



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-6254/1
EAW:kjf

2019 BILL

1 **AN ACT** *to repeal* 108.04 (8) (dm) and 108.04 (8) (em); *to amend* 108.04 (7) (e),
2 108.04 (8) (c) and 108.141 (3g) (a) 3. (intro.); *to repeal and recreate* 108.04 (8)
3 (d); and *to create* 108.02 (24g) and 108.14 (27) of the statutes; **relating to:**
4 suitable work requirements for the purposes of unemployment insurance and
5 granting rule-making authority.

Analysis by the Legislative Reference Bureau

Under current law, if a claimant for unemployment insurance 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 how many weeks have elapsed since the claimant became unemployed. Current law also specifies circumstances in which a claimant has good cause for failing to accept what would otherwise be considered suitable work.

This bill repeals the provisions described above regarding what is considered suitable work and what is considered good cause for failing to accept suitable work and replaces them with 1) a different provision regarding what constitutes good cause for a failure to accept suitable work; and 2) a requirement for the Department of Workforce Development to define what constitutes suitable work for claimants by rule, with the rule specifying different levels of suitable work based upon the number of weeks that a claimant has received benefits in a given benefit year.

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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.** 108.02 (24g) of the statutes is created to read:

2 108.02 (**24g**) SUITABLE WORK. “Suitable work” has the meaning specified by the
3 department by rule under s. 108.14 (27).

4 **SECTION 2.** 108.04 (7) (e) of the statutes is amended to read:

5 108.04 (**7**) (e) Paragraph (a) does not apply if the department determines that
6 the employee accepted work that the employee could have failed to accept under sub.
7 (8) and terminated the work on the same grounds and within the first 30 calendar
8 days after starting the work, or that the employee accepted work that the employee
9 could have refused under sub. (9) and terminated the work within the first 30
10 calendar days after starting the work. For purposes of this paragraph, an employee
11 has the same grounds for voluntarily terminating work if the employee could have
12 failed to accept the work under sub. (8) ~~(d) to (em)~~ when it was offered, regardless of
13 the reason articulated by the employee for the termination.

14 **SECTION 3.** 108.04 (8) (c) of the statutes is amended to read:

15 108.04 (**8**) (c) If an employee fails, without good cause, to return to work with
16 a former employer that recalls the employee within 52 weeks after the employee last
17 worked for that employer, the employee is ineligible to receive benefits until the
18 employee earns wages after the week in which the failure occurs equal to at least 6
19 times the employee’s weekly benefit rate under s. 108.05 (1) in employment or other
20 work covered by the unemployment insurance law of any state or the federal
21 government. For purposes of requalification, the employee’s weekly benefit rate

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1 shall be that rate which would have been paid had the failure not occurred. This
2 paragraph does not preclude an employee from establishing a benefit year during a
3 period in which the employee is ineligible to receive benefits under this paragraph
4 if the employee qualifies to establish a benefit year under s. 108.06 (2) (a). The
5 department shall charge to the fund's balancing account any benefits otherwise
6 chargeable to the account of any employer that is subject to the contribution
7 requirements under ss. 108.17 and 108.18 whenever an employee of that employer
8 fails, without good cause, to return to work with that employer. This paragraph does
9 not apply to an employee who fails to return to work with a former employer if the
10 work offered would not be considered suitable work under par. (d) or (dm), whichever
11 is applicable. If an employee receives actual notice of a recall to work, par. (a) applies
12 in lieu of this paragraph.

13 **SECTION 4.** 108.04 (8) (d) of the statutes is repealed and recreated to read:

14 108.04 (8) (d) An employee shall have good cause under par. (a) or (c),
15 regardless of the reason articulated by the employee for the failure, if the department
16 determines that the failure involved work at a lower grade of skill or significantly
17 lower rate of pay than applied to the employee on one or more recent jobs, and that
18 the employee had not yet had a reasonable opportunity, in view of labor market
19 conditions and the employee's degree of skill, but not to exceed 6 weeks after the
20 employee became unemployed, to seek a new job substantially in line with the
21 employee's prior job skill and rate of pay.

22 **SECTION 5.** 108.04 (8) (dm) of the statutes is repealed.

23 **SECTION 6.** 108.04 (8) (em) of the statutes is repealed.

24 **SECTION 7.** 108.14 (27) of the statutes is created to read:

