


Department of Workforce Development
Secretary's Office
201 East Washington Avenue
P.O. Box 7946
Madison, WI 53707-7946
Telephone: (608) 266-3131
Fax: (608) 266-1784
Email: dwdsec@dwd.wisconsin.gov

Received 1/28/09

State of Wisconsin
Department of Workforce Development
Jim Doyle, Governor
Roberta Gassman, Secretary

July 27, 2009

By FAX: 202-693-2874 and First-Class Mail

Cheryl Atkinson
Administrator
Office of Workforce Security
Employment and Training Administration
200 Constitutional Avenue NW, Room S-4231
Washington DC 20210

Re: *Application for Unemployment Insurance Modernization Incentive Payments*

Dear Ms. Atkinson:

Pursuant to Section 2003 of the Assistance for Unemployed Workers and Struggling Families Act, enacted February 17, 2009 (American Recovery and Reinvestment Act), specifically Section 903(f)(4) of the Social Security Act, Wisconsin requests that the Secretary of the Department of Labor certify to the Secretary of the Treasury that Wisconsin has met the requirements of Section 903(f)(3) of the Act.

Wisconsin's application for its first UI modernization incentive payment of \$44,644,693, based on Wisconsin's use of an "alternate base period", was certified by the Secretary and Wisconsin received that payment on June 18, 2009. This application seeks certification for the payment of \$89,289,386 and is based on Wisconsin's legislative adoption of two of the four provisions enumerated in Section 903(f)(3).

On May 15, 2009, Wisconsin Governor Jim Doyle signed into law 2009 Wisconsin Act 11, a copy of which is enclosed as Exhibit A. Act 11 amended Wisconsin's unemployment law, Wis. Stat. Ch. 108, among other provisions. As a result of the amendments, Wisconsin's unemployment law meets the requirement of Section 903(f)(3)(B) that an individual not be disqualified for separating from employment for "compelling family reasons"; and satisfies Section 903(f)(3)(C) by providing unemployment compensation for individuals who have exhausted other unemployment benefits and are enrolled in approved training ("Extended Training" or "ET" benefits). See the statutory code provisions relevant to this application (Exhibit B).

The enclosed Unemployment Insurance Directive ("UID"), revised July 24, 2009, displays how Wisconsin intends to interpret and apply provisions of Act 11 to determine unemployment benefit eligibility (Exhibit C). The UID is a formal directive to Wisconsin's unemployment insurance staff, of the type that is prepared in the regular course of the business of the Wisconsin Department of Workforce Development (the "department"). The UID directs department staff in the investigation, adjudication, and decision making regarding all unemployment benefit claims within its scope of application. Separations from employment due to compelling family reasons and eligibility for extended training benefits provided by Act 11 will be investigated, and benefit eligibility will be determined, in accordance with Sections 903(f)(3)(B) and (C) and UIPL 14-09. See Exhibits B and C.

I. Separation from Employment Due to “Compelling Family Reasons”

A. Voluntary Termination of Employment

In Wisconsin, with certain exceptions, an individual who voluntarily terminates employment is disqualified for unemployment benefits. Wis. Stat. §108.04(7). With the adoption of Act 11, the exceptions extend to the “compelling family reasons” required to satisfy Section 903(f)(3)(B). These provisions became effective with respect to separations from employment occurring on or after May 24, 2009 (week 22/2009).

1. Illness or Disability of an Immediate Family Member

For many years Wisconsin has had an exception to disqualification for voluntarily terminating employment due to the health of an immediate family member. That provision also has contained an exception for quitting due to the employee’s inability to work. Until Act 11, Wisconsin’s provision required that in either case the individual had to demonstrate that there was “no reasonable alternative” to separating from employment.

As amended by Act 11, the health-related quit exception now extends to “illness or disability” and no longer requires that the individual show “no reasonable alternative” when voluntarily leaving employment due to the illness or disability of an immediate family member. The requirement that the claimant must have no reasonable alternative prior to voluntarily separating is limited by the language of the statute to separations due to the *employee’s own illness or disability*. See Wis. Stat. §108.04(7)(c) (Exhibit B) and the UID (Exhibit C).

Section 108.04(7)(c) provides that the illness or disability must be “verified” (as permitted by UIPL 14-09, Q&A III-13) and “reasonably necessitates the care of the family member for a period of time that is longer than the employer is willing to grant leave.” This is *not* a provision that requires the claimant to show there is no reasonable alternative to providing the care. Wisconsin is concerned only that the care is needed for the illness or disability for such a “period of time.” Wisconsin will *not* require that the employee have no reasonable alternative to separation from employment as a condition of eligibility.

The UIPL 14-09, Q&A III-12, indicates that “immediate family member” at a minimum must include spouses, parents and minor children under the age of 18. Wisconsin’s definition of “immediate family” for purposes of this provision is broader than the definition required and includes parents, spouses, children, and other persons for whom the employee is and has been the source of care. See UID. The term “disability” includes mental and physical, permanent and temporary, and partial and total disabilities. See UID.

2. Domestic Abuse and Concerns about Safety

Wisconsin’s exception for voluntarily terminating employment due to domestic abuse was amended by Act 11. Until Act 11, the quit exception required that the individual obtain a temporary restraining order prior to terminating employment and that the individual demonstrate that the restraining order had been or was reasonably likely to be violated. As amended, the domestic abuse provision requires that the employee provide to the department a court order, a report of a law enforcement agency or evidence of domestic abuse or concerns about safety provided by a health care professional or employee of a domestic violence shelter. As required by UIPL 14-09, Q&A III-11, Wisconsin’s records made or maintained in connection with its unemployment program, including such records relating to domestic abuse, are confidential. Wis. Stat. §108.14(7) and Wis. Admin. Code Ch. DWD 149. See Exhibit B.

3. Accompany a Spouse Relocating for Employment

Act 11 created an exception to the disqualification for voluntarily terminating employment due to the need to accompany a spouse relocating for employment. See Wis. Stat. §108.04(7)(t) (Exhibit B). For purposes of this provision, the term “impractical” means the travel distance is beyond the reasonable commuting travel distance. Wisconsin staff have been provided and directed to utilize labor market data for commuting distances in its “Conditions of Employment Database (COED)” program.

B. Other Separations from Employment

Wisconsin acknowledges that Section 903(f)(3) requires “that an individual shall not be disqualified for separating from employment if that separation is for any compelling family reason.” Disqualification for misconduct is provided by Wis. Stat. §108.04(5). See Exhibit B. The definition of “misconduct” in Wisconsin is set out in *Boynton Cab v. Neubeck & Ind. Comm.*, 237 Wis. 249, 296 N.W. 636 (1941):

“ . . . the intended meaning of the term 'misconduct' . . . is limited to conduct evincing such wilful or wanton disregard of an employer's interests as is found in deliberate violations or disregard of standards of behavior which the employer has the right to expect of his employee, or in carelessness or negligence of such degree or recurrence as to manifest equal culpability, wrongful intent or evil design, or to show an intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to his employer. On the other hand mere inefficiency, unsatisfactory conduct, failure in good performance as the result of inability or incapacity, inadvertencies or ordinary negligence in isolated instances, or good-faith errors in judgment or discretion are not to be deemed 'misconduct' within the meaning of the statute.”

