benefits to any individual, whether or not a claimant, or in crediting contributions or reimbursements to one or more employers that results from: 1) a computer malfunction or programming error; 2) an error in transmitting data to or from a financial institution; 3) a typographical or keying error; 4) a bookkeeping or other payment processing error; 5) an action by DWD resulting from a false statement or representation by an individual; or 6) an action by DWD resulting from an unauthorized manipulation of an electronic system from within or outside DWD.

The bill provides that if DWD determines that a payment has been made to an unintended recipient erroneously without fault on the part of the intended payee, DWD may issue the correct payment to the intended payee if necessary and may recover the amount of the erroneous payment from the recipient using existing recovery procedures, if any, or a new recovery procedure created by the bill (see below). Currently, there is no similar provision.

Under current law, any person who knowingly makes a false statement or representation to obtain a benefit payment personally or for another person is guilty of a misdemeanor and may be fined not less than \$100 nor more than \$500, or imprisoned for not more than 90 days, or both, and in addition may be subject to

forfeiture of certain benefit payments that may be otherwise payable. Currently, DWD is not authorized to recover improper payments directly from third-party payees or transferees. This bill permits DWD to bring a legal action against any person, including a transferee, to preserve and recover the proceeds of any payment from the unemployment reserve fund not resulting from a departmental error if the person receives, possesses, or retains such a payment or if the proceeds are in an account at a financial institution. The bill permits DWD to bring a legal action to recover from any claimant the amount of any benefits that were erroneously paid to another person who was not entitled to receive the benefits because the claimant or the claimant's authorized agent divulged the claimant's security credentials to another person or failed to take adequate measures to protect the credentials from being divulged to an unauthorized person. The bill also permits DWD to sue for injunctive relief to require a payee, transferee, or other person, including a financial institution, in possession of the proceeds from any payment from the fund to preserve the proceeds and to prevent the transfer or use of the proceeds upon showing that the payee, transferee, or other person is not entitled to receive, possess, or retain the proceeds pending final disposition of the matter by the court.

Tardy filing fees

Currently, each employer must file a quarterly report with DWD identifying the name of and wages paid to each employee who is employed by the employer in employment covered by the UI law during the most recent calendar quarter. With limited exceptions, if an employer is delinquent in filing the report, the employer must pay a tardy filing fee of \$50. Revenue from tardy filing fees is used for various purposes to support the UI program. This bill increases the tardy filing fee to \$100 or \$20 per employee, whichever is greater, but provides that if the employer files the report within 30 days of its due date, the fee remains at \$50.

Work search audits of claimants

The bill requires DWD to conduct random audits on claimants for regular UI benefits to assess compliance with the UI law's work search requirement. The bill requires DWD to include in its annual fraud report that is presented to the Council on Unemployment Insurance information about these audits, including the number of audits conducted in the previous year and the results of those audits.

Online portal for filing complaints

The bill requires DWD to maintain a portal on the Internet that allows employers to log in and file complaints with DWD related to the administration of the UI law.

Fraud investigation positions

The bill requires DWD to request funding from the U.S. Department of Labor to hire additional employees to perform UI fraud investigation.

Social security numbers maintained by DOT

Under current law, an individual who applies to the Department of Transportation (DOT) for vehicle title, for a motor vehicle operator's license or an identification card, or for registration as a motor vehicle dealer must, with limited exceptions, state his or her social security number on the application. DOT is

generally required to maintain the confidentiality of these social security numbers but may disclose these social security numbers in limited circumstances, including to the Department of Children and Families and DOR for specified purposes.

This bill allows these social security numbers to also be disclosed to DWD for the sole purpose of enforcing or administering DWD's collection responsibilities related to UI.

Information relating to financing of UI system

This bill directs DWD to provide information to employers concerning the financing of the UI system, including the computation of reserve percentages and their effect upon the contribution and solvency rates of employers, and to post this information on the Internet. The bill, also directs DWD to include this information on any statements of account that DWD provides to employers and to provide this information in writing to each employer who becomes newly subject to a requirement to pay contributions or to reimburse for benefits paid under the UI law.

UI handbook for employers

The bill requires DWD to create and keep up-to-date a handbook for employers for the purpose of informing employers who are subject to the UI law about the provisions and requirements of the UI law. The handbook must include all of the following: 1) information about the function and purpose of UI; 2) a description of the rights and responsibilities of employers under the UI law, including the rights and responsibilities associated with hearings to determine whether claimants are eligible for benefits under the law; 3) a description of the circumstances under which workers are generally eligible and ineligible for UI benefits under the UI law; 4) disclaimers explaining that the contents of the handbook may not be relied upon as legally enforceable and that adherence to the contents does not guarantee a particular result for a decision on a UI matter; and 5) a line to allow an individual employed by the employer to sign to acknowledge that the individual is aware of the contents of the handbook. DWD must make the handbook available on the Internet and must, for a fee, distribute printed copies of the handbook to employers who so request.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the ***state and local*** 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. 13.63 (1) (b) of the statutes is amended to read:

1 13.63 (1) (b) Except as provided under par. (am), the board shall not issue a
2 license to an applicant who does not provide his or her social security number. The
3 board shall not issue a license to an applicant or shall revoke any license issued to
4 a lobbyist if the department of revenue certifies to the board that the applicant or
5 lobbyist is liable for delinquent taxes under s. 73.0301 or if the department of
6 workforce development certifies to the board that the applicant or lobbyist is liable
7 for delinquent unemployment insurance contributions under s. 108.227. The board
8 shall refuse to issue a license or shall suspend any existing license for failure of an
9 applicant or licensee to pay court-ordered payments of child or family support,
10 maintenance, birth expenses, medical expenses or other expenses related to the
11 support of a child or former spouse or failure of an applicant or licensee to comply,
12 after appropriate notice, with a subpoena or warrant issued by the department of
13 children and families or a county child support agency under s. 59.53 (5) and related
14 to paternity or child support proceedings, as provided in a memorandum of
15 understanding entered into under s. 49.857. No application may be disapproved by
16 the board except an application for a license by a person who is ineligible for licensure
17 under this subsection or s. 13.69 (4) or an application by a lobbyist whose license has
18 been revoked under this subsection or s. 13.69 (7) and only for the period of such
19 ineligibility or revocation.

20 **SECTION 2.** 13.63 (1) (c) of the statutes is amended to read:

21 13.63 (1) (c) Denial of a license on the basis of a certification by the department
22 of revenue or the department of workforce development may be reviewed under s.
23 73.0301 or 108.227, whichever is applicable. Except with respect to a license that is
24 denied or suspended pursuant to a memorandum of understanding entered into

1 under s. 49.857, denial or suspension of any other license may be reviewed under ch.
2 227.

3 ~~SECTION 3. 16.531 (4) of the statutes is created to read.~~

4 ~~16.531 (4) This section does not apply to actual or projected imbalances in the~~
5 ~~unemployment reserve fund or to loans to the fund made under s. 20.002 (11) (b) 3m.~~

6 SECTION 4. 19.55 (2) (d) of the statutes is amended to read:

7 19.55 (2) (d) Records of the social security number of any individual who files
8 an application for licensure as a lobbyist under s. 13.63 or who registers as a principal
9 under s. 13.64, except to the department of children and families for purposes of
10 administration of s. 49.22 or, to the department of revenue for purposes of
11 administration of s. 73.0301, and to the department of workforce development for
12 purposes of administration of s. 108.227.

13 SECTION 5. 20.002 (11) (a) of the statutes is amended to read:

14 20.002 (11) (a) All appropriations, special accounts and fund balances within
15 the general fund or any segregated fund may be made temporarily available for the
16 purpose of allowing encumbrances or financing expenditures of other general or
17 segregated fund activities ~~which do not have sufficient~~ or for the purpose of financing
18 unemployment insurance benefits from the unemployment reserve fund under par.
19 (b) 3m. whenever there are insufficient moneys in the funds or accounts from which
20 they the activities are financed but have or whenever there are insufficient moneys
21 in the unemployment reserve fund to pay unemployment insurance benefit
22 payments if there are accounts receivable balances or moneys anticipated to be
23 received from lottery proceeds, as defined in s. 25.75 (1) (c), tax or contribution
24 revenues, gifts, grants, fees, sales of service, or interest earnings recorded under s.
25 16.52 (2) that will be sufficient to repay the fund or account from which moneys are

1 transferred. The secretary of administration shall determine the composition and
2 allowability of the accounts receivable balances and anticipated moneys to be
3 received for this purpose in accordance with s. 20.903 (2) and shall specifically
4 approve the use of surplus moneys from the general or segregated funds after
5 consultation with the appropriate state agency head for use by specified accounts or
6 programs. The secretary of administration shall reallocate available moneys from
7 the budget stabilization fund under s. 16.465 prior to reallocating moneys from any
8 other fund.

9 SECTION 6. 20.002 (11) (b) 1. of the statutes is amended to read:

10 20.002 (11) (b) 1. The Except with respect to reallocations made under subd.
11 3m., the secretary of administration shall limit the total amount of any temporary
12 reallocations to a fund other than the general fund to \$400,000,000.

13 SECTION 7. 20.002 (11) (b) 3m. of the statutes is created to read:

14 20.002 (11) (b) 3m. Upon request of the secretary of workforce development
15 under s. 108.16 (13), the secretary of administration may temporarily transfer
16 moneys available under par. (a) to the unemployment reserve fund. The secretary
17 of administration shall credit repayments received from the unemployment reserve
18 fund to the funds or accounts from which the transfer was made. The transfers
19 outstanding under this subdivision may not exceed a total of \$50,000,000 at any
20 time. No transfer may be made under this subdivision unless the secretary of
21 administration first submits written notice to the cochairpersons of the joint
22 committee on finance that the transfer is proposed to be made. If the cochairpersons
23 of the committee do not notify the secretary of administration that the committee has
24 scheduled a meeting for the purpose of reviewing the proposed transfer within 30
25 days after the date of the secretary's notification, the transfer may be made as

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1 proposed by the secretary. If, within 30 days after the date of notification by the
2 secretary of administration, the cochairpersons of the committee notify the secretary
3 that the committee has scheduled a meeting for the purpose of reviewing the
4 proposed transfer, the transfer may be made under this subdivision only upon
5 approval of the committee.

6 **SECTION 8.** 20.002 (11) (c) of the statutes is amended to read:

7 20.002 (11) (c) The secretary may assess a special interest charge against the
8 programs or activities utilizing surplus moneys within the same fund under this
9 subsection in an amount not to exceed the daily interest earnings rate of the state
10 investment fund during the period of transfer of surplus moneys to other accounts
11 or programs. Except as provided in s. 16.465 and except with respect to transfers
12 made under par. (b) 3m., the secretary shall assess a special interest charge against
13 the fund utilizing surplus moneys under this subsection in an amount equal to the
14 rate of return the state investment fund earnings would have created to the fund
15 from which the reallocation was made. This interest shall be calculated and credited
16 to the appropriate fund at the same time the earnings from the state investment fund
17 are distributed and shall be considered an adjustment to those earnings.

18 **SECTION 9.** 20.002 (11) (d) (intro.) of the statutes is amended to read:

19 20.002 (11) (d) (intro.) This Except with respect to transfers made under par.
20 (b) 3m., this subsection applies only to those funds participating in the investment
21 fund for purposes of temporary reallocation between funds or accounts and does not
22 include. No transfer may be made under this subsection from any of the following
23 funds or specified accounts in these funds:

24 **SECTION 10.** 20.445 (1) (fx) of the statutes is created to read:

1 ~~20.445 (1) (fx) *Interest on federal advances*. A sum sufficient, not exceeding~~
2 ~~\$30,000,000, to pay interest on advances made by the federal government to the~~
3 ~~unemployment reserve fund under s. 108.19 (1m).~~

4 ~~SECTION 11. 20.445 (1) (fx) of the statutes, as created by 2013 Wisconsin Act ...~~
5 ~~(this act), is repealed.~~

6 SECTION 12. 20.445 (1) (gm) of the statutes is created to read:

7 20.445 (1) (gm) *Unemployment insurance handbook*. All moneys received
8 under s. 108.14 (23) (d) for the costs of printing and distribution of the unemployment
9 insurance handbook, to pay for those costs.

10 SECTION 13. 29.024 (2r) (title) of the statutes is amended to read:

11 29.024 (2r) (title) DENIAL AND REVOCATION OF APPROVALS BASED ON TAX
12 DELINQUENCY DELINQUENT TAXES OR UNEMPLOYMENT INSURANCE CONTRIBUTIONS.

13 SECTION 14. 29.024 (2r) (c) of the statutes is amended to read:

14 29.024 (2r) (c) *Disclosure of numbers*. The department of natural resources
15 may not disclose any information received under par. (a) to any person except to the
16 department of revenue for the sole purpose of making certifications required under
17 s. 73.0301 and to the department of workforce development for the sole purpose of
18 making certifications required under s. 108.227.

19 SECTION 15. 29.024 (2r) (d) 1. of the statutes is amended to read:

20 29.024 (2r) (d) 1. Except as provided in subd. 2., the department shall deny an
21 application to issue or renew, or revoke if already issued, an approval specified in par.
22 (a) if the applicant for or the holder of the approval fails to provide the information
23 required under par. (a) or, if the department of revenue certifies that the applicant
24 or approval holder is liable for delinquent taxes under s. 73.0301, or if the

1 department of workforce development certifies that the applicant or approval holder
2 is liable for delinquent unemployment insurance contributions under s. 108.227.

3 SECTION 16. 48.66 (2m) (c) of the statutes is amended to read:

4 48.66 (2m) (c) The subunit of the department that obtains a social security
5 number or a federal employer identification number under par. (a) 1. may not
6 disclose that information to any person except to the department of revenue for the
7 sole purpose of requesting certifications under s. 73.0301 and to the department of
8 workforce development for the sole purpose of requesting certifications under s.
9 108.227 or on the request of the subunit of the department that administers the child
10 and spousal support program under s. 49.22 (2m).

11 SECTION 17. 48.715 (7) of the statutes is amended to read:

12 48.715 (7) The department shall deny an application for the issuance or
13 continuation of a license under s. 48.66 (1) (a) or a probationary license under s. 48.69
14 to operate a child welfare agency, group home, shelter care facility, or child care
15 center, or revoke such a license already issued, if the department of revenue certifies
16 under s. 73.0301 that the applicant or licensee is liable for delinquent taxes or if the
17 department of workforce development certifies under s. 108.227 that the applicant
18 or licensee is liable for delinquent unemployment insurance contributions. An action
19 taken under this subsection is subject to review only as provided under s. 73.0301 (5)
20 or 108.227 (5) and not as provided in s. 48.72.

21 SECTION 18. 50.498 (title) of the statutes is amended to read:

22 **50.498 (title) Denial, nonrenewal and revocation of license,**
23 **certification or registration based on tax delinquency delinquent taxes or**
24 **unemployment insurance contributions.**

25 SECTION 19. 50.498 (2) of the statutes is amended to read:

1 50.498 (2) The department may not disclose any information received under
2 sub. (1) to any person except to the department of revenue for the sole purpose of
3 requesting certifications under s. 73.0301 and to the department of workforce
4 development for the sole purpose of requesting certifications under s. 108.227.

5 **SECTION 20.** 50.498 (4) of the statutes is renumbered 50.498 (4) (a).

6 **SECTION 21.** 50.498 (4) (b) of the statutes is created to read:

7 50.498 (4) (b) The department shall deny an application for the issuance of a
8 certificate of approval, license or provisional license specified in sub. (1) or shall
9 revoke a certificate of approval, license or provisional license specified in sub. (1), if
10 the department of workforce development certifies under s. 108.227 that the
11 applicant for or holder of the certificate of approval, license or provisional license is
12 liable for delinquent unemployment insurance contributions.

13 **SECTION 22.** 50.498 (5) of the statutes is amended to read:

14 50.498 (5) An action taken under sub. (3) or (4) is subject to review only as
15 provided under s. 73.0301 (2) (b) and (5) or s. 108.227 (5) and (6), whichever is
16 applicable.

17 **SECTION 23.** 51.032 (title) of the statutes is amended to read:

18 **51.032 (title) Denial and revocations of certification or approval based**
19 **on ~~tax delinquency~~ delinquent taxes or unemployment insurance**
20 **contributions.**

21 **SECTION 24.** 51.032 (2) of the statutes is amended to read:

22 51.032 (2) The department may not disclose any information received under
23 sub. (1) to any person except to the department of revenue for the sole purpose of
24 requesting certifications under s. 73.0301 and to the department of workforce
25 development for the sole purpose of requesting certifications under s. 108.227.

1 **SECTION 25.** 51.032 (4) of the statutes is amended to read:

2 51.032 (4) The department shall deny an application for the issuance of a
3 certification or approval specified in sub. (1) or shall revoke a certification or
4 approval specified in sub. (1) if the department of revenue certifies under s. 73.0301
5 that the applicant for or holder of a certification or approval is liable for delinquent
6 taxes or if the department of workforce development certifies under s. 108.227 that
7 the applicant for or holder of a certification or approval is liable for delinquent
8 unemployment insurance contributions.

9 **SECTION 26.** 51.032 (5) of the statutes is amended to read:

10 51.032 (5) An action taken under sub. (3) or (4) is subject to review only as
11 provided under s. 73.0301 (2) (b) and (5) or s. 108.227 (5) and (6), whichever is
12 applicable.

13 **SECTION 27.** 71.78 (4) (o) of the statutes is amended to read:

14 71.78 (4) (o) A licensing department or the supreme court, if the supreme court
15 agrees, for the purpose of denial, nonrenewal, discontinuation and revocation of a
16 license based on tax delinquency under s. 73.0301 or unemployment insurance
17 contribution delinquency under s. 108.227.

18 **SECTION 28.** 73.0301 (2) (c) 2. of the statutes is amended to read:

19 73.0301 (2) (c) 2. A licensing department may not disclose any information
20 received under subd. 1. a. or b. to any person except to the department of revenue for
21 the purpose of requesting certifications under par. ~~(b)~~ (a) 1. or 2. in accordance with
22 the memorandum of understanding under sub. (4) and administering state taxes ~~or,~~
23 to the department of workforce development for the purpose of requesting
4 certifications under s. 108.227 (2) (a) 1. or 2. in accordance with the memorandum
25 of understanding under s. 108.227 (4) and administering the unemployment

1 insurance program, and to the department of children and families for the purpose
2 of administering s. 49.22.

3 **SECTION 29.** 73.0302 (title) of the statutes is amended to read:

4 **73.0302** (title) **Liability for delinquent taxes or unemployment**
5 **insurance contributions.**

6 **SECTION 30.** 73.0302 (5) of the statutes is created to read:

7 73.0302 (5) If the department of workforce development certifies under s.
8 108.227 that an applicant for certification or recertification under s. 73.03 (5) or a
9 person who holds a certificate issued under s. 73.03 (5) is liable for delinquent
10 unemployment insurance contributions, the department of revenue shall deny the
11 application or revoke the certificate. A person subject to a denial or revocation under
12 this subsection for delinquent unemployment insurance contributions is entitled to
13 a notice under s. 108.227 (2) (b) 1. b. and hearing under s. 108.227 (5) (a) but is not
14 entitled to any other notice or hearing under this chapter.

15 **SECTION 31.** 73.0302 (6) of the statutes is created to read:

16 73.0302 (6) The department of revenue may disclose a social security number
17 obtained under s. 73.03 (5) (c) to the department of workforce development for the
18 purpose of requesting certifications under s. 108.227.

19 **SECTION 32.** 73.09 (6m) of the statutes is amended to read:

20 73.09 (6m) SOCIAL SECURITY NUMBERS. Each applicant for certification or
21 recertification under this section shall provide the applicant's social security number
22 on the application. The department of revenue may not disclose a social security
23 number that it obtains under this subsection, except to the department of workforce
24 development for the purpose of requesting certifications under s. 108.227. The

1 department of revenue may not certify or recertify any person who fails to provide
2 his or her social security number on his or her application.

3 SECTION 33. 73.09 (8) of the statutes is created to read:

4 73.09 (8) LIABILITY FOR DELINQUENT UNEMPLOYMENT INSURANCE CONTRIBUTIONS.

5 If the department of workforce development certifies under s. 108.227 that an
6 applicant for certification or recertification under this section is liable for delinquent
7 unemployment insurance contributions, the department of revenue shall deny the
8 application for certification or recertification or revoke the certificate. A person
9 subject to a denial or revocation under this subsection for delinquent unemployment
10 insurance contributions is entitled to a notice under s. 108.227 (2) (b) 1. b. and
11 hearing under s. 108.227 (5) (a) but is not entitled to any other notice or hearing
12 under this chapter.

13 SECTION 34. 101.02 (20) (b) of the statutes is amended to read:

14 101.02 (20) (b) Except as provided in par. (e), the department of safety and
15 professional services may not issue or renew a license unless each applicant who is
16 an individual provides the department of safety and professional services with his
17 or her social security number and each applicant that is not an individual provides
18 the department of safety and professional services with its federal employer
19 identification number. The department of safety and professional services may not
20 disclose the social security number or the federal employer identification number of
21 an applicant for a license or license renewal except to the department of revenue for
22 the sole purpose of requesting certifications under s. 73.0301 and to the department
23 of workforce development for the sole purpose of requesting certifications under s.
4 108.227.

25 SECTION 35. 101.02 (20) (c) of the statutes is amended to read:

1 101.02 (20) (c) The department of safety and professional services may not
2 issue or renew a license if the department of revenue certifies under s. 73.0301 that
3 the applicant or licensee is liable for delinquent taxes or if the department of
4 workforce development certifies under s. 108.227 that the applicant or licensee is
5 liable for delinquent unemployment insurance contributions.

6 **SECTION 36.** 101.02 (20) (d) of the statutes is amended to read:

7 101.02 (20) (d) The department of safety and professional services shall revoke
8 a license if the department of revenue certifies under s. 73.0301 that the licensee is
9 liable for delinquent taxes or if the department of workforce development certifies
10 under s. 108.227 that the licensee is liable for delinquent unemployment insurance
11 contributions.

12 **SECTION 37.** 102.17 (1) (c) of the statutes is amended to read:

13 102.17 (1) (c) Any party shall have the right to be present at any hearing, in
14 person or by attorney or any other agent, and to present such testimony as may be
15 pertinent to the controversy before the department. No person, firm, or corporation,
16 other than an attorney at law who is licensed to practice law in the state, may appear
17 on behalf of any party in interest before the department or any member or employee
18 of the department assigned to conduct any hearing, investigation, or inquiry relative
19 to a claim for compensation or benefits under this chapter, unless the person is 18
20 years of age or older, does not have an arrest or conviction record, subject to ss.
21 111.321, 111.322 and 111.335, is otherwise qualified, and has obtained from the
22 department a license with authorization to appear in matters or proceedings before
23 the department. Except as provided under pars. (cm) ~~and~~, (cr), and (ct), the license
24 shall be issued by the department under rules promulgated by the department. The
25 department shall maintain in its office a current list of persons to whom licenses have

1 been issued. Any license may be suspended or revoked by the department for fraud
2 or serious misconduct on the part of an agent, any license may be denied, suspended,
3 nonrenewed, or otherwise withheld by the department for failure to pay
4 court-ordered payments as provided in par. (cm) on the part of an agent, and any
5 license may be denied or revoked if the department of revenue certifies under s.
6 73.0301 that the applicant or licensee is liable for delinquent taxes or if the
7 department determines under par. (ct) that the applicant or licensee is liable for
8 delinquent contributions. Before suspending or revoking the license of the agent on
9 the grounds of fraud or misconduct, the department shall give notice in writing to the
10 agent of the charges of fraud or misconduct and shall give the agent full opportunity
11 to be heard in relation to those charges. In denying, suspending, restricting, refusing
12 to renew, or otherwise withholding a license for failure to pay court-ordered
13 payments as provided in par. (cm), the department shall follow the procedure
14 provided in a memorandum of understanding entered into under s. 49.857. The
15 license and certificate of authority shall, unless otherwise suspended or revoked, be
16 in force from the date of issuance until the June 30 following the date of issuance and
17 may be renewed by the department from time to time, but each renewed license shall
18 expire on the June 30 following the issuance of the renewed license.

19 **SECTION 38.** 102.17 (1) (ct) of the statutes is created to read:

20 102.17 (1) (ct) 1. The department may deny an application for the issuance or
21 renewal of a license under par. (c), or revoke such a license already issued, if the
22 department determines that the applicant or licensee is liable for delinquent
23 contributions, as defined in s. 108.227 (1) (d). Notwithstanding par. (c), an action
24 taken under this subdivision is subject to review only as provided under s. 108.227
25 (5) and not as provided in ch. 227.

1 2. If the department denies an application or revokes a license under subd. 1.,
2 the department shall mail a notice of denial or revocation to the applicant or license
3 holder. The notice shall include a statement of the facts that warrant the denial or
4 revocation and a statement that the applicant or license holder may, within 30 days
5 after the date on which the notice of denial or revocation is mailed, file a written
6 request with the department to have the determination that the applicant or license
7 holder is liable for delinquent contributions reviewed at a hearing under s. 108.227
8 (5) (a).

9 3. If, after a hearing under s. 108.227 (5) (a), the department affirms a
10 determination under subd. 1. that an applicant or license holder is liable for
11 delinquent contributions, the department shall affirm its denial or revocation. An
12 applicant or license holder may seek judicial review under s. 108.227 (6) of an
13 affirmation by the department of a denial or revocation under this subdivision.

14 4. If, after a hearing under s. 108.227 (5) (a), the department determines that
15 a person whose license is revoked or whose application is denied under subd. 1. is not
16 liable for delinquent contributions, as defined in s. 108.227 (1) (d), the department
17 shall reinstate the license or approve the application, unless there are other grounds
18 for revocation or denial. The department may not charge a fee for reinstatement of
19 a license under this subdivision.

20 **SECTION 39.** 103.005 (10) of the statutes is amended to read:

21 103.005 (10) Except as provided in ss. 103.06 (5) (d), 103.275 (2) (bm) ~~and~~, (br),
22 and (bt), 103.34 (10) (b) ~~and~~, (c), and (d), 103.91 (4) (b) ~~and~~, (c), and (d), 103.92 (6) ~~and~~,
23 (7), and (8), 104.07 (5) ~~and~~, (6), and (7), and 105.13 (2) ~~and~~, (3), and (4), orders of the
24 department under chs. 103 to 106 shall be subject to review in the manner provided
25 in ch. 227.

1 **SECTION 40.** 103.275 (2) (b) (intro.) of the statutes is amended to read:

2 103.275 (2) (b) (intro.) Except as provided under pars. (bm) ~~and~~, (br), and (bt),
3 upon receipt of a properly completed application, the department shall issue a
4 house-to-house employer certificate if all of the following apply:

5 **SECTION 41.** 103.275 (2) (bt) of the statutes is created to read:

6 103.275 (2) (bt) 1. The department may deny an application for the issuance
7 or renewal of a house-to-house employer certificate, or revoke such a certificate
8 already issued, if the department determines that the applicant or house-to-house
9 employer is liable for delinquent contributions, as defined in s. 108.227 (1) (d).
10 Notwithstanding sub. (7) and s. 103.005 (10), an action taken under this subdivision
11 is subject to review only as provided under s. 108.227 (5) and not as provided in sub.
12 (7) and ch. 227.

13 2. If the department denies an application or revokes a certificate under subd.
14 1., the department shall mail a notice of denial or revocation to the applicant or
15 house-to-house employer. The notice shall include a statement of the facts that
16 warrant the denial or revocation and a statement that the applicant or
17 house-to-house employer may, within 30 days after the date on which the notice of
18 denial or revocation is mailed, file a written request with the department to have the
19 determination that the applicant or house-to-house employer is liable for
20 delinquent contributions reviewed at a hearing under s. 108.227 (5) (a).

21 3. If, after a hearing under s. 108.227 (5) (a), the department affirms a
22 determination under subd. 1. that an applicant or house-to-house employer is liable
23 for delinquent contributions, the department shall affirm its denial or revocation.

24 An applicant or house-to-house employer may seek judicial review under s. 108.227

1 (6) of an affirmation by the department of a denial or revocation under this
2 subdivision.

3 4. If, after a hearing under s. 108.227 (5) (a), the department determines that
4 a person whose certificate is revoked or whose application is denied under subd. 1.
5 is not liable for delinquent contributions, as defined in s. 108.227 (1) (d), the
6 department shall reinstate the certificate or approve the application, unless there
7 are other grounds for revocation or denial. The department may not charge a fee for
8 reinstatement of a certificate under this subdivision.

9 **SECTION 42.** 103.275 (7) (b) of the statutes is amended to read:

10 103.275 (7) (b) Except as provided in sub. (2) (bm) ~~and~~, (br), and (bt), after
11 providing at least 10 days' notice to a house-to-house employer, the department may,
12 on its own or upon a written and signed complaint, suspend the house-to-house
13 employer's certificate. The department shall serve a copy of the complaint with
14 notice of a suspension of the certificate on the person complained against, and the
15 person shall file an answer to the complaint with the department and the
16 complainant within 10 days after service. After receiving the answer, the
17 department shall set the matter for hearing as promptly as possible and within 30
18 days after the date of filing the complaint. Either party may appear at the hearing
19 in person or by attorney or agent. The department shall make its findings and
20 determination concerning the suspension within 90 days after the date that the
21 hearing is concluded and send a copy to each interested party.

22 **SECTION 43.** 103.275 (7) (c) of the statutes is amended to read:

23 103.275 (7) (c) Except as provided in sub. (2) (bm) ~~and~~, (br), and (bt), the
24 department may revoke a certificate issued under sub. (2) after holding a public
25 hearing at a place designated by the department. At least 10 days prior to the

1 revocation hearing, the department shall send written notice of the time and place
2 of the revocation hearing to the person holding the certificate and to the person's
3 attorney or agent of record by mailing the notice to their last-known address. The
4 testimony presented and proceedings at the revocation hearing shall be recorded and
5 preserved as the records of the department. The department shall, as soon after the
6 hearing as possible, make its findings and determination concerning revocation and
7 send a copy to each interested party.

8 **SECTION 44.** 103.34 (3) (c) of the statutes is amended to read:

9 103.34 (3) (c) Subject to par. (d) and sub. (10) (b) ~~and (c), and (d)~~, after
10 completing the investigation under par. (b), the department shall issue a certificate
11 of registration to the applicant if the department determines that the applicant
12 meets the minimum requirements under this section and rules promulgated under
13 sub. (13) for issuance of a certificate of registration and is satisfied that the applicant
14 will comply with this section and those rules.

15 **SECTION 45.** 103.34 (10) (title) of the statutes is amended to read:

16 103.34 (10) (title) CHILD SUPPORT; DELINQUENT TAXES OR UNEMPLOYMENT
17 INSURANCE CONTRIBUTIONS.

18 **SECTION 46.** 103.34 (10) (d) of the statutes is created to read:

19 103.34 (10) (d) 1. The department may deny an application for the issuance or
20 renewal of a certificate of registration, or revoke a certificate of registration already
21 issued, if the department determines that the applicant or registrant is liable for
22 delinquent contributions, as defined in s. 108.227 (1) (d). Notwithstanding s. 103.005
3 (10), an action taken under this subdivision is subject to review only as provided
24 under s. 108.227 (5) and not as provided in ch. 227.

1 2. If the department denies an application or revokes a certificate of
2 registration under subd. 1., the department shall mail a notice of denial or revocation
3 to the applicant or registrant. The notice shall include a statement of the facts that
4 warrant the denial or revocation and a statement that the applicant or registrant
5 may, within 30 days after the date on which the notice of denial or revocation is
6 mailed, file a written request with the department to have the determination that
7 the applicant or registrant is liable for delinquent contributions reviewed at a
8 hearing under s. 108.227 (5) (a).

9 3. If, after a hearing under s. 108.227 (5) (a), the department affirms a
10 determination under subd. 1. that an applicant or registrant is liable for delinquent
11 contributions, the department shall affirm its denial or revocation. An applicant or
12 registrant may seek judicial review under s. 108.227 (6) of an affirmation by the
13 department of a denial or revocation under this subdivision.

14 4. If, after a hearing under s. 108.227 (5) (a), the department determines that
15 a person whose certificate of registration is revoked or whose application is denied
16 under subd. 1. is not liable for delinquent contributions, as defined in s. 108.227 (1)
17 (d), the department shall reinstate the certificate of registration or approve the
18 application, unless there are other grounds for revocation or denial. The department
19 may not charge a fee for reinstatement of a certificate under this subdivision.

20 **SECTION 47.** 103.91 (4) (d) of the statutes is created to read:

21 103.91 (4) (d) 1. The department may deny an application for the issuance or
22 renewal of a certificate of registration under sub. (1), or revoke such a certificate
23 already issued, if the department determines that the applicant or registrant is
24 liable for delinquent contributions, as defined in s. 108.227 (1) (d). Notwithstanding

1 s. 103.005 (10), an action taken under this subdivision is subject to review only as
2 provided under s. 108.227 (5) and not as provided in ch. 227.

3 2. If the department denies an application or revokes a certificate of
4 registration under subd. 1., the department shall mail a notice of denial or revocation
5 to the applicant or registrant. The notice shall include a statement of the facts that
6 warrant the denial or revocation and a statement that the applicant or registrant
7 may, within 30 days after the date on which the notice of denial or revocation is
8 mailed, file a written request with the department to have the determination that
9 the applicant or registrant is liable for delinquent contributions reviewed at a
10 hearing under s. 108.227 (5) (a).

11 3. If, after a hearing under s. 108.227 (5) (a), the department affirms a
12 determination under subd. 1. that an applicant or registrant is liable for delinquent
13 contributions, the department shall affirm its denial or revocation. An applicant or
14 registrant may seek judicial review under s. 108.227 (6) of an affirmation by the
15 department of a denial or revocation under this subdivision.

16 4. If, after a hearing under s. 108.227 (5) (a), the department determines that
17 a person whose certificate is revoked or whose application is denied under subd. 1.
18 is not liable for delinquent contributions, as defined in s. 108.227 (1) (d), the
19 department shall reinstate the certificate or approve the application, unless there
20 are other grounds for revocation or denial. The department may not charge a fee for
21 reinstatement of a certificate under this subdivision.

22 **SECTION 48.** 103.92 (3) of the statutes is amended to read:

23 103.92 (3) **CERTIFICATE.** The department shall inspect each camp for which
24 application to operate is made, to determine if it is in compliance with the rules of
25 the department establishing minimum standards for migrant labor camps. Except

1 as provided under subs. (6) ~~and~~, (7), and (8), if the department finds that the camp
2 is in compliance with the rules, it shall issue a certificate authorizing the camp to
3 operate until March 31 of the next year. The department shall refuse to issue a
4 certificate if it finds that the camp is in violation of such rules, if the person
5 maintaining the camp has failed to pay court-ordered payments as provided in sub.
6 (6) or if the person maintaining the camp is liable for delinquent taxes as provided
7 in sub. (7) or delinquent unemployment insurance contributions as provided in sub.
8 (8).

9 **SECTION 49.** 103.92 (8) of the statutes is created to read:

10 **103.92 (8) LIABILITY FOR DELINQUENT UNEMPLOYMENT INSURANCE CONTRIBUTIONS.**

11 (a) The department may deny an application for the issuance or renewal of a
12 certificate to operate a migrant labor camp, or revoke such a certificate already
13 issued, if the department determines that the applicant or person operating the
14 camp is liable for delinquent contributions, as defined in s. 108.227 (1) (d).
15 Notwithstanding s. 103.005 (10), an action taken under this paragraph is subject to
16 review only as provided under s. 108.227 (5) and not as provided in ch. 227.

17 (b) If the department denies an application or revokes a certificate under par.
18 (a), the department shall mail a notice of denial or revocation to the applicant or
19 person operating the camp. The notice shall include a statement of the facts that
20 warrant the denial or revocation and a statement that the applicant or person
21 operating the camp may, within 30 days after the date on which the notice of denial
22 or revocation is mailed, file a written request with the department to have the
23 determination that the applicant or person operating the camp is liable for
24 delinquent contributions reviewed at a hearing under s. 108.227 (5) (a).

1 (c) If, after a hearing under s. 108.227 (5) (a), the department affirms a
2 determination under par. (a) that an applicant or person operating a camp is liable
3 for delinquent contributions, the department shall affirm its denial or revocation.
4 An applicant or person operating a camp may seek judicial review under s. 108.227
5 (6) of an affirmation by the department of a denial or revocation under this
6 paragraph.

7 (d) If, after a hearing under s. 108.227 (5) (a), the department determines that
8 a person whose certificate is revoked or whose application is denied under par. (a) is
9 not liable for delinquent contributions, as defined in s. 108.227 (1) (d), the
10 department shall reinstate the certificate or approve the application, unless there
11 are other grounds for revocation or denial. The department may not charge a fee for
12 reinstatement of a certificate under this paragraph.

13 **SECTION 50.** 104.07 (1) and (2) of the statutes are amended to read:

14 104.07 (1) The department shall make rules, and, except as provided under
15 subs. (5) ~~and~~, (6), and (7), grant licenses to any employer who employs any employee
16 who is unable to earn the living wage determined by the department, permitting the
17 employee to work for a wage that is commensurate with the employee's ability. Each
18 license so granted shall establish a wage for the licensee.

19 (2) The department shall make rules, and, except as provided under subs. (5)
20 ~~and~~, (6), and (7), grant licenses to sheltered workshops, to permit the employment
21 of workers with disabilities who are unable to earn the living wage at a wage that
22 is commensurate with their ability and productivity. A license granted to a sheltered
23 workshop under this subsection may be issued for the entire workshop or a
4 department of the workshop.

25 **SECTION 51.** 104.07 (7) of the statutes is created to read:

1 104.07 (7) (a) The department may deny an application for the issuance or
2 renewal of a license under sub. (1) or (2), or revoke such a license already issued, if
3 the department determines that the applicant or licensee is liable for delinquent
4 contributions, as defined in s. 108.227 (1) (d). Notwithstanding s. 103.005 (10), an
5 action taken under this paragraph is subject to review only as provided under s.
6 108.227 (5) and not as provided in ch. 227.

7 (b) If the department denies an application or revokes a license under par. (a),
8 the department shall mail a notice of denial or revocation to the applicant or licensee.
9 The notice shall include a statement of the facts that warrant the denial or revocation
10 and a statement that the applicant or licensee may, within 30 days after the date on
11 which the notice of denial or revocation is mailed, file a written request with the
12 department to have the determination that the applicant or licensee is liable for
13 delinquent contributions reviewed at a hearing under s. 108.227 (5) (a).

14 (c) If, after a hearing under s. 108.227 (5) (a), the department affirms a
15 determination under par. (a) that an applicant or licensee is liable for delinquent
16 contributions, the department shall affirm its denial or revocation. An applicant or
17 licensee may seek judicial review under s. 108.227 (6) of an affirmation by the
18 department of a denial or revocation under this paragraph.

19 (d) If, after a hearing under s. 108.227 (5) (a), the department determines that
20 a person whose license is revoked or whose application is denied under par. (a) is not
21 liable for delinquent contributions, as defined in s. 108.227 (1) (d), the department
22 shall reinstate the license or approve the application, unless there are other grounds
23 for revocation or denial. The department may not charge a fee for reinstatement of
24 a license under this paragraph.

25 **SECTION 52.** 105.13 (1) of the statutes is amended to read:

1 105.13 (1) The department may issue licenses to employment agents, and
2 refuse to issue a license whenever, after investigation, the department finds that the
3 character of the applicant makes the applicant unfit to be an employment agent, that
4 the applicant has failed to pay court-ordered payments as provided in sub. (2) ~~or~~, that
5 the applicant is liable for delinquent taxes as provided in sub. (3), or that the
6 applicant is liable for delinquent unemployment insurance contributions as
7 provided in sub. (4), or when the premises for conducting the business of an
8 employment agent is found upon investigation to be unfit for such use. Any license
9 granted by the department may be suspended or revoked by it upon notice to the
10 licensee and good cause. Failure to comply with this chapter and rules promulgated
11 thereunder, or with any lawful orders of the department, is cause to suspend or
12 revoke a license. Failure to pay court-ordered payments as provided in sub. (2) is
13 cause to deny, suspend, restrict, refuse to renew or otherwise withhold a license.
14 Liability for delinquent taxes as provided in sub. (3) or delinquent unemployment
15 insurance contributions as provided in sub. (4) is cause to deny or revoke a license.

16 **SECTION 53.** 105.13 (4) of the statutes is created to read:

17 105.13 (4) (a) The department may deny an application for the issuance or
18 renewal of an employment agent's license, or revoke such a license already issued,
19 if the department determines that the applicant or licensee is liable for delinquent
20 contributions, as defined in s. 108.227 (1) (d). Notwithstanding s. 103.005 (10), an
21 action taken under this paragraph is subject to review only as provided under s.
22 108.227 (5) and not as provided in ch. 227.

23 (b) If the department denies an application or revokes a license under par. (a),
4 the department shall mail a notice of denial or revocation to the applicant or licensee.
25 The notice shall include a statement of the facts that warrant the denial or revocation

1 and a statement that the applicant or licensee may, within 30 days after the date on
2 which the notice of denial or revocation is mailed, file a written request with the
3 department to have the determination that the applicant or licensee is liable for
4 delinquent contributions reviewed at a hearing under s. 108.227 (5) (a).

5 (c) If, after a hearing under s. 108.227 (5) (a), the department affirms a
6 determination under par. (a) that an applicant or licensee is liable for delinquent
7 contributions, the department shall affirm its denial or revocation. An applicant or
8 licensee may seek judicial review under s. 108.227 (6) of an affirmation by the
9 department of a denial or revocation under this paragraph.

10 (d) If, after a hearing under s. 108.227 (5) (a), the department determines that
11 a person whose license is revoked or whose application is denied under par. (a) is not
12 liable for delinquent contributions, as defined in s. 108.227 (1) (d), the department
13 shall reinstate the license or approve the application, unless there are other grounds
14 for revocation or denial. The department may not charge a fee for reinstatement of
15 a license under this paragraph.

16 ~~SECTION 54. 108.02 (3) of the statutes is created to read:~~

17 ~~108.02 (3) ALCOHOL BEVERAGES. "Alcohol beverages" has the meaning given in~~
18 ~~s. 125.02 (1).~~

19 SECTION 55. 108.02 (4m) (a) of the statutes is amended to read:

20 108.02 (4m) (a) All earnings for wage-earning service which are paid to an
21 employee during his or her base period as a result of employment for an employer
22 except any payment made to or on behalf of an employee or his or her beneficiary
23 under a cafeteria plan within the meaning of 26 USC 125, if the payment would not
24 be treated as wages without regard to that plan and if 26 USC 125 would not treat
25 the payment as constructively received;

1 SECTION 56. 108.02 (4m) (g) of the statutes is repealed.

2 ~~SECTION 57. 108.02 (9) of the statutes is created to read:~~

3 108.02 (9) CONTROLLED SUBSTANCE. "Controlled substance" has the meaning
4 given in s. 961.01 (4).

5 SECTION 58. 108.02 (9m) of the statutes is created to read:

6 108.02 (9m) CONTROLLED SUBSTANCE ANALOG. "Controlled substance analog"
7 has the meaning given in s. 961.01 (4m).

8 SECTION 59. 108.02 (10e) (intro.) of the statutes is renumbered 108.02 (10e)
9 (am) (intro.) and amended to read:

10 108.02 (10e) (am) (intro.) "Departmental error" means an error made by the
11 department in computing or paying benefits which results exclusively from:

12 SECTION 60. 108.02 (10e) (a) and (b) of the statutes are renumbered 108.02
13 (10e) (am) 1. and 2.

14 SECTION 61. 108.02 (10e) (bm) of the statutes is created to read:

15 108.02 (10e) (bm) "Departmental error" does not include an error made by the
16 department in computing, paying, or crediting benefits to any individual, whether
17 or not a claimant, or in crediting contributions or reimbursements to one or more
18 employers that results from any of the following:

- 19 1. A computer malfunction or programming error.
- 20 2. An error in transmitting data to or from a financial institution.
- 21 3. A typographical or keying error.
- 22 4. A bookkeeping or other payment processing error.
- 23 5. An action by the department resulting from a false statement or
24 representation by an individual, including a statement or representation relating to
25 the individual's identity.

1 6. An action by the department resulting from an unauthorized manipulation
2 of an electronic system from within or outside the department.

3 **SECTION 62.** 108.02 (13) (a) of the statutes is amended to read:

4 108.02 (13) (a) "Employer" means every government unit and Indian tribe, and
5 any person, association, corporation, whether domestic or foreign, or legal
6 representative, debtor in possession or trustee in bankruptcy or receiver or trustee
7 of a person, partnership, association, or corporation, or guardian of the estate of a
8 person, or legal representative of a deceased person, any partnership or partnerships
9 consisting of the same partners, except as provided in par. (L), any limited liability
10 company ~~or limited liability companies consisting of the same members, except as~~
11 ~~provided in par. (kL)~~, and any fraternal benefit society as defined in s. 614.01 (1) (a),
12 which is subject to this chapter under the statutes of 1975, or which has had
13 employment in this state and becomes subject to this chapter under this subsection
14 and, notwithstanding any other provisions of this section, any service insurance
15 corporation organized or operating under ch. 613, except as provided in s. 108.152
16 (6) (a) 3.

17 **SECTION 63.** 108.02 (13) (kL) of the statutes is repealed.

18 **SECTION 64.** 108.02 (15) (kt) of the statutes is created to read:

19 108.02 (15) (kt) "Employment", as applied to work for a given employer other
20 than a government unit, an Indian tribe, or a nonprofit organization, except as the
21 employer elects otherwise with the department's approval, does not include service
22 performed by an inmate of a state prison, as defined in s. 302.01, or a federal prison.

23 **SECTION 65.** 108.02 (15m) (intro.) of the statutes is amended to read:

24 108.02 (15m) FAMILY CORPORATION. (intro.) ~~Except as provided in s. 108.04 (7)~~
25 (r), "family Family corporation" means:

1 **SECTION 66.** 108.04 (1) (f) of the statutes is amended to read:

2 108.04 (1) (f) If an employee is required by law to have a license issued by a
3 governmental agency to perform his or her customary work for an employer, and the
4 employee's employment is suspended or terminated because the employee's license
5 has been suspended, revoked or not renewed due to the employee's fault, the
6 employee is not eligible to receive benefits until 5 weeks have elapsed since the end
7 of the week in which the suspension or termination occurs or until the license is
8 reinstated or renewed, whichever occurs first. The wages paid by the employer with
9 which an employee's employment is suspended or terminated shall be excluded from
10 the employee's base period wages under s. 108.06 (1) for purposes of benefit
11 entitlement while the suspension, revocation or nonrenewal of the license is in effect.
12 This paragraph does not preclude an employee from establishing a benefit year using
13 the wages excluded under this paragraph if the employee qualifies to establish a
14 benefit year under s. 108.06 (2) (a). The department shall charge to the fund's
15 balancing account any benefits paid during a benefit year otherwise chargeable to
16 the account of an employer that is subject to the contribution requirements of ss.
17 108.17 and 108.18 from which base period wages are excluded under this paragraph
18 if an employee qualifies to receive benefits for any week in that benefit year using
19 wages that were excluded under this paragraph.

20 **SECTION 67.** 108.04 (1) (g) (intro.) of the statutes is amended to read:

21 108.04 (1) (g) (intro.) Except as provided in par. (gm) ~~and s. 108.06 (7) (d)~~, the
22 base period wages utilized to compute total benefits payable to an individual under
23 s. 108.06 (1) as a result of the following employment shall not exceed 10 times the
4 individual's weekly benefit rate based solely on that employment under s. 108.05 (1):

25 **SECTION 68.** 108.04 (1) (hm) of the statutes is amended to read:

1 108.04 (1) (hm) The department may require any claimant to appear before it
2 and to answer truthfully, orally or in writing, any questions relating to the claimant's
3 eligibility for benefits ~~and~~ or to provide such demographic information as may be
4 necessary to permit the department to conduct a statistically valid sample audit of
5 compliance with this chapter. A claimant is not eligible to receive benefits for any
6 week in which the claimant fails to comply with a request by the department to
7 provide the information required under this paragraph, or any subsequent week,
8 until the claimant complies or satisfies the department that he or she had good cause
9 for failure to comply with a request of the department under this paragraph. If
10 Except as provided in s. 108.04 (2) (e) and (f), if a claimant later complies with a
11 request by the department ~~or satisfies the department that he or she had good cause~~
12 ~~for failure to comply with a request~~, the claimant is eligible to receive benefits as of
13 the week in which the failure occurred, if otherwise qualified.

14 **SECTION 69.** 108.04 (1) (i) of the statutes is repealed.

15 **SECTION 70.** 108.04 (2) (a) 3. c. of the statutes is amended to read:

16 108.04 (2) (a) 3. c. Whether the individual has recall rights with the employer
17 under the terms of any applicable collective bargaining agreement; and

18 **SECTION 71.** 108.04 (2) (a) 4. of the statutes is created to read:

19 108.04 (2) (a) 4. If the claimant is claiming benefits for a week other than an
20 initial week, the claimant provides information or job application materials that are
21 requested by the department and participates in a public employment office
22 workshop or training program or in similar reemployment services that are required
23 by the department under sub. (15) (a) 2.

24 **SECTION 72.** 108.04 (2) (g) of the statutes is created to read:

1 108.04 (2) (g) 1. Each claimant shall create security credentials in order to
2 engage in transactions with the department, including the filing of an initial or
3 continued claim for benefits. The security credentials may consist of a personal
4 identification number, username, and password, or any other means prescribed by
5 the department.

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

1 **SECTION 73.** 108.04 (2) (h) of the statutes is created to read:

2 108.04 (2) (h) A claimant shall, when the claimant first files a claim for benefits
3 under this chapter and during each subsequent week the claimant files for benefits
4 under this chapter, inform the department whether he or she is receiving social
5 security disability insurance benefits under 42 USC ch. 7 subch. II.

6 **SECTION 74.** 108.04 (2) (i) of the statutes is created to read:

7 108.04 (2) (i) 1. There is a rebuttable presumption that a claimant who is
8 subject to the requirement under par. (a) 3. to conduct a reasonable search for
9 suitable work has not conducted a reasonable search for suitable work in a given
10 week if all of the following apply:

11 a. The claimant was last employed by a temporary help company.

12 b. The temporary help company required the claimant to contact the temporary
13 help company about available assignments weekly, or less often as prescribed by the
14 temporary help company, and the company gave the claimant written notice of that
15 requirement at the time the claimant was initially employed by the company.

16 c. During that week, the claimant was required to contact the temporary help
17 company about available assignments and the claimant did not contact the
18 temporary help company about available assignments.

19 d. The temporary help company submits a written notice to the department
20 within 10 business days after the end of that week reporting that the claimant did
21 not contact the company about available assignments.

22 2. A claimant may only rebut the presumption under subd. 1. if the claimant
23 demonstrates one of the following to the department for a given week:

24 a. That the claimant did contact the temporary help company about available
25 assignments during that week.

1 b. That the claimant was not informed by the temporary help company of the
2 requirement to contact the temporary help company or had other good cause for his
3 or her failure to contact the temporary help company about available assignments
4 during that week.

5 3. If a claimant who was last employed by a temporary help company contacts
6 the temporary help company during a given week about available assignments, that
7 contact constitutes one action that constitutes a reasonable search for suitable work,
8 for purposes of par. (a) 3.

9 **SECTION 75.** ~~108.04 (5) of the statutes is renumbered 108.04 (5) (intro.) and~~
10 amended to read:

11 108.04 (5) DISCHARGE FOR MISCONDUCT. (intro.) ~~Unless sub. (5g) results in~~
12 ~~disqualification, an~~ An employee whose work is terminated by an employing unit for
13 misconduct ~~by the employee~~ connected with the employee's work is ineligible to
14 receive benefits until 7 weeks have elapsed since the end of the week in which the
15 discharge occurs and the employee earns wages after the week in which the
16 discharge occurs equal to at least 14 times the employee's weekly benefit rate under
17 s. 108.05 (1) in employment or other work covered by the unemployment insurance
18 law of any state or the federal government. For purposes of requalification, the
19 employee's weekly benefit rate shall be ~~that the rate which that~~ that would have been paid
20 had the discharge not occurred. The wages paid to an employee by an employer
21 which terminates employment of the employee for misconduct connected with the
22 employee's employment shall be excluded from the employee's base period wages
23 under s. 108.06 (1) for purposes of benefit entitlement. This subsection does not
24 preclude an employee who has employment with an employer other than the
25 employer which terminated the employee for misconduct from establishing a benefit

1 year using the base period wages excluded under this subsection if the employee
2 qualifies to establish a benefit year under s. 108.06 (2) (a). The department shall
3 charge to the fund's balancing account any benefits otherwise chargeable to the
4 account of an employer that is subject to the contribution requirements under ss.
5 108.17 and 108.18 from which base period wages are excluded under this subsection.
6 For purposes of this subsection, "misconduct" means one or more actions or conduct
7 evincing such willful or wanton disregard of an employer's interest as is found in
8 deliberate violations or disregard of standards of behavior which an employer has a
9 right to expect of his or her employees, or in carelessness or negligence of such degree
10 or recurrence as to manifest culpability, wrongful intent, or evil design of equal
11 severity to such disregard, or to show an intentional and substantial disregard of an
12 employer's interests, or of an employee's duties and obligations to his or her
13 employer. In addition, "misconduct" includes:

14 **SECTION 76.** 108.04 (5)(a) to (g) of the statutes are created to read:

15 108.04 (5) (a) A violation by an employee of an employer's reasonable written
16 policy concerning the use of alcohol beverages, or use of a controlled substance or a
17 controlled substance analog, if the employee:

18 1. Had knowledge of the alcohol beverage or controlled substance policy; and
19 2. Admitted to the use of alcohol beverages or a controlled substance or
20 controlled substance analog or refused to take a test or tested positive for the use of
21 alcohol beverages or a controlled substance or controlled substance analog in a test
22 used by the employer in accordance with a testing methodology approved by the
23 department.

24 (b) Theft of an employer's property or services with intent to deprive the
25 employer of the property or services permanently, theft of currency of any value,

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1 felonious conduct connected with an employee's employment with his or her
2 employer, or intentional or negligent conduct by an employee that causes substantial
3 damage to his or her employer's property.

4 (c) Conviction of an employee of a crime or other offense subject to civil
5 forfeiture, while on or off duty, if the conviction makes it impossible for the employee
6 to perform the duties that the employee performs for his or her employer.

7 (d) One or more threats or acts of harassment, assault, or other physical
8 violence instigated by an employee at the workplace of his or her employer.

9 (e) Absenteeism by an employee on more than 2 occasions within the 120-day
10 period before the date of the employee's termination, unless otherwise specified by
11 his or her employer in an employment manual of which the employee has
12 acknowledged receipt with his or her signature, or excessive tardiness by an
13 employee in violation of a policy of the employer that has been communicated to the
14 employee, if the employee does not provide to his or her employer both notice and one
15 or more valid reasons for the absenteeism or tardiness.

16 (f) Unless directed by an employee's employer, falsifying business records of the
17 employer.

18 (g) Unless directed by the employer, a willful and deliberate violation of a
19 written and uniformly applied standard or regulation of the federal government or
20 a state or tribal government by an employee of an employer that is licensed or
21 certified by a governmental agency, which standard or regulation has been
22 communicated by the employer to the employee and which violation would cause the
23 employer to be sanctioned or to have its license or certification suspended by the
24 agency.

25 ~~SECTION 77. 108.04 (5g) of the statutes is repealed and recreated to read:~~

1 108.04 (5g) DISCHARGE FOR SUBSTANTIAL FAULT. (a) An employee whose work is
2 terminated by an employing unit for substantial fault by the employee connected
3 with the employee's work is ineligible to receive benefits until 7 weeks have elapsed
4 since the end of the week in which the termination occurs and the employee earns
5 wages after the week in which the termination occurs equal to at least 14 times the
6 employee's weekly benefit rate under s. 108.05 (1) in employment or other work
7 covered by the unemployment insurance law of any state or the federal government.
8 For purposes of requalification, the employee's benefit rate shall be the rate that
9 would have been paid had the discharge not occurred. For purposes of this
10 paragraph, "substantial fault" includes those acts or omissions of an employee over
11 which the employee exercised reasonable control and which violate reasonable
12 requirements of the employee's employer but does not include any of the following:

- 13 1. One or more minor infractions of rules unless an infraction is repeated after
14 the employer warns the employee about the infraction.
- 15 2. One or more inadvertent errors made by the employee.
- 16 3. Any failure of the employee to perform work because of insufficient skill,
17 ability, or equipment.

18 (b) The department shall charge to the fund's balancing account the cost of any
19 benefits paid to an employee that are otherwise chargeable to the account of an
20 employer that is subject to the contribution requirements under ss. 108.17 and
21 108.18 if the employee is discharged by the employer and paragraph (a) applies.

22 **SECTION 78.** 108.04 (7) (a) of the statutes is amended to read:

23 108.04 (7) (a) If an employee terminates work with an employing unit, the
24 employee is ineligible to receive benefits until ~~4 weeks have elapsed since the end~~
25 of the week in which the termination occurs and the employee earns wages after the

1 week in which the termination occurs equal to at least ~~4~~ 6 times the employee's
 2 weekly benefit rate under s. ~~108.05~~ (1) in employment or other work covered by the
 3 unemployment insurance law of any state or the federal government. For purposes
 4 of requalification, the employee's weekly benefit rate shall be that rate which would
 5 have been paid had the termination not occurred. This paragraph does not preclude
 6 an employee from establishing a benefit year by using the base period wages paid by
 7 the employer from which the employee voluntarily terminated, if the employee is
 8 qualified to establish a benefit year under s. ~~108.06~~ (2) (a).

9 **SECTION 79.** 108.04 (7) (d), (g), (j), (k), (m), (n), (o), (p) and (r) of the statutes are
 10 repealed.

11 **SECTION 80.** 108.04 (7) (e) of the statutes is amended to read:

12 108.04 (7) (e) Paragraph (a) does not apply if the department determines that
 13 the employee accepted work which the employee could have failed to accept with good
 14 cause under sub. (8) and terminated such work with the same good cause and within
 15 the first ~~10 weeks~~ 30 calendar days after starting the work, or that the employee
 16 accepted work which the employee could have refused under sub. (9) and terminated
 17 such work within the first ~~10 weeks~~ 30 calendar days after starting the work. For
 18 purposes of this paragraph, an employee has the same good cause for voluntarily
 19 terminating work if the employee could have failed to accept the work under sub. (8)
 20 (d) when it was offered, regardless of the reason articulated by the employee for the
 21 termination.

22 **SECTION 81.** 108.04 (7) (h) of the statutes is amended to read:

23 108.04 (7) (h) The department shall charge to the fund's balancing account
 24 benefits paid to an employee that are otherwise chargeable to the account of an
 25 employer that is subject to the contribution requirements of ss. 108.17 and 108.18

if the employee voluntarily terminates employment with that employer and par. (a), (c), (d), (e), (k), (L), (o), (p), (q), (s), or (t) applies.

SECTION 82. 108.04 (7) (L) (intro.) of the statutes is amended to read:

108.04 (7) (L) (intro.) Paragraph (a) does not apply if the department determines that the employee terminated work to accept employment or other work covered by the unemployment insurance law of any state or the federal government, and earned wages in the subsequent work equal to at least 4 times the employee's weekly benefit rate under s. 108.05 (1) if the work:

SECTION 83. 108.04 (7) (t) of the statutes is renumbered 108.04 (7) (t) (intro.) and amended to read:

108.04 (7) (t) (intro.) Paragraph (a) does not apply if the department determines that the all of the following apply to an employee:

1. The employee's spouse changed his or her place of employment is a member of the U.S. armed forces on active duty.

2. The employee's spouse was required by the U.S. armed forces to relocate to a place to which it is impractical for the employee to commute and the

3. The employee terminated his or her work to accompany the spouse to that place.

SECTION 84. 108.04 (8) (a) and (c) of the statutes are amended to read:

108.04 (8) (a) If an employee fails, without good cause, to accept suitable work when offered, the employee is ineligible to receive benefits until ~~4 weeks have elapsed since the end of the week in which the failure occurs~~ and the employee earns wages after the week in which the failure occurs equal to at least ~~4~~ 6 times the employee's weekly benefit rate under s. 108.05 (1) in employment or other work covered by the unemployment insurance law of any state or the federal government.

1 For purposes of requalification, the employee's weekly benefit rate shall be that rate
2 which would have been paid had the failure not occurred. This paragraph does not
3 preclude an employee from establishing a benefit year during a period in which the
4 employee is ineligible to receive benefits under this paragraph if the employee
5 qualifies to establish a benefit year under s. 108.06 (2) (a). The department shall
6 charge to the fund's balancing account any benefits otherwise chargeable to the
7 account of an employer that is subject to the contribution requirements under ss.
8 108.17 and 108.18 whenever an employee of that employer fails, without good cause,
9 to accept suitable work offered by that employer.

10 (c) If an employee fails, without good cause, to return to work with a former
11 employer that recalls the employee within 52 weeks after the employee last worked
12 for that employer, the employee is ineligible to receive benefits until ~~4 weeks have~~
13 ~~elapsed since the end of the week in which the failure occurs and the employee earns~~
14 ~~wages after the week in which the failure occurs equal to at least 4~~ 6 times the
15 employee's weekly benefit rate under s. 108.05 (1) in employment or other work
16 covered by the unemployment insurance law of any state or the federal government.
17 For purposes of requalification, the employee's weekly benefit rate shall be that rate
18 which would have been paid had the failure not occurred. This paragraph does not
19 preclude an employee from establishing a benefit year during a period in which the
20 employee is ineligible to receive benefits under this paragraph if the employee
21 qualifies to establish a benefit year under s. 108.06 (2) (a). The department shall
22 charge to the fund's balancing account any benefits otherwise chargeable to the
23 account of any employer that is subject to the contribution requirements under ss.
24 108.17 and 108.18 whenever an employee of that employer fails, without good cause,

1 to return to work with that employer. If an employee receives actual notice of a recall
2 to work, par. (a) applies in lieu of this paragraph.

3 **SECTION 85.** 108.04 (12) (f) of the statutes is created to read:

4 108.04 (12) (f) 1. Any individual who actually receives social security disability
5 insurance benefits under 42 USC ch. 7 subch. II in a given week is ineligible for
6 benefits paid or payable in that same week under this chapter.

7 2. Information that the department receives or acquires from the federal social
8 security administration that an individual is receiving social security disability
9 insurance benefits under 42 USC ch. 7 subch. II in a given week is considered
10 conclusive, absent clear and convincing evidence that the information was
11 erroneous.

12 **SECTION 86.** 108.04 (15) of the statutes is created to read:

13 108.04 (15) DEPARTMENT POWERS TO ASSIST CLAIMANTS. (a) Except as provided
14 in par. (b), the department may do any of the following for the purpose of assisting
15 claimants to find or obtain work:

16 1. Use the information or materials provided under sub. (2) (a) 4. to assess a
17 claimant's efforts, skills, and ability to find or obtain work and to develop a list of
18 potential opportunities for a claimant to obtain suitable work. A claimant who
19 otherwise satisfies the requirement under sub. (2) (a) 3. is not required to apply for
20 any specific positions on the list in order to satisfy that requirement.

21 2. Require a claimant to participate in a public employment office workshop or
22 training program or in similar reemployment services that do not charge the
23 claimant a participation fee and that offer instruction to improve the claimant's
24 ability to obtain suitable work.

SECTION 86

1 (b) This subsection does not apply with respect to a claimant who is exempt
2 from any of the requirements in sub. (2) (a) 2. or 3. in a given week.

3 **SECTION 87.** 108.05 (1) (n) to (p) of the statutes are repealed.

4 **SECTION 88.** 108.05 (1) (q) (intro.) of the statutes is amended to read:

5 108.05 (1) (q) (intro.) Each eligible employee shall be paid benefits for each
6 week of total unemployment that commences on or after January 4, 2009, and before
7 January 5, 2014, at the weekly benefit rate specified in this paragraph. Unless sub.
8 (1m) applies, the weekly benefit rate shall equal 4 percent of the employee's base
9 period wages that were paid during that quarter of the employee's base period in
10 which the employee was paid the highest total wages, rounded down to the nearest
11 whole dollar, except that, if that amount is less than the minimum amount shown
12 in the following schedule, no benefits are payable to the employee and, if that amount
13 is more than the maximum amount shown in the following schedule, the employee's
14 weekly benefit rate shall be the maximum amount shown in the following schedule
15 and except that, if the employee's benefits are exhausted during any week under s.
16 108.06 (1), the employee shall be paid the remaining amount of benefits payable to
17 the employee in lieu of the amount shown in the following schedule: [See Figure
18 108.05 (1) (q) following]

19 **SECTION 89.** 108.05 (1) (q) (intro.) of the statutes, as affected by 2013 Wisconsin
20 Acts 11 and (this act), is repealed and recreated to read:

21 108.05 (1) (q) (intro.) Except as provided in s. 108.062 (6) (a), each eligible
22 employee shall be paid benefits for each week of total unemployment that
23 commences on or after January 4, 2009, and before January 5, 2014, at the weekly
4 benefit rate specified in this paragraph. Unless sub. (1m) applies, the weekly benefit
25 rate shall equal 4 percent of the employee's base period wages that were paid during

1 that quarter of the employee's base period in which the employee was paid the
2 highest total wages, rounded down to the nearest whole dollar, except that, if that
3 amount is less than the minimum amount shown in the following schedule, no
4 benefits are payable to the employee and, if that amount is more than the maximum
5 amount shown in the following schedule, the employee's weekly benefit rate shall be
6 the maximum amount shown in the following schedule and except that, if the
7 employee's benefits are exhausted during any week under s. 108.06 (1), the employee
8 shall be paid the remaining amount of benefits payable to the employee in lieu of the
9 amount shown in the following schedule: [See Figure 108.05 (1) (q) following]

10 **SECTION 90.** 108.05 (1) (r) (intro.) of the statutes, as created by 2013 Wisconsin
11 Act (this act), is repealed and recreated to read:

12 108.05 (1) (r) (intro.) Except as provided in s. 108.062 (6) (a), each eligible
13 employee shall be paid benefits for each week of total unemployment that
14 commences on or after January 5, 2014, at the weekly benefit rate specified in this
15 paragraph. Unless sub. (1m) applies, the weekly benefit rate shall equal 4 percent
16 of the employee's base period wages that were paid during that quarter of the
17 employee's base period in which the employee was paid the highest total wages,
18 rounded down to the nearest whole dollar, except that, if that amount is less than the
19 minimum amount shown in the following schedule, no benefits are payable to the
20 employee and, if that amount is more than the maximum amount shown in the
21 following schedule, the employee's weekly benefit rate shall be the maximum
22 amount shown in the following schedule and except that, if the employee's benefits
23 are exhausted during any week under s. 108.06 (1), the employee shall be paid the
24 remaining amount of benefits payable to the employee in lieu of the amount shown
25 in the following schedule: [See Figure 108.05 (1) (r) following]

1 **SECTION 91.** 108.05 (1) (r) of the statutes is created to read:

2 108.05 (1) (r) Each eligible employee shall be paid benefits for each week of total
 3 unemployment that commences on or after January 5, 2014, at the weekly benefit
 4 rate specified in this paragraph. Unless sub. (1m) applies, the weekly benefit rate
 5 shall equal 4 percent of the employee’s base period wages that were paid during that
 6 quarter of the employee’s base period in which the employee was paid the highest
 7 total wages, rounded down to the nearest whole dollar, except that, if that amount
 8 is less than the minimum amount shown in the following schedule, no benefits are
 9 payable to the employee and, if that amount is more than the maximum amount
 10 shown in the following schedule, the employee’s weekly benefit rate shall be the
 11 maximum amount shown in the following schedule and except that, if the employee’s
 12 benefits are exhausted during any week under s. 108.06 (1), the employee shall be
 13 paid the remaining amount of benefits payable to the employee in lieu of the amount
 14 shown in the following schedule: [See Figure 108.05 (1) (r) following]

Figure 108.05 (1) (r):

Line	Highest Quarterly Wages Paid	Weekly Benefit Rate
1.	Under \$1,350.00	\$ 0
2.	1,350.00 to 1,374.99	54
3.	1,375.00 to 1,399.99	55
4.	1,400.00 to 1,424.99	56
5.	1,425.00 to 1,449.99	57
6.	1,450.00 to 1,474.99	58
7.	1,475.00 to 1,499.99	59

8.	1,500.00	to	1,524.99	60
9.	1,525.00	to	1,549.99	61
10.	1,550.00	to	1,574.99	62
11.	1,575.00	to	1,599.99	63
12.	1,600.00	to	1,624.99	64
13.	1,625.00	to	1,649.99	65
14.	1,650.00	to	1,674.99	66
15.	1,675.00	to	1,699.99	67
16.	1,700.00	to	1,724.99	68
17.	1,725.00	to	1,749.99	69
18.	1,750.00	to	1,774.99	70
19.	1,775.00	to	1,799.99	71
20.	1,800.00	to	1,824.99	72
21.	1,825.00	to	1,849.99	73
22.	1,850.00	to	1,874.99	74
23.	1,875.00	to	1,899.99	75
24.	1,900.00	to	1,924.99	76
25.	1,925.00	to	1,949.99	77
26.	1,950.00	to	1,974.99	78
27.	1,975.00	to	1,999.99	79
28.	2,000.00	to	2,024.99	80
29.	2,025.00	to	2,049.99	81
30.	2,050.00	to	2,074.99	82
31.	2,075.00	to	2,099.99	83

32.	.....	2,100.00	to	2,124.99	.....	84
33.	.....	2,125.00	to	2,149.99	.....	85
34.	.....	2,150.00	to	2,174.99	.....	86
35.	.....	2,175.00	to	2,199.99	.....	87
36.	.....	2,200.00	to	2,224.99	.....	88
37.	.....	2,225.00	to	2,249.99	.....	89
38.	.....	2,250.00	to	2,274.99	.....	90
39.	.....	2,275.00	to	2,299.99	.....	91
40.	.....	2,300.00	to	2,324.99	.....	92
41.	.....	2,325.00	to	2,349.99	.....	93
42.	.....	2,350.00	to	2,374.99	.....	94
43.	.....	2,375.00	to	2,399.99	.....	95
44.	.....	2,400.00	to	2,424.99	.....	96
45.	.....	2,425.00	to	2,449.99	.....	97
46.	.....	2,450.00	to	2,474.99	.....	98
47.	.....	2,475.00	to	2,499.99	.....	99
48.	.....	2,500.00	to	2,524.99	.....	100
49.	.....	2,525.00	to	2,549.99	.....	101
50.	.....	2,550.00	to	2,574.99	.....	102
51.	.....	2,575.00	to	2,599.99	.....	103
52.	.....	2,600.00	to	2,624.99	.....	104
53.	.....	2,625.00	to	2,649.99	.....	105
54.	.....	2,650.00	to	2,674.99	.....	106
55.	.....	2,675.00	to	2,699.99	.....	107

56.	2,700.00	to	2,724.99	108
57.	2,725.00	to	2,749.99	109
58.	2,750.00	to	2,774.99	110
59.	2,775.00	to	2,799.99	111
60.	2,800.00	to	2,824.99	112
61.	2,825.00	to	2,849.99	113
62.	2,850.00	to	2,874.99	114
63.	2,875.00	to	2,899.99	115
64.	2,900.00	to	2,924.99	116
65.	2,925.00	to	2,949.99	117
66.	2,950.00	to	2,974.99	118
67.	2,975.00	to	2,999.99	119
68.	3,000.00	to	3,024.99	120
69.	3,025.00	to	3,049.99	121
70.	3,050.00	to	3,074.99	122
71.	3,075.00	to	3,099.99	123
72.	3,100.00	to	3,124.99	124
73.	3,125.00	to	3,149.99	125
74.	3,150.00	to	3,174.99	126
75.	3,175.00	to	3,199.99	127
76.	3,200.00	to	3,224.99	128
77.	3,225.00	to	3,249.99	129
78.	3,250.00	to	3,274.99	130
79.	3,275.00	to	3,299.99	131

80.	3,300.00	to	3,324.99	132
81.	3,325.00	to	3,349.99	133
82.	3,350.00	to	3,374.99	134
83.	3,375.00	to	3,399.99	135
84.	3,400.00	to	3,424.99	136
85.	3,425.00	to	3,449.99	137
86.	3,450.00	to	3,474.99	138
87.	3,475.00	to	3,499.99	139
88.	3,500.00	to	3,524.99	140
89.	3,525.00	to	3,549.99	141
90.	3,550.00	to	3,574.99	142
91.	3,575.00	to	3,599.99	143
92.	3,600.00	to	3,624.99	144
93.	3,625.00	to	3,649.99	145
94.	3,650.00	to	3,674.99	146
95.	3,675.00	to	3,699.99	147
96.	3,700.00	to	3,724.99	148
97.	3,725.00	to	3,749.99	149
98.	3,750.00	to	3,774.99	150
99.	3,775.00	to	3,799.99	151
100.	3,800.00	to	3,824.99	152
101.	3,825.00	to	3,849.99	153
102.	3,850.00	to	3,874.99	154
103.	3,875.00	to	3,899.99	155

104.	.....	3,900.00	to	3,924.99	.....	156
105.	.....	3,925.00	to	3,949.99	.....	157
106.	.....	3,950.00	to	3,974.99	.....	158
107.	.....	3,975.00	to	3,999.99	.....	159
108.	.....	4,000.00	to	4,024.99	.....	160
109.	.....	4,025.00	to	4,049.99	.....	161
110.	.....	4,050.00	to	4,074.99	.....	162
111.	.....	4,075.00	to	4,099.99	.....	163
112.	.....	4,100.00	to	4,124.99	.....	164
113.	.....	4,125.00	to	4,149.99	.....	165
114.	.....	4,150.00	to	4,174.99	.....	166
115.	.....	4,175.00	to	4,199.99	.....	167
116.	.....	4,200.00	to	4,224.99	.....	168
117.	.....	4,225.00	to	4,249.99	.....	169
118.	.....	4,250.00	to	4,274.99	.....	170
119.	.....	4,275.00	to	4,299.99	.....	171
120.	.....	4,300.00	to	4,324.99	.....	172
121.	.....	4,325.00	to	4,349.99	.....	173
122.	.....	4,350.00	to	4,374.99	.....	174
123.	.....	4,375.00	to	4,399.99	.....	175
124.	.....	4,400.00	to	4,424.99	.....	176
125.	.....	4,425.00	to	4,449.99	.....	177
126.	.....	4,450.00	to	4,474.99	.....	178
127.	.....	4,475.00	to	4,499.99	.....	179

128.	.....	4,500.00	to	4,524.99	.....	180
129.	.....	4,525.00	to	4,549.99	.....	181
130.	.....	4,550.00	to	4,574.99	.....	182
131.	.....	4,575.00	to	4,599.99	.....	183
132.	.....	4,600.00	to	4,624.99	.....	184
133.	.....	4,625.00	to	4,649.99	.....	185
134.	.....	4,650.00	to	4,674.99	.....	186
135.	.....	4,675.00	to	4,699.99	.....	187
136.	.....	4,700.00	to	4,724.99	.....	188
137.	.....	4,725.00	to	4,749.99	.....	189
138.	.....	4,750.00	to	4,774.99	.....	190
139.	.....	4,775.00	to	4,799.99	.....	191
140.	.....	4,800.00	to	4,824.99	.....	192
141.	.....	4,825.00	to	4,849.99	.....	193
142.	.....	4,850.00	to	4,874.99	.....	194
143.	.....	4,875.00	to	4,899.99	.....	195
144.	.....	4,900.00	to	4,924.99	.....	196
145.	.....	4,925.00	to	4,949.99	.....	197
146.	.....	4,950.00	to	4,974.99	.....	198
147.	.....	4,975.00	to	4,999.99	.....	199
148.	.....	5,000.00	to	5,024.99	.....	200
149.	.....	5,025.00	to	5,049.99	.....	201
150.	.....	5,050.00	to	5,074.99	.....	202
151.	.....	5,075.00	to	5,099.99	.....	203

152.	.....	5,100.00	to	5,124.99	.....	204
153.	.....	5,125.00	to	5,149.99	.....	205
154.	.....	5,150.00	to	5,174.99	.....	206
155.	.....	5,175.00	to	5,199.99	.....	207
156.	.....	5,200.00	to	5,224.99	.....	208
157.	.....	5,225.00	to	5,249.99	.....	209
158.	.....	5,250.00	to	5,274.99	.....	210
159.	.....	5,275.00	to	5,299.99	.....	211
160.	.....	5,300.00	to	5,324.99	.....	212
161.	.....	5,325.00	to	5,349.99	.....	213
162.	.....	5,350.00	to	5,374.99	.....	214
163.	.....	5,375.00	to	5,399.99	.....	215
164.	.....	5,400.00	to	5,424.99	.....	216
165.	.....	5,425.00	to	5,449.99	.....	217
166.	.....	5,450.00	to	5,474.99	.....	218
167.	.....	5,475.00	to	5,499.99	.....	219
168.	.....	5,500.00	to	5,524.99	.....	220
169.	.....	5,525.00	to	5,549.99	.....	221
170.	.....	5,550.00	to	5,574.99	.....	222
171.	.....	5,575.00	to	5,599.99	.....	223
172.	.....	5,600.00	to	5,624.99	.....	224
173.	5,625.00	to	5,649.99	225
174.	5,650.00	to	5,674.99	226
175.	5,675.00	to	5,699.99	227

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176.	5,700.00	to	5,724.99	228
177.	5,725.00	to	5,749.99	229
178.	5,750.00	to	5,774.99	230
179.	5,775.00	to	5,799.99	231
180.	5,800.00	to	5,824.99	232
181.	5,825.00	to	5,849.99	233
182.	5,850.00	to	5,874.99	234
183.	5,875.00	to	5,899.99	235
184.	5,900.00	to	5,924.99	236
185.	5,925.00	to	5,949.99	237
186.	5,950.00	to	5,974.99	238
187.	5,975.00	to	5,999.99	239
188.	6,000.00	to	6,024.99	240
189.	6,025.00	to	6,049.99	241
190.	6,050.00	to	6,074.99	242
191.	6,075.00	to	6,099.99	243
192.	6,100.00	to	6,124.99	244
193.	6,125.00	to	6,149.99	245
194.	6,150.00	to	6,174.99	246
195.	6,175.00	to	6,199.99	247
196.	6,200.00	to	6,224.99	248
197.	6,225.00	to	6,249.99	249
198.	6,250.00	to	6,274.99	250
199.	6,275.00	to	6,299.99	251

200.	.....	6,300.00	to	6,324.99	.....	252
201.	.....	6,325.00	to	6,349.99	.....	253
202.	.....	6,350.00	to	6,374.99	.....	254
203.	.....	6,375.00	to	6,399.99	.....	255
204.	.....	6,400.00	to	6,424.99	.....	256
205.	.....	6,425.00	to	6,449.99	.....	257
206.	.....	6,450.00	to	6,474.99	.....	258
207.	.....	6,475.00	to	6,499.99	.....	259
208.	.....	6,500.00	to	6,524.99	.....	260
209.	.....	6,525.00	to	6,549.99	.....	261
210.	.....	6,550.00	to	6,574.99	.....	262
211.	.....	6,575.00	to	6,599.99	.....	263
212.	.....	6,600.00	to	6,624.99	.....	264
213.	.....	6,625.00	to	6,649.99	.....	265
214.	.....	6,650.00	to	6,674.99	.....	266
215.	.....	6,675.00	to	6,699.99	.....	267
216.	.....	6,700.00	to	6,724.99	.....	268
217.	.....	6,725.00	to	6,749.99	.....	269
218.	.....	6,750.00	to	6,774.99	.....	270
219.	.....	6,775.00	to	6,799.99	.....	271
220.	.....	6,800.00	to	6,824.99	.....	272
221.	6,825.00	to	6,849.99	273
222.	6,850.00	to	6,874.99	274
223.	6,875.00	to	6,899.99	275

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224.	6,900.00	to	6,924.99	276
225.	6,925.00	to	6,949.99	277
226.	6,950.00	to	6,974.99	278
227.	6,975.00	to	6,999.99	279
228.	.....	7,000.00	to	7,024.99	.....	280
229.	.....	7,025.00	to	7,049.99	.....	281
230.	.....	7,050.00	to	7,074.99	.....	282
231.	.....	7,075.00	to	7,099.99	.....	283
232.	.....	7,100.00	to	7,124.99	.....	284
233.	.....	7,125.00	to	7,149.99	.....	285
234.	.....	7,150.00	to	7,174.99	.....	286
235.	.....	7,175.00	to	7,199.99	.....	287
236.	.....	7,200.00	to	7,224.99	.....	288
237.	.....	7,225.00	to	7,249.99	.....	289
238.	.....	7,250.00	to	7,274.99	.....	290
239.	.....	7,275.00	to	7,299.99	.....	291
240.	.....	7,300.00	to	7,324.99	.....	292
241.	.....	7,325.00	to	7,349.99	.....	293
242.	.....	7,350.00	to	7,374.99	.....	294
243.	.....	7,375.00	to	7,399.99	.....	295
244.	.....	7,400.00	to	7,424.99	.....	296
245.	.....	7,425.00	to	7,449.99	.....	297
246.	.....	7,450.00	to	7,474.99	.....	298
247.	.....	7,475.00	to	7,499.99	.....	299

248.	.....	7,500.00	to	7,524.99	.....	300
249.	.....	7,525.00	to	7,549.99	.....	301
250.	.....	7,550.00	to	7,574.99	.....	302
251.	.....	7,575.00	to	7,599.99	.....	303
252.	.....	7,600.00	to	7,624.99	.....	304
253.	.....	7,625.00	to	7,649.99	.....	305
254.	.....	7,650.00	to	7,674.99	.....	306
255.	.....	7,675.00	to	7,699.99	.....	307
256.	.....	7,700.00	to	7,724.99	.....	308
257.	.....	7,725.00	to	7,749.99	.....	309
258.	.....	7,750.00	to	7,774.99	.....	310
259.	.....	7,775.00	to	7,799.99	.....	311
260.	.....	7,800.00	to	7,824.99	.....	312
261.	.....	7,825.00	to	7,849.99	.....	313
262.	.....	7,850.00	to	7,874.99	.....	314
263.	.....	7,875.00	to	7,899.99	.....	315
264.	.....	7,900.00	to	7,924.99	.....	316
265.	.....	7,925.00	to	7,949.99	.....	317
266.	.....	7,950.00	to	7,974.99	.....	318
267.	.....	7,975.00	to	7,999.99	.....	319
268.	.....	8,000.00	to	8,024.99	.....	320
269.	8,025.00	to	8,049.99	321
270.	8,050.00	to	8,074.99	322
271.	8,075.00	to	8,099.99	323

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272.	8,100.00	to	8,124.99	324
273.	8,125.00	to	8,149.99	325
274.	8,150.00	to	8,174.99	326
275.	8,175.00	to	8,199.99	327
276.	8,200.00	to	8,224.99	328
277.	8,225.00	to	8,249.99	329
278.	8,250.00	to	8,274.99	330
279.	8,275.00	to	8,299.99	331
280.	8,300.00	to	8,324.99	332
281.	8,325.00	to	8,349.99	333
282.	8,350.00	to	8,374.99	334
283.	8,375.00	to	8,399.99	335
284.	8,400.00	to	8,424.99	336
285.	8,425.00	to	8,449.99	337
286.	8,450.00	to	8,474.99	338
287.	8,475.00	to	8,499.99	339
288.	8,500.00	to	8,524.99	340
289.	8,525.00	to	8,549.99	341
290.	8,550.00	to	8,574.99	342
291.	8,575.00	to	8,599.99	343
292.	8,600.00	to	8,624.99	344
293.	8,625.00	to	8,649.99	345
294.	8,650.00	to	8,674.99	346
295.	8,675.00	to	8,699.99	347

296.	.....	8,700.00	to	8,724.99	.....	348
297.	.....	8,725.00	to	8,749.99	.....	349
298.	.....	8,750.00	to	8,774.99	.....	350
299.	.....	8,775.00	to	8,799.99	.....	351
300.	.....	8,800.00	to	8,824.99	.....	352
301.	.....	8,825.00	to	8,849.99	.....	353
302.	.....	8,850.00	to	8,874.99	.....	354
303.	.....	8,875.00	to	8,899.99	.....	355
304.	.....	8,900.00	to	8,924.99	.....	356
305.	.....	8,925.00	to	8,949.99	.....	357
306.	.....	8,950.00	to	8,974.99	.....	358
307.	.....	8,975.00	to	8,999.99	.....	359
308.	.....	9,000.00	to	9,024.99	.....	360
309.	.....	9,025.00	to	9,049.99	.....	361
310.	.....	9,050.00	to	9,074.99	.....	362
311.	.....	9,075.00	to	9,099.99	.....	363
312.	.....	9,100.00	to	9,124.99	.....	364
313.	.....	9,125.00	to	9,149.99	.....	365
314.	.....	9,150.00	to	9,174.99	.....	366
315.	.....	9,175.00	to	9,199.99	.....	367
316.	.....	9,200.00	to	9,224.99	.....	368
317.	.....	9,225.00	to	9,249.99	.....	369
318.	.....	9,250.00	and over	.....	.....	370

1

SECTION 92. 108.05 (2) (c) of the statutes is amended to read:

1 108.05 (2) (c) This chapter's maximum weekly benefit rate, as to weeks of
2 unemployment in the ensuing half year, shall equal the result obtained by rounding
3 66-2/3% of the "average wages per average week" to the nearest multiple of one
4 dollar, and the minimum weekly benefit rate shall be an amount which is ~~15%~~ 14.6
5 percent of the maximum rate and adjusted, if not a multiple of one dollar, to the next
6 lower multiple of one dollar.

7 **SECTION 93.** 108.05 (3) (a) of the statutes is amended to read:

8 108.05 (3) (a) Except as provided in pars. (c), (d) and (dm) if an eligible employee
9 earns wages in a given week, the first \$30 of the wages shall be disregarded and the
10 employee's applicable weekly benefit payment shall be reduced by 67% of the
11 remaining amount, except that no such employee is eligible for benefits if the
12 employee's benefit payment would be less than \$5 for any week. For purposes of this
13 paragraph, "wages" includes ~~any salary reduction amounts earned that are not~~
14 ~~wages and that are deducted from the salary of a claimant by an employer pursuant~~
15 ~~to a salary reduction agreement under a cafeteria plan, within the meaning of 26~~
16 ~~USC 125, and any amount that a claimant would have earned in available work~~
17 ~~under s. 108.04 (1) (a) which is treated as wages under s. 108.04 (1) (bm), but excludes~~
18 ~~any amount that a claimant earns for services performed as a volunteer fire fighter,~~
19 ~~volunteer emergency medical technician, or volunteer first responder. In applying~~
20 ~~this paragraph, the department shall disregard discrepancies of less than \$2~~
21 ~~between wages reported by employees and employers.~~

22 **SECTION 94.** 108.05 (3) (a) of the statutes, as affected by 2013 Wisconsin Acts
23 11 and (this act), is repealed and recreated to read:

4 108.05 (3) (a) Except as provided in pars. (c), (d) and (dm) and s. 108.062, if an
25 eligible employee earns wages in a given week, the first \$30 of the wages shall be

1 disregarded and the employee's applicable weekly benefit payment shall be reduced
2 by 67% of the remaining amount, except that no such employee is eligible for benefits
3 if the employee's benefit payment would be less than \$5 for any week. For purposes
4 of this paragraph, "wages" includes any amount that a claimant would have earned
5 in available work under s. 108.04 (1) (a) which is treated as wages under s. 108.04
6 (1) (bm), but excludes any amount that a claimant earns for services performed as
7 a volunteer fire fighter, volunteer emergency medical technician, or volunteer first
8 responder. In applying this paragraph, the department shall disregard
9 discrepancies of less than \$2 between wages reported by employees and employers.

10 **SECTION 95.** 108.05 (3) (c) (intro.) of the statutes is amended to read: X

11 108.05 (3) (c) (intro.) ~~A- Except as provided in par. (cm),~~ a claimant is ineligible
12 to receive any benefits for a week in which one or more of the following applies to the
13 claimant for 32 or more hours in that week:

14 **SECTION 96.** 108.05 (3) (c) (intro.) of the statutes, as affected by 2013 Wisconsin
15 11 and (this act), is repealed and recreated to read: X

16 108.05 (3) (c) (intro.) Except when otherwise authorized in an approved
17 work-share program under s. 108.062 and except as provided in par. (cm), a claimant
18 is ineligible to receive any benefits for a week in which one or more of the following
19 applies to the claimant for 32 or more hours in that week: 9

20 **SECTION 97.** 108.05 (3) (cm) of the statutes is created to read: X

21 108.05 (3) (cm) 1. In this paragraph:

22 a. "Complete business shutdown" means that all locations operated by an
23 employer are closed for business completely and no employee employed by the
24 business is required by the employer to report for work or be available for work.

SECTION 97

J

1 b. "State or federal holiday" means a day specified in s. 230.35 (4) (a) or in 5 USC
2 6103 (a).

3 2. An employer may, on or before December 1, provide to the department a
4 written notice designating that the employer will undergo a complete business
5 shutdown on one or more state or federal holidays in the succeeding calendar year.
6 An employer may not designate more than 7 state or federal holidays under this
7 subdivision for a complete business shutdown during the succeeding calendar year.

8 3. A notice under subd. 2. is not valid for any year subsequent to the succeeding
9 calendar year.

10 4. The number of hours specified in par. (c), as it applies to a claimant, is
11 reduced by 8 hours for the week during which a state or federal holiday occurs if all
12 of the following apply:

13 a. The claimant has base period wages only from the employer under subd. 2.

14 b. The employer designated the state or federal holiday for a complete business
15 shutdown under subd. 2. and underwent a complete business shutdown on that day.

16 5. If an employer that provides a notice under subd. 2. will not or does not
17 undergo a complete business shutdown on a state or federal holiday as designated
18 in the notice, the employer shall, no later than the first business day following the
19 week in which the state or federal holiday occurs, provide the department with a
20 written notice indicating that the complete business shutdown will not or did not
21 occur.

22 **SECTION 98.** 108.06 (1) of the statutes is amended to read:

23 108.06 (1) Except as provided in subs. sub. (6) and (7) and ss. 108.141 and
4 108.142, no claimant may receive total benefits based on employment in a base
25 period greater than 26 times ~~(the number of weeks determined under s. 108.06 (1m))~~

*No
strike*

X

no strike

1 ~~multiplied by~~ the claimant's weekly benefit rate under s. 108.05 (1) or 40% of the
 2 claimant's base period wages, whichever is lower. Except as provided in ~~subs. sub.~~
 3 (6) ~~and (7)~~ and ss. 108.141 and 108.142, if a claimant's base period wages are reduced
 4 or canceled under s. 108.04 (5) or (18), or suspended under s. 108.04 (1) (f), (10) (a),
 5 or (17), the claimant may not receive total benefits based on employment in a base
 6 period greater than 26 times ~~the number of weeks determined under s. 108.06 (1m)~~
 7 ~~multiplied by~~ the claimant's weekly benefit rate under s. 108.05 (1) or 40% of the base
 8 period wages not reduced, canceled or suspended which were paid or payable to the
 9 claimant, whichever is lower.

SECTION 99. 108.06 (1m) of the statutes is created to read:

108.06 (1m) (a) The department shall determine the maximum number of
 weeks of regular benefits under sub. (1) by determining the seasonally adjusted
 statewide average unemployment rate for the first and 3rd calendar quarters of each
 year as determined by the U.S. department of labor, bureau of labor statistics, for the
 months in that quarter. For claimants whose benefit years begin on or after January
 1 and before July 1 of any year, the department shall make the determination by
 using the 3rd calendar quarter of the preceding year. For claimants whose benefit
 years begin after June 30 and on or before December 31 of any year, the department
 shall make the determination by using the first calendar quarter of that year. For
 benefit years to which each determination applies, the maximum number of weeks
 of regular benefits is as follows: [See Figure 108.06 (1m) (a) following]

Figure 108.06 (1m) (a):

<u>Statewide average unemployment rate</u>	<u>Maximum weeks of benefits</u>
8 percent or higher	26
At least 7.5 percent but less than 8 percent	25

At least 7.0 percent but less than 7.5 percent	24
At least 6.5 percent but less than 7.0 percent	23
At least 6.0 percent but less than 6.5 percent	22
At least 5.5 percent but less than 6.0 percent	21
Less than 5.5 percent	20

(b) The maximum number of weeks of regular benefits payable to a claimant under sub. (1) in the first week of the claimant's benefit year remains the same regardless of the maximum number of weeks of regular benefits in effect in any subsequent week that benefits become payable to the claimant.

SECTION 100. 108.06 (2) (c) of the statutes is amended to read:

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

SECTION 101. 108.06 (2) (cm) of the statutes is amended to read:

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

SECTION 102. 108.06 (3) of the statutes is amended to read:

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

SECTION 103. 108.06 (6) (intro.) of the statutes is amended to read:

1 108.06 (6) (intro.) If a claimant has established a benefit year prior to the
 2 effective date of any increase in the maximum weekly benefit rate provided under
 3 s. 108.05 (1), the claimant has not exhausted his or her total benefit entitlement
 4 under sub. (1) for that benefit year on that effective date, and the claimant was
 5 entitled to receive the maximum weekly benefit rate under s. 108.05 (1) that was in
 6 effect prior to that effective date, the limitation on the total benefits authorized to
 7 be paid to a claimant under sub. (1) does not apply to that claimant in that benefit
 8 year. Unless ~~sub. (7) or~~ s. 108.141 or 108.142 applies, the claimant's remaining
 9 benefit entitlement in that benefit year for the period beginning on that effective date
 10 shall be computed by:

11 **SECTION 104.** 108.06 (7) of the statutes is repealed.

12 **SECTION 105.** 108.07 (8) of the statutes is repealed.

13 **SECTION 106.** 108.10 (intro.) of the statutes is amended to read:

14 **108.10 Settlement of issues other than benefit claims.** (intro.) In Except
 15 as provided in s. 108.245 (3), in connection with any issue arising under this chapter
 16 as to the status or liability of an employing unit in this state, for which no review is
 17 provided under s. 108.09 or 108.227 (5) and whether or not a penalty is provided in
 18 s. 108.24, the following procedure shall apply:

19 **SECTION 107.** 108.14 (8n) (e) of the statutes is amended to read:

20 108.14 (8n) (e) The department shall charge this state's share of any benefits
 21 paid under this subsection to the account of each employer by which the employee
 22 claiming benefits was employed in the applicable base period, in proportion to the
 23 total amount of wages he or she earned from each employer in the base period, except
 24 that if s. 108.04 (1) (f), (5), (7) (a), (c), (d), (e), (k), (L), (o), (p), (q), (s), or (t), (7m) or (8)
 25 (a) or 108.07 (3), (3r), or (5) (b) ~~or (8)~~ would have applied to employment by such an

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1 employer who is subject to the contribution requirements of ss. 108.17 and 108.18,
2 the department shall charge the share of benefits based on employment with that
3 employer to the fund's balancing account, or, if s. 108.04 (1) (f) or (5) or 108.07 (3)
4 would have applied to an employer that is not subject to the contribution
5 requirements of ss. 108.17 and 108.18, the department shall charge the share of
6 benefits based on that employment in accordance with s. 108.07 (5) (a) and (b). The
7 department shall also charge the fund's balancing account with any other state's
8 share of such benefits pending reimbursement by that state.

9 **SECTION 108.** 108.14 (19) of the statutes is amended to read:

10 108.14 (19) On or about February 15 annually, the department shall prepare
11 and furnish to the council on unemployment insurance a report summarizing the
12 department's activities related to detection and prosecution of unemployment
13 insurance fraud in the preceding year. The department shall include in the report
14 information about audits conducted by the department under sub. (20), including the
15 number and results of audits performed, in the previous year.

16 **SECTION 109.** 108.14 (20) of the statutes is created to read:

17 108.14 (20) The department shall conduct random audits on claimants for
18 benefits under this chapter to assess compliance with the work search requirements
19 under s. 108.04 (2) (a) 3.

20 **SECTION 110.** 108.14 (21) of the statutes is created to read:

21 108.14 (21) The department shall maintain a portal on the Internet that allows
22 employers to log in and file with the department complaints related to the
23 administration of this chapter.

24 **SECTION 111.** 108.14 (23) of the statutes is created to read:

1 108.14 (23) (a) The department shall create and keep up-to-date a handbook
2 for the purpose of informing employers that are subject to this chapter about the
3 provisions and requirements of this chapter.

4 (b) The department shall include all of the following in the handbook:

5 1. Information about the function and purpose of unemployment insurance
6 under this chapter.

7 2. A description of the rights and responsibilities of employers under this
8 chapter, including the rights and responsibilities associated with hearings to
9 determine whether claimants are eligible for benefits under this chapter.

10 3. A description of the circumstances under which workers are generally
11 eligible and ineligible for benefits under this chapter.

12 4. Disclaimers explaining that the contents of the handbook may not be relied
13 upon as legally enforceable and that adherence to the content does not guarantee a
14 particular result for a decision under this chapter.

15 5. A line to allow an individual employed by an employer to sign to acknowledge
16 that the individual is aware of the contents of the handbook.

17 (c) The department shall make the handbook available on the Internet.

18 (d) The department shall distribute printed copies of the handbook to persons
19 who request a copy and may charge a fee as provided in s. 20.908 for the costs of
20 printing and distribution.

21 **SECTION 112.** 108.14 (24) of the statutes is created to read:

22 108.14 (24) The department shall provide information to employers concerning
23 the financing of the unemployment insurance system, including the computation of
24 reserve percentages and their effect upon the contribution and solvency rates of
25 employers, and shall post this information on the Internet. If the department

1 provided a statement of account to any employer, the department shall include the
2 same information on the statement. In addition, the department shall provide the
3 same information in writing to each employer who becomes newly subject to a
4 requirement to pay contributions or reimbursements under this chapter.

5 SECTION 113. 108.141 (7) (a) of the statutes is amended to read:

6 108.141 (7) (a) The department shall charge the state's share of each week of
7 extended benefits to each employer's account in proportion to the employer's share
8 of the total wages of the employee receiving the benefits in the employee's base
9 period, except that if the employer is subject to the contribution requirements of ss.
10 108.17 and 108.18 the department shall charge the share of extended benefits to
11 which s. 108.04 (1) (f), (5), (7) (a), (c), (d), (e), (k), (L), (o), (p), (q), (s), or (t), (7m) or (8)
12 (a) or 108.07 (3), (3r), or (5) (b) or (8) applies to the fund's balancing account.

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13 ~~SECTION 114. 108.142 (4) of the statutes is amended to read:~~

14 108.142 (4) DURATION OF WISCONSIN SUPPLEMENTAL BENEFITS. During a
15 Wisconsin supplemental benefit period, no claimant may receive total benefits based
16 on employment in a base period greater than 34 times the sum of the number of
17 weeks determined under s. 108.06 (1m) and 8 multiplied by the claimant's weekly
18 benefit rate under s. 108.05 (1) or 40% of wages paid or payable to the claimant in
19 his or her base period under s. 108.04 (4) (a), whichever is lower.

20 SECTION 115. 108.16 (2) (g) and (h) of the statutes are amended to read:

21 108.16 (2) (g) Whenever the department receives a request of 2 or more
22 partnerships or limited liability companies consisting of the same partners or
23 members to be treated as separate employers prior to October 1 of any year, the
24 department shall apportion the balance in any existing account of the partnerships
25 or limited liability companies among the separate employers on January 1 following

1 the date of receipt of the request in proportion to the payrolls incurred in the
2 businesses operated by each of the employers in the 4 completed calendar quarters
3 ending on the computation date preceding the date of receipt of the request and shall
4 calculate the reserve percentage of each separate employer in accordance with the
5 proportion of the payroll attributable to that employer. Section 108.18 (2) is not made
6 applicable to the separate employers by reason of such treatment. For purposes of
7 s. 108.18 (7), the department shall treat the partnerships ~~or limited liability~~
8 ~~companies~~ as separate employers on November 1 preceding that January 1. For
9 purposes of s. 108.18 (7) (b) and (c), the department shall treat the separate
10 employers as existing employers on that January 1.

11 (h) Whenever, prior to October 1 of any year, the department receives a written
12 request by all partnerships ~~or limited liability companies~~ consisting of the same
13 partners ~~or members~~ which have elected to be treated as separate employers for the
14 partnerships ~~or limited liability companies~~ to be treated as a single employer, the
15 department shall combine the balances in the existing accounts of the separate
16 employers into a new account on January 1 following the date of receipt of the request
17 and shall calculate the reserve percentage of the single employer in accordance with
18 the combined payroll attributable to each of the separate employers in the 4
19 completed calendar quarters ending on the computation date preceding that
20 January 1. Section 108.18 (2) is not made applicable to the single employer by reason
21 of such treatment. For purposes of s. 108.18 (7), the department shall treat the
22 partnerships ~~or limited liability companies~~ as a single employer on November 1
23 preceding that January 1. For purposes of s. 108.18 (7) (b) and (c), the department
24 shall treat the single employer as an existing employer on that January 1.

25 **SECTION 116.** 108.16 (3) (c) of the statutes is created to read:

1 108.16 (3) (c) Any nonrecoverable payment made without fault on the part of
2 the intended payee.

3 **SECTION 117.** 108.16 (6) (o) of the statutes is created to read:

4 108.16 (6) (o) Any erroneous payment recovered under s. 108.22 (8e).

5 **SECTION 118.** 108.16 (6m) (a) of the statutes is amended to read:

6 108.16 (6m) (a) The benefits thus chargeable under s. 108.04 (1) (f), (5), (5g),
7 (7) (h), (8) (a), (13) (c) or (d) or (16) (e), 108.07 (3), (3r), (5) (b), (5m), or (6), or (8), 108.14
8 (8n) (e), 108.141, 108.151, or 108.152 or sub. (6) (e) or (7) (a) and (b).

9 **SECTION 119.** 108.16 (6m) (h) of the statutes is created to read:

10 108.16 (6m) (h) Any amount paid to correct a payment under s. 108.22 (8e) that
11 is not recovered or recoverable.

12 ~~**SECTION 120.** 108.16 (13) of the statutes is created to read:~~

13 108.16 (13) If the secretary determines that employers in this state that are
14 subject to a requirement to pay a federal unemployment tax might experience a lower
15 tax rate if this state were to loan moneys to the fund under s. 20.002 (11) (b) 3m., the
16 secretary shall request the secretary of administration to make one or more transfers
17 to the fund in the amount required to maintain a favorable federal tax experience for
18 employers. The secretary shall not request a transfer under this subsection if the
19 outstanding balance of such transfers at the time of the request would exceed
20 \$50,000,000. Whenever the secretary determines that the balance of the fund
21 permits repayment of a transfer, in whole or in part, without jeopardizing the ability
22 of the department to continue to pay other liabilities and costs chargeable to the fund,
23 the secretary shall repay the department of administration for the amount that the
24 secretary determines is available for repayment. The secretary shall ensure that the

1 timing of any repayment accords with federal requirements for ensuring a favorable
2 tax experience for employers in this state.

3 SECTION 121. 108.18 (4) (figure) Schedule A line 23. of the statutes is amended

4 to read:

Figure 108.18 (4):

Schedule A

Line	Reserve Percentage	Contribution Rate
23.	Overdrawn by <u>at least 6.0% or more but under 7.0%</u>	8.50

5 SECTION 122. 108.18 (4) (figure) Schedule A lines 24. to 26. of the statutes are

6 created to read:

Figure 108.18 (4):

Schedule A

Line	Reserve Percentage	Contribution Rate
24.	Overdrawn by at least 7.0% but under 8.0%	9.25
25.	Overdrawn by at least 8.0% but under 9.0%	10.00
26.	Overdrawn by 9.0% or more	10.70

7 SECTION 123. 108.18 (4) (figure) Schedule B line 23. of the statutes is amended

8 to read:

Figure 108.18 (4):

Schedule B

Line	Reserve Percentage	Contribution Rate
23.	Overdrawn by <u>at least 6.0% or more but under 7.0%</u>	8.50

9 SECTION 124. 108.18 (4) (figure) Schedule B lines 24. to 26. of the statutes are

1 created to read:

Figure 108.18 (4):

Schedule B

Line	Reserve Percentage	Contribution Rate
24.	Overdrawn by at least 7.0% but under 8.0%	9.25
25.	Overdrawn by at least 8.0% but under 9.0%	10.00
26.	Overdrawn by 9.0% or more	10.70

2 SECTION 125. 108.18 (4) (figure) Schedule C line 23. of the statutes is amended
3 to read:

Figure 108.18 (4):

Schedule C

Line	Reserve Percentage	Contribution Rate
23.	Overdrawn by at least 6.0% or more but under 7.0%	8.50

4 SECTION 126. 108.18 (4) (figure) Schedule C lines 24. to 26. of the statutes are
5 created to read:

Figure: 108.18 (4)

Schedule C

Line	Reserve Percentage	Contribution Rate
24.	Overdrawn by at least 7.0% but under 8.0%	9.25
25.	Overdrawn by at least 8.0% but under 9.0%	10.00
26.	Overdrawn by 9.0% or more	10.70

6 SECTION 127. 108.18 (4) (figure) Schedule D line 23. of the statutes is amended
7 to read:

Figure 108.18 (4):

Schedule D

Line	Reserve Percentage	Contribution Rate
23.	Overdrawn by <u>at least 6.0% or more</u> but under 7.0%	8.50

1 SECTION 128. 108.18 (4) (figure) Schedule D lines 24. to 26. of the statutes are
2 created to read:

Figure 108.18 (4):

Schedule D

Line	Reserve Percentage	Contribution Rate
24.	Overdrawn by at least 7.0% but under 8.0%	9.25
25.	Overdrawn by at least 8.0% but under 9.0%	10.00
26.	Overdrawn by 9.0% or more	10.70

3 SECTION 129. 108.18 (9) (figure) Schedule A lines 25 to 27 of the statutes are
4 created to read:

Figure 108.18 (9):

Schedule A

Line	Contribution Rate	Solvency Rate	
		Employers with payroll under \$500,000	Employers with payroll of \$500,000 or more
25	9.25	1.30	1.30
26	10.00	1.30	1.30
27	10.70	1.30	1.30

1 **SECTION 130.** 108.18 (9) (figure) Schedule B lines 25 to 27 of the statutes are
 2 created to read:

Figure 108.18 (9):

Schedule B			
Solvency Rate			
Line	Contribution Rate	Employers	Employers
		with payroll under \$500,000	with payroll of \$500,000 or more
25	9.25	1.30	1.30
26	10.00	1.30	1.30
27	10.70	1.30	1.30

3 **SECTION 131.** 108.18 (9) (figure) Schedule C line 24 of the statutes is amended
 4 to read:

Figure 108.18 (9):

Schedule C			
Solvency Rate			
Line	Contribution Rate	Employers	Employers
		with payroll under \$500,000	with payroll of \$500,000 or more
24	8.50	1.25 <u>1.30</u>	1.35 <u>1.30</u>

1
2
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SECTION 132. 108.18 (9) (figure) Schedule C lines 25 to 27 of the statutes are created to read:

Figure 108.18 (9):

Schedule C			
Solvency Rate			
Line	Contribution Rate	Employers	Employers
		with payroll under \$500,000	with payroll of \$500,000 or more
25	9.25	1.30	1.30
26	10.00	1.30	1.30
27	10.70	1.30	1.30

SECTION 133. 108.18 (9) (figure) Schedule D lines 25 to 27 of the statutes are created to read:

Figure 108.18 (9):

Schedule D			
Solvency Rate			
Line	Contribution Rate	Employers	Employers
		with payroll under \$500,000	with payroll of \$500,000 or more
25	9.25	1.30	1.30
26	10.00	1.30	1.30
27	10.70	1.30	1.30

SECTION 134. 108.19 (1m) of the statutes is amended to read:

1 108.19 (1m) Each The department shall pay any interest due on advances from
2 the federal unemployment account to the unemployment reserve fund under Title
3 XII of the federal social security act (42 USC 1321 to 1324) by first applying any
4 amount available for that purpose from the appropriation under s. 20.445 (1) (fx).
5 If the amount appropriated under s. 20.445 (1) (fx) is insufficient to make full
6 payment of the amount due for any year, the department shall then apply any
7 unencumbered balance in the unemployment interest payment fund and any
8 amounts paid under s. 108.20 (2m). If those amounts are insufficient to make full
9 payment of the amount due for any year, the department shall require each employer
10 subject to this chapter as of the date a rate is established under this subsection shall
11 to pay an assessment to the unemployment interest payment fund at a rate
12 established by the department sufficient to pay interest due on those advances from
13 the federal unemployment account under title XII of the social security act (42 USC
14 1321 to 1324). The rate established by the department for employers who finance
15 benefits under s. 108.15 (2), 108.151 (2), or 108.152 (1) shall be 75% of the rate
16 established for other employers. The amount of any employer's assessment shall be
17 the product of the rate established for that employer multiplied by the employer's
18 payroll of the previous calendar year as taken from quarterly employment and wage
19 reports filed by the employer under s. 108.205 (1) or, in the absence of the filing of
20 such reports, estimates made by the department. Each assessment made under this
21 subsection is due on the 30th day commencing after the date on which notice of the
22 assessment is mailed by the department. If the amounts collected from employers
23 under this subsection are in excess of the amounts needed to pay interest due, the
24 department shall use any excess to pay interest owed in subsequent years on
25 advances from the federal unemployment account. If the department determines

1 that additional interest obligations are unlikely, the department shall transfer the
2 excess to the balancing account of the fund.

