

ASSEMBLY BILL 68***Waiting period***

Currently, a claimant must wait one week after becoming eligible to receive UI benefits before the claimant may receive benefits for a week of unemployment, except for periods during which the waiting period is suspended. The waiting period does not affect the maximum number of weeks of a claimant's benefit eligibility. The bill deletes the one-week waiting period, thus permitting a claimant to receive UI benefits beginning with his or her first week of eligibility.

Social security disability insurance payments

Under current law, in any week in any month that a claimant is issued a benefit under the federal social security disability insurance program (SSDI benefits), that claimant is ineligible for UI benefits. The bill repeals that prohibition and instead requires DWD to reduce a claimant's UI benefit payments by the amount of SSDI payments. The bill requires DWD to allocate a monthly SSDI payment by allocating to each week the fraction of the payment attributable to that week.

Work search and registration

Under current law, a claimant for UI benefits is generally required to register for work and to conduct a work search for each week in order to remain eligible. Current law requires DWD to waive these requirements under certain circumstances, for example, if a claimant who is laid off from work reasonably expects to be recalled to work within 12 weeks, will start a new job within four weeks, routinely obtains work through a labor union referral, or is participating in a training or work-share program. Under current law, DWD may modify the statutory waivers or establish additional waivers by rule only if doing so is required or specifically allowed by federal law.

The bill removes the waiver requirements from statute and instead allows DWD to establish waivers for the registration for work and work search requirements by rule. The bill also specifies that the work search requirement does not apply to a claimant who has been laid off but DWD determines that the claimant has a reasonable expectation to be recalled to work.

Acceptance of suitable work

Under current law, if a claimant for UI benefits fails, without good cause, to accept suitable work when offered, the claimant is ineligible to receive benefits until he or she earns wages after the week in which the failure occurs equal to at least six times the claimant's weekly UI benefit rate in covered employment. Current law specifies what is considered "suitable work" for purposes of these provisions, with different standards applying depending on whether six weeks have elapsed since the claimant became unemployed. Once six weeks have elapsed since the claimant became unemployed, the claimant is required to accept work that pays lower and involves a lower grade of skill.

The bill modifies these provisions described above so that the claimant is not required to accept less favorable work until *10 weeks* have elapsed since the claimant became unemployed.

ASSEMBLY BILL 68**SECTION 1739**

1 ~~(bb), or (bd)~~ or s. 108.062 (10m). If the department has paid benefits to a claimant
2 for any such week, the department may recover the overpayment under s. 108.22.

3 **SECTION 1740.** 108.04 (2) (h) of the statutes is amended to read:

4 108.04 (2) (h) A claimant shall, when the claimant first files a claim for benefits
5 under this chapter and during each subsequent week the claimant files for benefits
6 under this chapter, inform the department whether he or she is receiving social
7 security disability insurance payments, as defined in ~~sub. (12) (f) 2m~~ s. 108.05 (7m)
8 (b). If the claimant is receiving social security disability insurance payments, the
9 claimant shall, in the manner prescribed by the department, report to the
10 department the amount of the social security disability insurance payments.

11 **SECTION 1741.** 108.04 (3) of the statutes is repealed.

12 **SECTION 1742.** 108.04 (5g) of the statutes is repealed.

13 **SECTION 1743.** 108.04 (5m) of the statutes is created to read:

14 108.04 (5m) DISCHARGE FOR USE OF MARIJUANA. (a) Notwithstanding sub. (5),
15 “misconduct,” for purposes of sub. (5), does not include the employee’s use of
16 marijuana off the employer’s premises during nonworking hours or a violation of the
17 employer’s policy concerning such use, unless termination of the employee because
18 of that use is permitted under s. 111.35.

19 (b) Notwithstanding sub. (5g), “substantial fault,” for purposes of sub. (5g), does
20 not include the employee’s use of marijuana off the employer’s premises during
21 nonworking hours or a violation of the employer’s policy concerning such use, unless
22 termination of the employee because of that use is permitted under s. 111.35.

23 **SECTION 1744.** 108.04 (7) (e) of the statutes is amended to read:

24 108.04 (7) (e) Paragraph (a) does not apply if the department determines that
25 the employee accepted work that the employee could have failed to accept under sub.

ASSEMBLY BILL 68**SECTION 1752**

1 **SECTION 1752.** 108.04 (12) (f) 1m. and 2m. of the statutes are renumbered
2 108.05 (7m) (a) and (b) and amended to read:

3 108.05 **(7m)** (a) The intent of the legislature in enacting this ~~paragraph~~
4 subsection is to prevent the payment of duplicative government benefits for the
5 replacement of lost earnings or income, regardless of an individual's ability to work.

6 (b) In this ~~paragraph~~ subsection, "social security disability insurance payment"
7 means a payment of social security disability insurance benefits under 42 USC ch.
8 7 subch. II.

9 **SECTION 1753.** 108.04 (12) (f) 3. of the statutes is repealed.

10 **SECTION 1754.** 108.04 (12) (f) 4. of the statutes is renumbered 108.05 (7m) (e).

11 **SECTION 1755.** 108.05 (1) (am) of the statutes is created to read:

12 108.05 **(1)** (am) On or before June 30 of each year, the department shall
13 calculate, from quarterly wage reports under s. 108.205 for the prior calendar year,
14 the state's annual average weekly wage in employment covered under this chapter.

15 **SECTION 1756.** 108.05 (1) (cm) of the statutes is created to read:

16 108.05 **(1)** (cm) The department shall set the maximum weekly benefit amount
17 as follows:

18 1. For benefits paid for a week of total unemployment that commences on or
19 after January 5, 2014, but before January 2, 2022, \$370.

20 2. For benefits paid for a week of total unemployment that commences on or
21 after January 2, 2022, but before January 1, 2023, \$409.

22 3. For benefits paid for a week of total unemployment that commences on or
23 after January 1, 2023, but before January 7, 2024, \$409 or 50 percent of the state's
24 annual average weekly wage, rounded up to the nearest dollar, whichever is greater.

ASSEMBLY BILL 68**SECTION 1757**

1 (s) The department shall publish on its Internet site a weekly benefit rate
2 schedule of quarterly wages and the corresponding weekly benefit rates as
3 calculated in accordance with this ~~paragraph~~ subsection.

4 **SECTION 1758.** 108.05 (3) (a) of the statutes is amended to read:

5 108.05 (3) (a) Except as provided in pars. (c); and (d) ~~and (dm)~~ and s. 108.062,
6 if an eligible employee earns wages in a given week, the first \$30 of the wages shall
7 be disregarded and the employee's applicable weekly benefit payment shall be
8 reduced by 67 percent of the remaining amount, except that no such employee is
9 eligible for benefits if the employee's benefit payment would be less than \$5 for any
10 week. For purposes of this paragraph, "wages" includes any salary reduction
11 amounts earned that are not wages and that are deducted from the salary of a
12 claimant by an employer pursuant to a salary reduction agreement under a cafeteria
13 plan, within the meaning of 26 USC 125, and any amount that a claimant would have
14 earned in available work under s. 108.04 (1) (a) which is treated as wages under s.
15 108.04 (1) (bm), but excludes any amount that a claimant earns for services
16 performed as a volunteer fire fighter, volunteer emergency medical services
17 practitioner, or volunteer emergency medical responder. In applying this paragraph,
18 the department shall disregard discrepancies of less than \$2 between wages reported
19 by employees and employers.

20 **SECTION 1759.** 108.05 (3) (dm) of the statutes is repealed.

21 **SECTION 1760.** 108.05 (7m) (title), (c) and (d) of the statutes are created to read:

22 108.05 (7m) (title) SOCIAL SECURITY DISABILITY INSURANCE PAYMENTS.

23 (c) If a monthly social security disability insurance payment is issued to a
24 claimant, the department shall reduce benefits otherwise payable to the claimant for
25 a given week in accordance with par. (d). This subsection does not apply to a lump

ASSEMBLY BILL 68**SECTION 1760**

1 sum social security disability insurance payment in the nature of a retroactive
2 payment or back pay.

3 (d) The department shall allocate a monthly social security disability insurance
4 payment by allocating to each week the fraction of the payment attributable to that
5 week.

6 **SECTION 1761.** 108.05 (9) of the statutes is amended to read:

7 108.05 (9) ROUNDING OF BENEFIT AMOUNTS. Notwithstanding sub. (1), benefits
8 payable for a week of unemployment as a result of applying sub. (1m), (3) ~~or~~, (7), or
9 (7m) or s. 108.04 (11) or (12), 108.06 (1), 108.13 (4) or (5) or 108.135 shall be rounded
10 down to the next lowest dollar.

11 **SECTION 1762.** 108.05 (10) (intro.) of the statutes is amended to read:

12 108.05 (10) DEDUCTIONS FROM BENEFIT PAYMENTS. (intro.) After calculating the
13 benefit payment due to be paid for a week under subs. (1) to ~~(7)~~ (7m), the department
14 shall make deductions from that payment to the extent that the payment is sufficient
15 to make the following payments in the following order:

16 **SECTION 1763.** 108.133 of the statutes is repealed.

17 **SECTION 1764.** 108.14 (2e) of the statutes is amended to read:

18 108.14 (2e) The department ~~may~~ shall provide a secure means of electronic
19 interchange between itself and employing units, claimants, and other persons that,
20 ~~upon request to and with prior approval by the department, may~~ shall be used for
21 departmental transmission or receipt of any document specified by the department
22 that is related to the administration of this chapter in lieu of any other means of
23 submission or receipt specified in this chapter. The secure means of electronic
24 interchange shall be used by employing units, claimants, and other persons unless
25 a person demonstrates good cause for not being able to use the secure means of