3 SECTION 135. 108.19 (1m) of the statutes, as affected by 2013 Wisconsin Act ...
4 (this act), is amended to read:

5 108.19 (1m) ~~The department shall pay any interest due on advances from the~~
6 ~~federal unemployment account to the unemployment reserve fund under Title XII of~~
7 ~~the federal social security act (42 USC 1321 to 1324) by first applying any amount~~
8 ~~available for that purpose from the appropriation under s. 20.445 (1) (fx). If the~~
9 ~~amount appropriated under s. 20.445 (1) (fx) is insufficient to make full payment of~~
10 ~~the amount due for any year, the department shall then apply any unencumbered~~
11 ~~balance in the unemployment interest payment fund and any amounts paid under~~
12 ~~s. 108.20 (2m). If those amounts are insufficient to make full payment of the amount~~
13 ~~due for any year, the department shall require each~~ Each ~~employer subject to this~~
14 ~~chapter as of the date a rate is established under this subsection to~~ shall ~~pay an~~
15 ~~assessment to the unemployment interest payment fund at a rate established by the~~
16 ~~department sufficient to pay interest due on these advances from the federal~~
17 ~~unemployment account under Title XII of the social security act (42 USC 1321 to~~
18 ~~1324). The rate established by the department for employers who finance benefits~~
19 ~~under s. 108.15 (2), 108.151 (2), or 108.152 (1) shall be 75% of the rate established~~
20 ~~for other employers. The amount of any employer's assessment shall be the product~~
21 ~~of the rate established for that employer multiplied by the employer's payroll of the~~
22 ~~previous calendar year as taken from quarterly employment and wage reports filed~~
23 ~~by the employer under s. 108.205 (1) or, in the absence of the filing of such reports,~~
24 ~~estimates made by the department. Each assessment made under this subsection~~
25 ~~is due on the 30th day commencing after the date on which notice of the assessment~~

1 is mailed by the department. If the amounts collected from employers under this
2 subsection are in excess of the amounts needed to pay interest due, the department
3 shall use any excess to pay interest owed in subsequent years on advances from the
4 federal unemployment account. If the department determines that additional
5 interest obligations are unlikely, the department shall transfer the excess to the
6 balancing account of the fund.

7 **SECTION 136.** 108.205 (1) of the statutes is amended to read:

8 108.205 (1) Each employer shall file with the department, in such form as the
9 department by rule requires, a quarterly report showing the name, social security
10 number and wages paid to each employee who is employed by the employer in
11 employment with the employer during the quarter. ~~The department may also by rule
12 require each employer to include in the report any salary reduction amounts that are
13 not wages and that would have been paid to each such employee by the employer as
14 salary during the quarter but for a salary reduction agreement under a cafeteria
15 plan, within the meaning of 26 USC 125.~~ The employer shall file the report no later
16 than the last day of the month following the completion of each quarter.

17 **SECTION 137.** 108.21 (1) of the statutes is amended to read:

18 108.21 (1) Every employing unit which employs one or more individuals to
19 perform work in this state shall keep an accurate work record for each individual
20 employed by it, including full name, address and social security number, which will
21 permit determination of the weekly wages earned by each such individual, the wages
22 paid within each quarter to that individual ~~and the salary reduction amounts that
23 are not wages and that would have been paid by the employing unit to that individual
24 as salary but for a salary reduction agreement under a cafeteria plan, within the
25 meaning of 26 USC 125.~~ Each such employing unit shall permit any authorized

1 representative of the department to examine, at any reasonable time, the work
2 record and any other records which may show any wages paid by the employing unit,
3 ~~or any salary reduction amounts that are not wages and that would have been paid~~
4 ~~by the employing unit as salary but for a salary reduction agreement under a~~
5 ~~cafeteria plan, within the meaning of 26 USC 125, regardless of the format in which~~
6 such a record is maintained. If such a record is maintained by an employing unit in
7 machine-readable format, the employing unit shall provide the department with
8 information necessary to retrieve the record. If the department determines that the
9 employing unit is unable to provide access to such a record or that the retrieval
10 capability at the site where the record is maintained is not adequate for efficient
11 examination, the employing unit shall provide a copy of the record to the department
12 and shall allow the department to remove the copy from that site for such period as
13 will permit examination at another location. Each such employing unit shall furnish
14 to the department upon demand a sworn statement of the information contained in
15 any such record.

16 **SECTION 138.** 108.22 (1) (a) of the statutes is amended to read:

17 108.22 (1) (a) If Except as provided in par. (cm), if any employer, other than an
18 employer which has ceased business and has not paid or incurred a liability to pay
19 wages in any quarter following the cessation of business, is delinquent in making by
20 the assigned due date any payment to the department required of it under this
21 chapter, the employer shall pay interest on the delinquent payment at that monthly
22 rate that annualized is equal to 9 percent or to 2 percent more than the prime rate
23 as published in the Wall Street Journal as of September 30 of the preceding year,
24 whichever is greater, for each month or fraction thereof that the employer is
25 delinquent from the date such payment became due. If any such employer is

1 delinquent in ~~making~~ filing any quarterly report under s. 108.205 (1) by the assigned
2 due date, the ~~employer shall pay~~ department may assess a tardy filing fee of \$50 to
3 the employer for each delinquent quarterly report in the amount of \$100 or \$20 per
4 employee, as reported on the employer's most recent quarterly report, whichever is
5 greater, or, if the report is filed within 30 days of its due date, in the amount of \$50.
6 If the department cannot determine the number of the employer's employees from
7 the employer's most recent quarterly report, the department may reasonably
8 estimate the number of the employer's employees for purposes of this paragraph.

9 SECTION 139. 108.22 (1) (cm) of the statutes is created to read:

10 108.22 (1) (cm) In limited circumstances as prescribed by rule of the
11 department, the department may waive or decrease the interest charged under par.
12 (a).

13 SECTION 140. 108.22 (8) (c) 1. a. of the statutes is amended to read:

14 108.22 (8) (c) 1. a. The overpayment was the result of a departmental error and
15 ~~was not the fault of any employer under s. 108.04 (13) (f); and~~

16 SECTION 141. 108.22 (8e) of the statutes is created to read:

17 108.22 (8e) If the department determines a payment has been made to an
18 unintended recipient erroneously without fault on the part of the intended payee, the
19 department may issue the correct payment to the intended payee if necessary, and
20 may recover the amount of the erroneous payment from the recipient under this
21 section or s. 108.225 or 108.245.

22 SECTION 142. 108.223 of the statutes is created to read:

23 108.223 **Financial record matching program.** (1) DEFINITIONS. In this
24 section:

1 (a) "Account" means a demand deposit account, checking account, negotiable
2 withdrawal order account, savings account, time deposit account, or money market
3 mutual fund account.

4 (b) "Debtor" has the meaning given in s. 108.225 (1) (c).

5 (c) "Financial institution" has the meaning given in 12 USC 3401 (1).

6 (2) MATCHING PROGRAM AND AGREEMENTS. (a) The department shall operate a
7 financial record matching program under this section for the purpose of identifying
8 the assets of debtors.

9 (b) The department shall enter into agreements with financial institutions
10 doing business in this state to operate the financial record matching program under
11 this section. An agreement shall require the financial institution to participate in
12 the financial record matching program by electing either the financial institution
13 matching option under sub. (3) or the state matching option under sub. (4). The
14 financial institution and the department may by mutual agreement make changes
15 to the agreement. A financial institution that wishes to choose a different matching
16 option shall provide the department with at least 60 days notice. The department
17 shall furnish the financial institution with a signed copy of the agreement.

18 (c) The department may reimburse a financial institution up to \$125 per
19 calendar quarter for participating in the financial record matching program under
20 this section. The department shall make reimbursements under this paragraph
21 from the appropriation under s. 20.445 (1) (n).

22 (d) To the extent feasible, the information to be exchanged under the matching
23 program shall be provided by electronic data exchange as prescribed by the
24 department in the agreement under par. (b).

1 (3) FINANCIAL INSTITUTION MATCHING OPTION. If a financial institution with
2 which the department has an agreement under sub. (2) elects the financial
3 institution matching option under this subsection, all of the following apply:

4 (a) At least once each calendar quarter, the department shall provide to the
5 financial institution, in the manner specified in the agreement under sub. (2) (b),
6 information regarding debtors. The information shall include names and social
7 security or other taxpayer identification numbers.

8 (b) Based on the information received under par. (a), the financial institution
9 shall take actions necessary to determine whether any debtor has an ownership
10 interest in an account maintained at the financial institution. If the financial
11 institution determines that a debtor has an ownership interest in an account at the
12 financial institution, the financial institution shall provide the department with a
13 notice containing the debtor's name, address of record, social security number or
14 other taxpayer identification number, and account information. The account
15 information shall include the account number, the account type, the nature of the
16 ownership interest in the account, and the balance of the account at the time that the
17 record match is made. The notice under this paragraph shall be provided in the
18 manner specified in the agreement under sub. (2) (b) and, to the extent feasible, by
19 an electronic data exchange.

20 (4) STATE MATCHING OPTION. If a financial institution with which the department
21 has an agreement under sub. (2) elects the state matching option under this
22 subsection, all of the following apply:

23 (a) At least once each calendar quarter, the financial institution shall provide
24 the department with information concerning all accounts maintained at the
25 financial institution. For each account maintained at the financial institution, the

1 financial institution shall notify the department of the name and social security
2 number or other tax identification number of each person having an ownership
3 interest in the account, together with a description of each person's interest. The
4 information required under this paragraph shall be provided in the manner specified
5 in the agreement under sub. (2) (b) and, to the extent feasible, by an electronic data
6 exchange.

7 (b) The department shall take actions necessary to determine whether any
8 debtor has an ownership interest in an account maintained at the financial
9 institution providing information under par. (a). Upon the request of the
10 department, the financial institution shall provide to the department, for each
11 debtor who matches information provided by the financial institution under par. (a),
12 the address of record, the account number and account type, and the balance of the
13 account.

14 (5) USE OF INFORMATION BY FINANCIAL INSTITUTION; PENALTY. A financial
15 institution participating in the financial record matching program under this
16 section, and the employees, agents, officers, and directors of the financial institution,
17 may use information received from the department under sub. (3) only for the
18 purpose of matching records and may use information provided by the department
19 in requesting additional information under sub. (4) only for the purpose of providing
20 the additional information. Neither the financial institution nor any employee,
21 agent, officer, or director of the financial institution may disclose or retain
22 information received from the department concerning debtors. Any person who
23 violates this subsection may be fined not less than \$50 nor more than \$1,000 or
24 imprisoned in the county jail for not less than 10 days or more than one year or both.

1 (6) USE OF INFORMATION BY DEPARTMENT. The department may use information
2 provided by a financial institution under this section only for matching records under
3 sub. (4), for administering the financial record matching program under this section,
4 and for pursuing the collection of amounts owed to the department by debtors. The
5 department may not disclose or retain information received from a financial
6 institution under this section concerning account holders who are not debtors.

7 (7) FINANCIAL INSTITUTION LIABILITY. A financial institution is not liable to any
8 person for disclosing information to the department in accordance with an
9 agreement under this section or for any other action that the financial institution
10 takes in good faith to comply with this section.

11 **SECTION 143.** 108.225 (1) (b) of the statutes is amended to read:

12 108.225 (1) (b) “Debt” means a delinquent contribution or repayment of a
13 benefit overpayment, a delinquent assessment under s. 108.04 (11) (cm) or 108.19
14 (1m), a liability incurred under s. 108.04 (11) (bh), an erroneous payment from the
15 fund recovered under s. 108.245, or any liability of a 3rd party for failure to surrender
16 to the department property or rights to property subject to levy after proceedings
17 under sub. (4) (b) and s. 108.10 to determine that liability.

18 **SECTION 144.** 108.227 of the statutes is created to read:

19 **108.227 License denial, nonrenewal, discontinuation, suspension and**
20 **revocation based on delinquent unemployment insurance contributions.**

21 (1) DEFINITIONS. In this section:

22 (a) “Contribution” includes contributions under ss. 108.17 and 108.18, interest
23 for a nontimely payment or a fee assessed on an employer, an assessment under s.
24 108.19, any payment due for a forfeiture imposed upon an employing unit under s.

1 108.04 (11) (c), and any other penalty assessed by the department under this chapter
2 against an employing unit.

3 (b) "Credential" has the meaning given in s. 440.01 (2) (a), but does not include
4 a registration as an inactive licensee under s. 452.12 (6) (b).

5 (c) "Credentialing board" means a board, examining board or affiliated
6 credentialing board in the department of safety and professional services that grants
7 a credential.

8 (d) "Liable for delinquent contributions" means that a person has exhausted
9 all of the person's remedies under s. 108.10 to challenge the assertion that the person
10 owes the department any contributions and the person is delinquent in the payment
11 of those contributions.

12 (e) "License" means any of the following:

13 1. An approval specified in s. 29.024 (2r) or a license specified in s. 169.35.

14 2. A license issued by the department of children and families under s. 48.66
15 (1) (a) to a child welfare agency, group home, shelter care facility, or child care center,
16 as required by s. 48.60, 48.625, 48.65, or 938.22 (7).

17 3. A license, certificate of approval, provisional license, conditional license,
18 certification, certification card, registration, permit, training permit or approval
19 specified in s. 50.35, 50.49 (6) (a) or (10), 51.038, 51.04, 51.42 (7) (b) 11., 51.421 (3)
20 (a), 51.45 (8), 146.40 (3) or (3m), 252.23 (2), 252.24 (2), 254.176, 254.20 (3), 255.08 (2)
21 (a), 256.15 (5) (a) or (b), (6g) (a), (7), or (8) (a) or (f) or 343.305 (6) (a) or a permit for
22 operation of a campground specified in s. 254.47 (1).

23 5. A license, as defined in s. 101.02 (20) (a).

24 6. A license or certificate of registration issued by the department of financial
25 institutions, or a division of it, under ss. 138.09, 138.12, 138.14, 217.06, 218.0101 to

1 218.0163, 218.02, 218.04, 218.05, 224.72, 224.725, 224.93 or under subch. IV of ch.
2 551.

3 7. A license described in s. 218.0114 (14) (a) and (g), a license described in s.
4 218.0114 (14) (b), (c) or (e), a license issued under s. 218.11, 218.12, 218.22, 218.32,
5 218.41, 343.61 or 343.62, a buyer identification card issued under s. 218.51 or a
6 certificate of registration issued under s. 341.51.

7 7m. A license issued under s. 562.05 or 563.24.

8 8. A license, registration or certification specified in s. 299.07 (1) (a).

9 9. A credential.

10 10. A license or permit granted by the department of public instruction.

11 11. A license to practice law.

12 12. A license issued under s. 628.04, 632.69 (2), or 633.14 or a temporary license
13 issued under s. 628.09.

14 13. A license issued by the government accountability board under s. 13.63 (1).

15 14. A permit under s. 170.12.

16 15. A certificate under s. 73.03 (50) or a certification under s. 73.09.

17 (f) "Licensing department" means the department of administration; the board
18 of commissioners of public lands; the department of children and families; the
19 government accountability board; the department of financial institutions; the
20 department of health services; the department of natural resources; the department
21 of public instruction; the department of revenue; the department of safety and
22 professional services; the office of the commissioner of insurance; or the department
23 of transportation.