Of course, Wisconsin intends to apply the *Boynton Cab* standard, as it has consistently for decades.

Wisconsin law requires that the individual not be disqualified for an involuntary separation where the separation is due to “compelling family reasons.” The *Boynton Cab* standard demonstrates that in Wisconsin, as stated in UIPL 14-09, Q&A III -10, separations for compelling family reasons do not in themselves constitute a willful and wanton disregard of the employer’s interests. Where for example, an employee is hospitalized as a result of domestic violence and unable to contact the employer to advise of his or her absence from work, the individual’s absence from work and failure to call the employer are due to “compelling family reasons.” The individual’s conduct in this example is not “intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to his employer” and can not be considered misconduct in Wisconsin.

In Wisconsin, a separation due to “compelling family reasons” may involve an analysis of whether Wis. Stat. §§108.04(5g) or (6) result in disqualification. See statutory provisions in Exhibit B. Under Wis. Stat. §108.04(5g), disqualification is not based on the *cause* of the employee’s absences or tardiness, but rather on the *excessive failure to notify* the employer of the absences or tardiness (5 absences *without notice* in a year; or 6 tardies *without notice* in a year) in addition to other conditions of applicability of §108.04(5g). In any case, however, where the cause of the employee’s failure and discharge from employment is one of the compelling family reasons, as in the example above involving the hospitalization of the employee, the individual will not be disqualified under §108.04(5g). Similarly, for disqualification for disciplinary suspension under §108.04(6), the employee’s absence from work due to compelling family reasons can not be considered “good cause” in support of a disciplinary suspension. See UID, explaining how Wisconsin intends to apply the law in separations and suspensions generally (Exhibit C).

The provisions relating to “compelling family reasons” first applied with respect to terminations of employment occurring on May 24, 2009.

II. Extended Training Benefits for Claimants in Approved Training

Wisconsin legislatively adopted Wis. Stat. §108.06(7), which affords a benefit entitlement for the Extended Training (ET) benefits. See Exhibit B. The ET benefit program will provide up to 26 weeks of benefits to a claimant who has exhausted all rights to regular unemployment benefits and the various programs of extended or additional benefits, and who is enrolled and making satisfactory progress in approved training. The conditions for eligibility are set out in the statute and the direction to staff in the enclosed UID (Exhibit C).

While extended benefit programs are in effect, if a claimant's benefit year ends in a week when such a benefit program is in effect, a claimant also is eligible for the ET benefits if the claimant first enrolls in the training within 52 weeks after the end of the claimant's current or most recent benefit year. However, the claimant must have a benefit year that ended no earlier than 52 weeks prior to the week the claimant first claimed ET benefits. We believe these provisions are consistent with UIPL 14-09, Change 1, Q&A CH 1-3 and 1-4.

Wisconsin will apply definitions of "declining occupation" and "high demand occupation" that conform to the requirements of UIPL 14-09, which includes the admonition that "high demand occupation" not be limited to high-wage jobs. Rather, Wisconsin plans define "high demand" to include those occupations that it projects will experience a greater than average change in new or replacement jobs over a 10-year period (most recently projected from 2006 to 2016), although that definition is subject to modification in accordance with §108.06(7).

The provisions establishing ET benefits will first apply with respect to weeks of unemployment beginning on August 23, 2009.

III. Certification

I hereby certify that the statutory provisions described above are permanent, not temporary, and are not subject to discontinuation under any circumstances other than repeal by the Wisconsin Legislature.


I further certify that the application is submitted in good faith with the intention of providing benefits to unemployed workers who meet the eligibility provisions on which this application is based. Wisconsin intends to use the incentive payments to fund unemployment benefits, as provided in Section 903(f)(5).

Thank you for your attention to this application. Please contact me if you would like any further information concerning this application.

Sincerely,


Roberta Gassman
Secretary

cc: Gerard Hildebrand
Fred Homan



Enclosures: Exhibit A (2009 Wisconsin Act 11)
Exhibit B (Wisconsin Statutory Provisions Relevant to UI Modernization)
Exhibit C (Unemployment Insurance Directive, revised July 24, 2009)

State of Wisconsin



2009 Assembly Bill 255

Date of enactment: May 15, 2009
Date of publication*: May 18, 2009

2009 WISCONSIN ACT 11

AN ACT to repeal 108.04 (7) (s) 2. c.; to renumber and amend 66.0627 (1), 71.07 (3w) (bm), 71.28 (3w) (bm), 71.47 (3w) (bm) and 560.799 (3) (b); to amend 16.27 (5) (b), 16.957 (1) (m), 20.002 (11) (b) 2., 49.265 (1) (b), 66.0627 (title), 66.0627 (7) (intro.), 70.57 (4) (b) (intro.), 71.07 (3w) (a) 3., 71.07 (3w) (b) 1. a., 71.07 (3w) (b) 1. b., 71.07 (3w) (b) 2., 71.07 (3w) (b) 3., 71.07 (3w) (b) 5., 71.28 (3w) (a) 3., 71.28 (3w) (b) 1. a., 71.28 (3w) (b) 1. b., 71.28 (3w) (b) 2., 71.28 (3w) (b) 3., 71.28 (3w) (b) 5., 71.47 (3w) (a) 3., 71.47 (3w) (b) 1. a., 71.47 (3w) (b) 1. b., 71.47 (3w) (b) 2., 71.47 (3w) (b) 3., 71.47 (3w) (b) 5., 79.05 (2) (c), 108.04 (7) (c), 108.04 (7) (h), 108.04 (7) (s) 1. a. and b., 108.04 (7) (s) 2. a., 108.06 (1), 108.06 (2) (c) and (cm), (3) and (6) (intro.), 108.14 (8n) (e), 108.141 (1) (a) and (b) 2., 108.141 (7) (a), 118.125 (2) (g) 2., 149.10 (2f) (e), 560.799 (3) (a) and 632.746 (3) (b); to repeal and recreate 49.265 (1) (b), 108.04 (7) (s) 2. b., 108.141 (1) (e), 108.141 (1) (f) and 108.141 (5); and to create 20.255 (2) (p), 20.505 (6) (n), 66.0627 (1) (a), 66.0627 (1) (b), 66.0627 (8), 71.07 (3w) (a) 5d., 71.07 (3w) (a) 5e., 71.07 (3w) (bm) 2., 71.28 (3w) (a) 5d., 71.28 (3w) (a) 5e., 71.28 (3w) (bm) 2., 71.47 (3w) (a) 5d., 71.47 (3w) (a) 5e., 71.47 (3w) (bm) 2., 108.04 (7) (s) 1. bn., d. and e., 108.04 (7) (t), 108.06 (7), 108.141 (1) (b) 2m., 108.141 (1) (dm), 560.799 (1) (am), 560.799 (3) (bm), 560.799 (5) (d) and 560.799 (6) (g) of the statutes; relating to: eligibility for unemployment insurance benefits and payment of extended benefits; excluding recovery and reinvestment act moneys from the calculation of expenditure restraint payments; eligibility for participation in the programs of a community action agency; financial assistance under the Clean Water Fund Program and the Safe Drinking Water Loan Program; the confidentiality of pupil records provided to the Department of Public Instruction; financial assistance for criminal justice programs; authorizing political subdivisions to make residential energy efficiency improvement loans and impose special charges for the loans; definition of low-income household under energy and weatherization assistance programs; eligibility and notice changes for state continuation of coverage for health insurance; changes to enterprise zone jobs credits; state aid to school districts; providing an exemption from emergency rule procedures; granting rule-making authority; and making an appropriation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 16.27 (5) (b) of the statutes is amended to read:

16.27 (5) (b) A household with income which is not more than 150% of the income poverty guidelines for the nonfarm population of the United States as prescribed by

~~the federal office of management and budget under 42 USC 9902 (2) 60 percent of the statewide median household income.~~

SECTION 2. 16.957 (1) (m) of the statutes is amended to read:

16.957 (1) (m) "Low-income household" means any individual or group of individuals in this state who are living together as one economic unit and for whom resi-

* Section 991.11, WISCONSIN STATUTES 2007-08: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

dential electricity is customarily purchased in common or who make undesignated payments for electricity in the form of rent, and whose household income is not more than ~~150% of the poverty line as determined under 42 USC 9902 (2)~~ 60 percent of the statewide median household income.

SECTION 2p. 20.002 (11) (b) 2. of the statutes is amended to read:

20.002 (11) (b) 2. Except as provided in subd. 3, the secretary of administration shall limit the total amount of any temporary reallocations to the general fund at any one time during a fiscal year to an amount equal to 5% of the total amounts shown in the schedule under s. 20.005 (3) of appropriations of general purpose revenues, calculated by the secretary as of that time and for that fiscal year. During the 2008-09 fiscal year, the amount that may be reallocated under this subdivision may not exceed 7 percent of such revenues.

SECTION 2r. 20.255 (2) (p) of the statutes is created to read:

20.255 (2) (p) *Federal aids; state allocations.* All federal moneys received, as authorized by the governor, from allocations from the state fiscal stabilization fund that are distributed to school districts as general equalization aid.

SECTION 3. 20.505 (6) (n) of the statutes is created to read:

20.505 (6) (n) *Federal aid; criminal justice.* All moneys received from the federal government pursuant to P.L. 111-5 for criminal justice programs to carry out the purpose for which received.

SECTION 4. 49.265 (1) (b) of the statutes is amended to read:

49.265 (1) (b) "Poor person" means a resident of a community served by a community action agency, whose income is at or below ~~125%~~ 200 percent of the poverty line.

SECTION 5. 49.265 (1) (b) of the statutes, as affected by 2009 Wisconsin Act (this act), is repealed and recreated to read:

49.265 (1) (b) "Poor person" means a resident of a community served by a community action agency whose income is at or below 125 percent of the poverty line.

SECTION 6. 66.0627 (title) of the statutes is amended to read:

66.0627 (title) Special charges for current services and energy efficiency improvement loans.

SECTION 7. 66.0627 (1) of the statutes is renumbered 66.0627 (1) (intro.) and amended to read:

66.0627 (1) (intro.) In this section, "~~service~~":

(c) "Service" includes snow and ice removal, weed elimination, street sprinkling, oiling and tarring, repair of sidewalks or curb and gutter, garbage and refuse disposal, recycling, storm water management, including construction of storm water management facilities, tree care, removal and disposition of dead animals under s. 60.23

(20), loan repayment under s. 70.57 (4) (b), soil conservation work under s. 92.115, and snow removal under s. 86.105.

SECTION 8. 66.0627 (1) (a) of the statutes is created to read:

66.0627 (1) (a) "Energy efficiency improvement" means an improvement to a residential premises that reduces the usage of energy, or increases the efficiency of energy usage, at the premises.

SECTION 9. 66.0627 (1) (b) of the statutes is created to read:

66.0627 (1) (b) "Political subdivision" means a city, village, town, or county.

SECTION 10. 66.0627 (7) (intro.) of the statutes is amended to read:

66.0627 (7) (intro.) Notwithstanding sub. (2), no ~~city, village, town, or county~~ political subdivision may enact an ordinance, or enforce an existing ordinance, that imposes a fee on the owner or occupant of property for a call for assistance that is made by the owner or occupant requesting law enforcement services that relate to any of the following:

SECTION 11. 66.0627 (8) of the statutes is created to read:

66.0627 (8) A political subdivision may make a loan to a resident of the political subdivision for making or installing an energy efficiency improvement or a renewable resource application to the resident's residential property. If a political subdivision makes such a loan, the political subdivision may collect the loan repayment as a special charge under this section. Notwithstanding the provisions of sub. (4), a special charge imposed under this subsection may be collected in installments and may be included in the current or next tax roll for collection and settlement under ch. 74 even if the special charge is not delinquent.

SECTION 12. 70.57 (4) (b) (intro.) of the statutes is amended to read:

70.57 (4) (b) (intro.) A taxation district receiving payments under par. (a) shall use the payments to make loans to persons who own property located in the taxation district and who are paying more property taxes than they should be as a result of the error. A person may receive a loan by applying, in the manner prescribed by the department, to the taxation district in which the person's property is located no later than June 15 of the year following the error. The state shall collect the amount of any loan issued under this paragraph as a state special charge against the taxation district for the year after the year in which the error occurred and the special charge shall not be included in the taxation district's levy. The taxation district shall assess the loan amount as a special charge against the property for which the loan was made on the property tax bill succeeding the loan, as provided under ch. 74 and s. 66.0627 (1) (c). Except for interest and penalties, as provided under s. 74.47, that apply to any delin-

quent special charge based on the loan amount, neither the department nor the taxation district may charge interest on any loan issued under this paragraph. The maximum loan amount that a person may receive under this paragraph shall be calculated by multiplying the assessed value of the person's property by a decimal determined by the department as follows:

SECTION 13. 71.07 (3w) (a) 3. of the statutes is amended to read:

71.07 (3w) (a) 3. "Full-time employee" means an individual who is employed in a regular, nonseasonal job and who, as a condition of employment, is required to work at least 2,080 hours per year, including paid leave and holidays a full-time employee, as defined in s. 560.799 (1) (am).

SECTION 14. 71.07 (3w) (a) 5d. of the statutes is created to read:

71.07 (3w) (a) 5d. "Tier I county or municipality" means a tier I county or municipality, as determined by the department of commerce under s. 560.799.

SECTION 15. 71.07 (3w) (a) 5e. of the statutes is created to read:

71.07 (3w) (a) 5e. "Tier II county or municipality" means a tier II county or municipality, as determined by the department of commerce under s. 560.799.

SECTION 16. 71.07 (3w) (b) 1. a. of the statutes is amended to read:

71.07 (3w) (b) 1. a. The number of full-time employees whose annual wages are greater than \$20,000 in a tier I county or municipality or greater than \$30,000 in a tier II county or municipality and who the claimant employed in the enterprise zone in the taxable year, minus the number of full-time employees whose annual wages were greater than \$20,000 in a tier I county or municipality or greater than \$30,000 in a tier II county or municipality and who the claimant employed in the area that comprises the enterprise zone in the base year.

SECTION 17. 71.07 (3w) (b) 1. b. of the statutes is amended to read:

71.07 (3w) (b) 1. b. The number of full-time employees whose annual wages are greater than \$20,000 in a tier I county or municipality or greater than \$30,000 in a tier II county or municipality and who the claimant employed in the state in the taxable year, minus the number of full-time employees whose annual wages were greater than \$20,000 in a tier I county or municipality or greater than \$30,000 in a tier II county or municipality and who the claimant employed in the state in the base year.

SECTION 18. 71.07 (3w) (b) 2. of the statutes is amended to read:

71.07 (3w) (b) 2. Determine the claimant's average zone payroll by dividing total wages for full-time employees whose annual wages are greater than \$20,000 in a tier I county or municipality or greater than \$30,000 in a tier II county or municipality and who the claimant

employed in the enterprise zone in the taxable year by the number of full-time employees whose annual wages are greater than \$20,000 in a tier I county or municipality or greater than \$30,000 in a tier II county or municipality and who the claimant employed in the enterprise zone in the taxable year.

SECTION 19. 71.07 (3w) (b) 3. of the statutes is amended to read:

71.07 (3w) (b) 3. Subtract For employees in a tier I county or municipality, subtract \$20,000 from the amount determined under subd. 2. and for employees in a tier II county or municipality, subtract \$30,000 from the amount determined under subd. 2.

SECTION 20. 71.07 (3w) (b) 5. of the statutes is amended to read:

71.07 (3w) (b) 5. Multiply the amount determined under subd. 4. by the percentage determined by the department of commerce under s. 560.799, not to exceed 7 percent.

SECTION 21. 71.07 (3w) (bm) of the statutes is renumbered 71.07 (3w) (bm) 1. and amended to read:

71.07 (3w) (bm) 1. In addition to the credit credits under par. (b) and subd. 2., and subject to the limitations provided in this subsection and s. 560.799, a claimant may claim as a credit against the tax imposed under s. 71.02 or 71.08 an amount equal to a percentage, as determined by the department of commerce, not to exceed 100 percent, of the amount the claimant paid in the taxable year to upgrade or improve the job-related skills of any of the claimant's full-time employees, to train any of the claimant's full-time employees on the use of job-related new technologies, or to provide job-related training to any full-time employee whose employment with the claimant represents the employee's first full-time job. This subdivision does not apply to employees who do not work in an enterprise zone.

SECTION 22. 71.07 (3w) (bm) 2. of the statutes is created to read:

71.07 (3w) (bm) 2. In addition to the credits under par. (b) and subd. 1., and subject to the limitations provided in this subsection and s. 560.799, a claimant may claim as a credit against the tax imposed under s. 71.02 or 71.08 an amount equal to the percentage, as determined by the department of commerce under s. 560.799, not to exceed 7 percent, of the claimant's zone payroll paid in the taxable year to all of the claimant's full-time employees whose annual wages are greater than \$20,000 in a tier I county or municipality, not including the wages paid to the employees determined under par. (b) 1., or greater than \$30,000 in a tier II county or municipality, not including the wages paid to the employees determined under par. (b) 1., and who the claimant employed in the enterprise zone in the taxable year, if the total number of such employees is equal to or greater than the total number of such employees in the base year. A claimant

may claim a credit under this subdivision for no more than 5 consecutive taxable years.

SECTION 23. 71.28 (3w) (a) 3. of the statutes is amended to read:

71.28 (3w) (a) 3. "Full-time employee" means an individual who is employed in a regular, nonseasonal job and who, as a condition of employment, is required to work at least 2,080 hours per year, including paid leave and holidays a full-time employee, as defined in s. 560.799 (1) (am).

SECTION 24. 71.28 (3w) (a) 5d. of the statutes is created to read:

71.28 (3w) (a) 5d. "Tier I county or municipality" means a tier I county or municipality, as determined by the department of commerce under s. 560.799.

SECTION 25. 71.28 (3w) (a) 5e. of the statutes is created to read:

71.28 (3w) (a) 5e. "Tier II county or municipality" means a tier II county or municipality, as determined by the department of commerce under s. 560.799.

SECTION 26. 71.28 (3w) (b) 1. a. of the statutes is amended to read:

71.28 (3w) (b) 1. a. The number of full-time employees whose annual wages are greater than \$20,000 in a tier I county or municipality or greater than \$30,000 in a tier II county or municipality and who the claimant employed in the enterprise zone in the taxable year, minus the number of full-time employees whose annual wages were greater than \$20,000 in a tier I county or municipality or greater than \$30,000 in a tier II county or municipality and who the claimant employed in the area that comprises the enterprise zone in the base year.

SECTION 27. 71.28 (3w) (b) 1. b. of the statutes is amended to read:

71.28 (3w) (b) 1. b. The number of full-time employees whose annual wages are greater than \$20,000 in a tier I county or municipality or greater than \$30,000 in a tier II county or municipality and who the claimant employed in the state in the taxable year, minus the number of full-time employees whose annual wages were greater than \$20,000 in a tier I county or municipality or greater than \$30,000 in a tier II county or municipality and who the claimant employed in the state in the base year.

SECTION 28. 71.28 (3w) (b) 2. of the statutes is amended to read:

71.28 (3w) (b) 2. Determine the claimant's average zone payroll by dividing total wages for full-time employees whose annual wages are greater than \$20,000 in a tier I county or municipality or greater than \$30,000 in a tier II county or municipality and who the claimant employed in the enterprise zone in the taxable year by the number of full-time employees whose annual wages are greater than \$20,000 in a tier I county or municipality or greater than \$30,000 in a tier II county or municipality

and who the claimant employed in the enterprise zone in the taxable year.

SECTION 29. 71.28 (3w) (b) 3. of the statutes is amended to read:

71.28 (3w) (b) 3. ~~Subtract~~ For employees in a tier I county or municipality, subtract \$20,000 from the amount determined under subd. 2. and for employees in a tier II county or municipality, subtract \$30,000 from the amount determined under subd. 2.

SECTION 30. 71.28 (3w) (b) 5. of the statutes is amended to read:

71.28 (3w) (b) 5. Multiply the amount determined under subd. 4. by the percentage determined by the department of commerce under s. 560.799, not to exceed 7 percent.

SECTION 31. 71.28 (3w) (bm) of the statutes is renumbered 71.28 (3w) (bm) 1. and amended to read:

71.28 (3w) (bm) 1. In addition to the ~~credit credits~~ under par. (b) and subd. 2., and subject to the limitations provided in this subsection and s. 560.799, a claimant may claim as a credit against the tax imposed under s. 71.23 an amount equal to a percentage, as determined by the department of commerce, not to exceed 100 percent, of the amount the claimant paid in the taxable year to upgrade or improve the job-related skills of any of the claimant's full-time employees, to train any of the claimant's full-time employees on the use of job-related new technologies, or to provide job-related training to any full-time employee whose employment with the claimant represents the employee's first full-time job. This subdivision does not apply to employees who do not work in an enterprise zone.

SECTION 32. 71.28 (3w) (bm) 2. of the statutes is created to read:

71.28 (3w) (bm) 2. In addition to the credits under par. (b) and subd. 1., and subject to the limitations provided in this subsection and s. 560.799, a claimant may claim as a credit against the tax imposed under s. 71.23 an amount equal to the percentage, as determined by the department of commerce under s. 560.799, not to exceed 7 percent, of the claimant's zone payroll paid in the taxable year to all of the claimant's full-time employees whose annual wages are greater than \$20,000 in a tier I county or municipality, not including the wages paid to the employees determined under par. (b) 1., or greater than \$30,000 in a tier II county or municipality, not including the wages paid to the employees determined under par. (b) 1., and who the claimant employed in the enterprise zone in the taxable year, if the total number of such employees is equal to or greater than the total number of such employees in the base year. A claimant may claim a credit under this subdivision for no more than 5 consecutive taxable years.

SECTION 33. 71.47 (3w) (a) 3. of the statutes is amended to read:

71.47 (3w) (a) 3. "Full-time employee" means an individual who is employed in a regular, nonseasonal job and who, as a condition of employment, is required to work at least 2,080 hours per year, including paid leave and holidays a full-time employee, as defined in s. 560.799 (1) (am).

SECTION 34. 71.47 (3w) (a) 5d. of the statutes is created to read:

71.47 (3w) (a) 5d. "Tier I county or municipality" means a tier I county or municipality, as determined by the department of commerce under s. 560.799.

SECTION 35. 71.47 (3w) (a) 5e. of the statutes is created to read:

71.47 (3w) (a) 5e. "Tier II county or municipality" means a tier II county or municipality, as determined by the department of commerce under s. 560.799.

SECTION 36. 71.47 (3w) (b) 1. a. of the statutes is amended to read:

71.47 (3w) (b) 1. a. The number of full-time employees whose annual wages are greater than \$20,000 in a tier I county or municipality or greater than \$30,000 in a tier II county or municipality and who the claimant employed in the enterprise zone in the taxable year, minus the number of full-time employees whose annual wages were greater than \$20,000 in a tier I county or municipality or greater than \$30,000 in a tier II county or municipality and who the claimant employed in the area that comprises the enterprise zone in the base year.

SECTION 37. 71.47 (3w) (b) 1. b. of the statutes is amended to read:

71.47 (3w) (b) 1. b. The number of full-time employees whose annual wages are greater than \$20,000 in a tier I county or municipality or greater than \$30,000 in a tier II county or municipality and who the claimant employed in the state in the taxable year, minus the number of full-time employees whose annual wages were greater than \$20,000 in a tier I county or municipality or greater than \$30,000 in a tier II county or municipality and who the claimant employed in the state in the base year.

SECTION 38. 71.47 (3w) (b) 2. of the statutes is amended to read:

71.47 (3w) (b) 2. Determine the claimant's average zone payroll by dividing total wages for full-time employees whose annual wages are greater than \$20,000 in a tier I county or municipality or greater than \$30,000 in a tier II county or municipality and who the claimant employed in the enterprise zone in the taxable year by the number of full-time employees whose annual wages are greater than \$20,000 in a tier I county or municipality or greater than \$30,000 in a tier II county or municipality and who the claimant employed in the enterprise zone in the taxable year.

SECTION 39. 71.47 (3w) (b) 3. of the statutes is amended to read:

71.47 (3w) (b) 3. Subtract For employees in a tier I county or municipality, subtract \$20,000 from the amount determined under subd. 2. and for employees in a tier II county or municipality, subtract \$30,000 from the amount determined under subd. 2.

SECTION 40. 71.47 (3w) (b) 5. of the statutes is amended to read:

71.47 (3w) (b) 5. Multiply the amount determined under subd. 4. by the percentage determined by the department of commerce under s. 560.799, not to exceed 7 percent.

SECTION 41. 71.47 (3w) (bm) of the statutes is renumbered 71.47 (3w) (bm) 1. and amended to read:

71.47 (3w) (bm) 1. In addition to the credit credits under par. (b) and subd. 2., and subject to the limitations provided in this subsection and s. 560.799, a claimant may claim as a credit against the tax imposed under s. 71.43 an amount equal to a percentage, as determined by the department of commerce, not to exceed 100 percent, of the amount the claimant paid in the taxable year to upgrade or improve the job-related skills of any of the claimant's full-time employees, to train any of the claimant's full-time employees on the use of job-related new technologies, or to provide job-related training to any full-time employee whose employment with the claimant represents the employee's first full-time job. This subdivision does not apply to employees who do not work in an enterprise zone.

SECTION 42. 71.47 (3w) (bm) 2. of the statutes is created to read:

71.47 (3w) (bm) 2. In addition to the credits under par. (b) and subd. 1., and subject to the limitations provided in this subsection and s. 560.799, a claimant may claim as a credit against the tax imposed under s. 71.43 an amount equal to the percentage, as determined by the department of commerce under s. 560.799, not to exceed 7 percent, of the claimant's zone payroll paid in the taxable year to all of the claimant's full-time employees whose annual wages are greater than \$20,000 in a tier I county or municipality, not including the wages paid to the employees determined under par. (b) 1., or greater than \$30,000 in a tier II county or municipality, not including the wages paid to the employees determined under par. (b) 1., and who the claimant employed in the enterprise zone in the taxable year, if the total number of such employees is equal to or greater than the total number of such employees in the base year. A claimant may claim a credit under this subdivision for no more than 5 consecutive taxable years.

SECTION 43. 79.05 (2) (c) of the statutes is amended to read:

79.05 (2) (c) Its municipal budget; exclusive of principal and interest on long-term debt and exclusive of revenue sharing payments under s. 66.0305 and, recycling fee payments under s. 289.645, and expenditures from

moneys received pursuant to P.L. 111-5; for the year of the statement under s. 79.015 increased over its municipal budget as adjusted under sub. (6); exclusive of principal and interest on long-term debt and exclusive of revenue sharing payments under s. 66.0305 and, recycling fee payments under s. 289.645, and expenditures from moneys received pursuant to P.L. 111-5; for the year before that year by less than the sum of the inflation factor and the valuation factor, rounded to the nearest 0.10%.

SECTION 44. 108.04 (7) (c) of the statutes is amended to read:

108.04 (7) (c) Paragraph (a) does not apply if the department determines that the employee terminated his or her work but had no reasonable alternative because the employee was unable to do his or her work, or that the employee terminated his or her work because of the health verified illness or disability of a member of his or her immediate family and the verified illness or disability reasonably necessitates the care of the family member for a period of time that is longer than the employer is willing to grant leave; but if the department determines that the employee is unable to work or unavailable for work, the employee is ineligible to receive benefits while such inability or unavailability continues.

SECTION 45. 108.04 (7) (h) of the statutes is amended to read:

108.04 (7) (h) The department shall charge to the fund's balancing account benefits paid to an employee that are otherwise chargeable to the account of an 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), ~~or (t)~~ or (t) applies.

SECTION 46. 108.04 (7) (s) 1. a. and b. of the statutes are amended to read:

108.04 (7) (s) 1. a. "Domestic abuse" means physical abuse, including a violation of s. 940.225 (1), (2) or (3), or a threat of physical abuse by an adult family or adult household member against another family or household member; by an adult person against his or her spouse or former spouse; or by an adult person against a person with whom the person has a child in common; or by an adult person against an unrelated adult person with whom the person has had a personal relationship.

b. "Family member" means a spouse, parent, child or person related by consanguinity blood or adoption to another person.

SECTION 47. 108.04 (7) (s) 1. bn., d. and e. of the statutes are created to read:

108.04 (7) (s) 1. bn. "Health care professional" has the meaning given in s. 180.1901 (1m).

d. "Law enforcement agency" has the meaning given in s. 165.83 (1) (b) and includes a tribal law enforcement agency as defined in s. 165.83 (1) (e).

e. "Protective order" means a temporary restraining order or an injunction issued by a court of competent jurisdiction.

SECTION 48. 108.04 (7) (s) 2. a. of the statutes is amended to read:

108.04 (7) (s) 2. a. Terminates his or her work due to domestic abuse, concerns about personal safety or harassment, concerns about the safety or harassment of his or her family members who reside with the employee or concerns about the safety or harassment of other household members; and

SECTION 49. 108.04 (7) (s) 2. b. of the statutes is repealed and recreated to read:

108.04 (7) (s) 2. b. Provides to the department a protective order relating to the domestic abuse or concerns about personal safety or harassment issued by a court of competent jurisdiction, a report by a law enforcement agency documenting the domestic abuse or concerns, or evidence of the domestic abuse or concerns provided by a health care professional or an employee of a domestic violence shelter.

SECTION 50. 108.04 (7) (s) 2. c. of the statutes is repealed.

SECTION 51. 108.04 (7) (t) of the statutes is created to read:

108.04 (7) (t) Paragraph (a) does not apply if the department determines that 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.

SECTION 52. 108.06 (1) of the statutes is amended to read:

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

SECTION 53. 108.06 (2) (c) and (cm), (3) and (6) (intro.) of the statutes are 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.

(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.

(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.

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

SECTION 54. 108.06 (7) of the statutes is created to read:

108.06 (7) (a) In this subsection:

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

2. "Training program" means any program of a type specified in s. 108.04 (16).

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

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

2. 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 benefits under this subsection;

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

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

5. Was separated from employment in a declining occupation or involuntarily separated from employment as a result of a permanent reduction in operations by his or her employing unit, if the separation occurred no earlier than the beginning of the base period for the claimant's applicable benefit year; and

6. Is being trained for entry into a high-demand occupation.

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

(d) No claimant may receive total benefits under this subsection greater than 26 times the claimant's weekly benefit rate that applied to the claimant's applicable benefit year.

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

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

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

(h) The occupations that qualify as declining or high-demand for purposes of this subsection shall be determined by the department.

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

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

SECTION 55. 108.14 (8n) (e) of the statutes is amended to read:

108.14 (8n) (e) The department shall charge this state's share of any benefits paid under this subsection to the account of each employer by which the employee claiming benefits was employed in the applicable base period, in proportion to the total amount of wages he or she earned from each employer in the base period, except

that if s. 108.04 (1) (f), (5), (7) (a), (c), (d), (e), (k), (L), (o), (p) or (q), (s), or (t), (7m) or (8) (a) or 108.07 (3), (3r), (5) (b) or (8) would have applied to employment by such an employer who is subject to the contribution requirements of ss. 108.17 and 108.18, the department shall charge the share of benefits based on employment with that employer to the fund's balancing account, or, if s. 108.04 (1) (f) or (5) or 108.07 (3) would have applied to an employer that is not subject to the contribution requirements of ss. 108.17 and 108.18, the department shall charge the share of benefits based on that employment in accordance with s. 108.07 (5) (a) and (b). The department shall also charge the fund's balancing account with any other state's share of such benefits pending reimbursement by that state.

SECTION 56. 108.141 (1) (a) and (b) 2. of the statutes are amended to read:

108.141 (1) (a) "Eligibility period" of an individual means the period consisting of the weeks each week in the individual's benefit year which begin begins in an extended benefit period and, if the individual's benefit year ends within such that extended benefit period, any weeks each week thereafter which begin begins in such a period. For weeks of unemployment beginning on or after February 17, 2009, and ending before June 1, 2010, or the last week for which federal sharing is authorized by section 2005 (a) of P.L. 111-5 and any amendments thereto, whichever is later, "eligibility period" also means the period consisting of each week during which an individual is eligible for emergency unemployment compensation under P.L. 110-252 and P.L. 110-449, or any amendments thereto, and if that week begins in an extended benefit period or if an individual's eligibility for benefits under P.L. 110-252 and P.L. 110-449, or any amendment thereto, ends within an extended benefit period, each week thereafter which begins in that extended benefit period.

(b) 2. His or her benefit year having expired in the extended benefit period and prior to such week, lacks base period wages on the basis of which he or she could establish a benefit year under s. 108.06; and or

SECTION 57. 108.141 (1) (b) 2m. of the statutes is created to read:

108.141 (1) (b) 2m. For weeks of unemployment beginning after February 17, 2009, and ending before June 1, 2010, or with the last week for which federal sharing is authorized by section 2005 (a) of P.L. 111-5 and any amendments thereto, whichever is later, has exhausted federal emergency unemployment compensation under P.L. 110-252 and P.L. 110-449, and any amendments thereto, within an extended benefit period that began in a week during or before which the individual has exhausted that emergency unemployment compensation; and

SECTION 58. 108.141 (1) (dm) of the statutes is created to read:

108.141 (1) (dm) "High unemployment period" means a period during which an extended benefit period would be in effect if par. (f) 3. a. were applied by substituting an average rate of total unemployment that equals or exceeds 8 percent.

SECTION 59. 108.141 (1) (e) of the statutes, as affected by 2009 Wisconsin Act 1, is repealed and recreated to read:

108.141 (1) (e) There is a Wisconsin "off" indicator for a week if, for the period consisting of that week and the immediately preceding 12 weeks, there is not a Wisconsin "on" indicator.

SECTION 60. 108.141 (1) (f) of the statutes is repealed and recreated to read:

108.141 (1) (f) There is a Wisconsin "on" indicator for a week if:

1. The rate of insured unemployment for the period consisting of that week and the immediately preceding 12 weeks equaled or exceeded 120 percent of the average of such rates for the corresponding 13-week period ending in each of the preceding 2 calendar years, and equaled or exceeded 5 percent; or

2. The rate of insured unemployment for the period consisting of that week and the immediately preceding 12 weeks equaled or exceeded 6 percent, regardless of the rate of insured unemployment in the 2 preceding calendar years; or

3. With respect to weeks of unemployment beginning on or after February 17, 2009, and ending with the week ending 3 weeks prior to the last week in which federal sharing is authorized by section 2005 (a) of P.L. 111-5 and any amendments thereto:

a. The average rate of total unemployment, seasonally adjusted, as determined by the U.S. secretary of labor, for the period consisting of the most recent 3 months for which data for all states are published before the close of that week equals or exceeds 6.5 percent; and

b. The average rate of total unemployment in this state, seasonally adjusted, as determined by the U.S. secretary of labor for the period consisting of the most recent 3 months for which data for all states are published before the close of that week equals or exceeds 110 percent of the average for either or both of the corresponding 3-month periods ending in the 2 preceding calendar years.

SECTION 61. 108.141 (5) of the statutes is repealed and recreated to read:

108.141 (5) TOTAL EXTENDED BENEFIT AMOUNT. (a) Except as provided in pars. (b) and (c), the total extended benefit amount payable to an eligible individual in his or her benefit year is the least of the following amounts:

1. Fifty percent of the total amount of regular benefits that were payable to the individual in the individual's most recent benefit year rounded down to the nearest dollar, including benefits canceled under s. 108.04 (5); or

2. Thirteen times the individual's weekly benefit amount.

(b) The total extended benefit amount payable to an individual in his or her benefit year shall be reduced by the total amount of additional benefits paid or treated as paid under s. 108.142 for weeks of unemployment in the individual's benefit year that began prior to the beginning of the extended benefit period that is in effect in the week in which the individual first claims extended benefits.

(c) Except as provided in par. (b), effective with respect to weeks beginning in a high unemployment period, the total extended benefit amount payable to an individual in his or her benefit year is the least of the following amounts:

1. Eighty percent of the total amount of regular benefits that were payable to the individual in the individual's most recent benefit year rounded down to the nearest dollar, including benefits canceled under s. 108.04 (5); or

2. Twenty times the individual's weekly benefit amount.

SECTION 62. 108.141 (7) (a) of the statutes is amended to read:

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

SECTION 63. 118.125 (2) (g) 2. of the statutes is amended to read:

118.125 (2) (g) 2. Upon request by the department, the school board shall provide the department with any information contained in a pupil record that relates to an audit or evaluation of a federal or state-supported program or that is required to determine compliance with requirements under chs. 115 to 121. ~~The department shall keep confidential all pupil records provided to the department by a school board.~~

SECTION 64. 149.10 (2t) (e) of the statutes is amended to read:

149.10 (2t) (e) If the individual was offered the option of continuation coverage under a federal continuation provision or similar state program, including under 2009 Wisconsin Act ... (this act), section 9126 (2), the individual elected the continuation coverage.

SECTION 65. 560.799 (1) (am) of the statutes is created to read:

560.799 (1) (am) 1. Except as provided in subd. 2., "full-time employee" means an individual who is employed in a regular, nonseasonal job and who, as a con-

dition of employment, is required to work at least 2,080 hours per year, including paid leave and holidays.

2. The department may by rule specify circumstances under which the department may grant exceptions to the requirement under subd. 1. that a full-time employee means an individual who, as a condition of employment, is required to work at least 2,080 hours per year, but under no circumstances may a full-time employee mean an individual who, as a condition of employment, is required to work less than 37.5 hours per week.

SECTION 66. 560.799 (3) (a) of the statutes is amended to read:

560.799 (3) (a) The department may designate not more than 10 enterprise zones. ~~The department may designate an area as an enterprise zone if the area does not exceed 50 acres.~~

SECTION 67. 560.799 (3) (b) of the statutes is renumbered 560.799 (3) (b) (intro.) and amended to read:

560.799 (3) (b) (intro.) In determining whether to designate an area under par. (a), the department shall consider all of the following:

1. Indicators of the area's economic need, which may include data regarding household income, average wages, the condition of property, housing values, population decline, job losses, infrastructure and energy support, the rate of business development, and the existing resources available to the area; ~~the~~.

2. ~~The~~ effect of designation on other initiatives and programs to promote economic and community development in the area, including job retention, job creation and, job training, and creating high-paying jobs.

SECTION 68. 560.799 (3) (bm) of the statutes is created to read:

560.799 (3) (bm) The department shall specify whether an enterprise zone designated under par. (a) is located in a tier I county or municipality or a tier II county or municipality.

SECTION 69. 560.799 (5) (d) of the statutes is created to read:

560.799 (5) (d) A business that retains jobs in an enterprise zone, but only if the business makes a significant capital investment in property located in the enterprise zone and at least one of the following applies:

1. The business is an original equipment manufacturer with a significant supply chain in the state, as determined by the department by rule.

2. More than 500 full-time employees are employed by the business in the enterprise zone.

SECTION 70. 560.799 (6) (g) of the statutes is created to read:

560.799 (6) (g) The department shall promulgate the following by rule:

1. The definitions of a tier I county or municipality and a tier II county or municipality. The department may

consider all of the following information when establishing the definitions required under this subdivision:

- a. Unemployment rate.
 - b. Percentage of families with incomes below the poverty line established under 42 USC 9902 (2).
 - c. Median family income.
 - d. Median per capita income.
 - e. Other significant or irregular indicators of economic distress, such as a natural disaster or mass layoff.
2. The definition of an original equipment manufacturer with a significant supply chain in the state.

SECTION 71. 632.746 (3) (b) of the statutes is amended to read:

632.746 (3) (b) With respect to enrollment of an individual under a group health plan or a group health benefit plan, a period of creditable coverage after which the individual was not covered under any creditable coverage for a period of at least 63 days before enrollment in the group health plan or group health benefit plan may not be counted. For purposes of this paragraph, the period specified in 2009 Wisconsin Act... (this act), section 9126 (2) (i), or any waiting period or affiliation period for coverage under the group health plan or group health benefit plan shall not be taken into account in determining the period before enrollment in the group health plan or group health benefit plan.

SECTION 9110. Nonstatutory provisions; Commerce.

(1) ENTERPRISE ZONE JOBS CREDIT; EMERGENCY RULES. The department of commerce may use the procedure under section 227.24 of the statutes to promulgate rules under section 560.799 (6) (g) of the statutes, as created by this act. Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this subsection remain in effect until July 1, 2010, or the date on which permanent rules take effect, whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

(2) ENTERPRISE ZONE JOBS CREDIT; ECONOMIC IMPACT REPORT. Notwithstanding sections 227.137 (2) and 227.138 (2) of the statutes, if the secretary of administration requires the department of commerce to prepare an economic impact report for the rules required under section 560.799 (6) (g) of the statutes, as created by this act, the department may submit the proposed rules to the legislature for review under section 227.19 (2) of the statutes before the department completes the economic impact report and before the department receives a copy of the report and approval under section 227.138 (2) of the statutes.

SECTION 9126. Nonstatutory provisions; Insurance.

(1) DEFINITIONS. In this section, unless the context requires otherwise:

(a) "Covered employee" means a person who was previously covered under an employer's group policy.

(b) "Federal act" means the American Recovery and Reinvestment Act of 2009, P.L. 111-5.

(c) "Group policy" has the meaning given in section 632.897 (1) (c) 1., 2., and 3. of the statutes.

(d) "Insurer" includes an insurer that issues a group policy that replaces or succeeds a group policy in effect on the date that a terminated insured is first entitled to elect continuation of coverage.

(e) "State eligible individual" means a covered employee, or the spouse or dependent of a covered employee, to whom all of the following apply:

1. The covered employee's employment is involuntarily terminated during the period that begins on September 1, 2008, and ends on December 31, 2009, and that involuntary termination is the qualifying event for continuation of coverage for the covered employee or the spouse or dependent of the covered employee.

2. The covered employee or spouse or dependent of the covered employee is not eligible for continuation of coverage under a federal continuation provision, as defined in section 632.745 (8) of the statutes, and becomes eligible for continuation of coverage under section 632.897 of the statutes during any of the following:

a. The period that begins on September 1, 2008, and ends before the effective date of this subdivision 2. a.

b. The period that begins on the effective date of this subdivision 2. b. and ends before January 1, 2010.

(f) "Terminated insured" has the meaning given in section 632.897 (1) (f) of the statutes.

(2) ADDITIONAL CONTINUATION COVERAGE ELECTION OPPORTUNITY FOR STATE ELIGIBLE INDIVIDUALS ELIGIBLE PRIOR TO THE EFFECTIVE DATE OF THIS SUBSECTION.

(a) Notwithstanding section 632.897 (2) (d) and (3) (a) of the statutes, an insurer shall permit a terminated insured, on behalf of a state eligible individual who became eligible during the period described under subsection (1) (e) 2. a. and who does not have continuation coverage on the effective date of this paragraph, to elect continuation of coverage during a 60-day period beginning on the date of the notice required to be provided under paragraph (b) or (c).

(b) An employer of a terminated insured who may elect continuation of coverage for a state eligible individual described in paragraph (a) shall provide notice to the terminated insured that he or she has the right to elect continuation of coverage for the state eligible individual, regardless of whether the employer has already provided notice to the individual under section 632.897 (2) (d) of the statutes, subject to paragraph (g) 1. The notice under

this paragraph must satisfy all of the following requirements:

1. The notice must be provided no later than 10 days after the effective date of this subdivision.

2. The notice must include information substantially in the form and be provided in the manner required for the notice required under section 3001 (a) (7) of the federal act.

3. The notice form must be modified appropriately to reflect that the right to elect continuation of coverage is governed by this subsection.

4. The notice must include a description of the individual's right to, and the effect of, electing continuation of coverage under this subsection and under section 632.897 of the statutes.

(c) If an employer that is required to provide the notice under paragraph (b) fails to provide the notice required under paragraph (b), the insurer that would be responsible for providing continuation of coverage to the state eligible individual if the terminated insured were to elect continuation of coverage on behalf of the state eligible individual shall provide the notice specified in paragraph (b).

(d) The notice under paragraph (b) or (c) is not effective, and the 60-day period for electing continuation of coverage does not commence, unless the notice under paragraph (b) or (c) is provided and contains the information required under paragraph (b).

(e) For a state eligible individual who became eligible for continuation of coverage under section 632.897 of the statutes before February 17, 2009, and who did not have continuation of coverage on February 17, 2009, continuation of coverage that is elected under this subsection shall be effective as of the date of the first coverage period after February 17, 2009, and is not required to extend beyond the period of coverage that would have been required under section 632.897 of the statutes had the individual elected continuation of coverage when originally eligible instead of under this subsection.

(f) For a state eligible individual who became eligible for continuation of coverage under section 632.897 of the statutes on or after February 17, 2009, but before the effective date of this paragraph, continuation of coverage that is elected under this subsection shall commence on the date the state eligible individual was originally eligible and coverage is not required to extend beyond the period of coverage that would have been required under section 632.897 of the statutes had the individual elected continuation of coverage when originally eligible instead of under this subsection.

(g) 1. Paragraphs (a) and (b) do not apply to a state eligible individual if the employer or insurer provided a notice under section 632.897 (2) (d) of the statutes that included the information required under paragraph (b).

2. If an employer or insurer provided notice that complies with paragraph (b) before the effective date of this

subdivision, the notice is effective for the purpose of this section and the 60-day period under paragraph (a) begins on the date the notice was provided.

(h) An individual who elects continuation of coverage under this subsection shall have elected continuation of coverage for the purpose of section 149.10 (2t) (e) of the statutes, as affected by this act.

(i) For an individual who elects continuation of coverage under this subsection, the period, if any, from the date of the termination of the individual's coverage as a result of the qualifying event under section 632.897 (2) (b) of the statutes to the commencement of continuation of coverage under this subsection shall be disregarded for the purpose of determining the 63-day period under section 632.746 (3) (b) of the statutes, as affected by this act.

(3) NOTICE FOR STATE ELIGIBLE INDIVIDUALS ELIGIBLE BEGINNING ON THE EFFECTIVE DATE OF THIS SUBSECTION. An employer of a terminated insured who may elect continuation of coverage for a state eligible individual who becomes eligible for continuation of coverage under section 632.897 of the statutes during the period under subsection (1) (e) 2. b. shall provide notice under section 632.897 (2) (d) of the statutes, except that the notice must include information substantially in the form and be provided in the manner required for the notice under section 3001 (a) (7) of the federal act.

(4) CONTINUATION COVERAGE RULES.

(a) Notwithstanding section 632.897 of the statutes and subsections (1), (2), and (3), the commissioner of insurance may promulgate rules establishing standards requiring insurers to provide continuation of coverage for any individual covered at any time under a group policy who is a state eligible individual to whom subsection (2) or (3) applies or an assistance eligible individual, as defined under section 3001 (a) (3) of the federal act, including rules governing election or extension of election periods, notice, rates, premiums, premium payment, application of preexisting condition exclusions, and election of alternative coverage.

(b) The commissioner may promulgate the rules under paragraph (a) as emergency rules under section 227.24 of the statutes. Notwithstanding section 227.24 (1) (c) of the statutes, emergency rules promulgated under this paragraph may remain in effect for one year and may be extended under section 227.24 (2) of the statutes. Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the commissioner is not required to provide evidence that promulgating a rule under this paragraph as an emergency rule is necessary for the preservation of public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this paragraph.

SECTION 9137. Nonstatutory provisions; Natural Resources.

(1) AMERICAN RECOVERY AND REINVESTMENT ACT FUNDING FOR CLEAN WATER FUND PROJECTS.

(a) If this state receives moneys under P.L. 111-5 as a capitalization grant for clean water state revolving loan funds under the federal Water Pollution Control Act, the department of natural resources and the department of administration may, as provided in this subsection, allocate the funds, before July 1, 2011, for financial assistance to municipalities under section 281.58 of the statutes for projects eligible to receive financial assistance under that section.

(b) Notwithstanding sections 281.58 (9m) (c) and 281.59 (3e) (a) of the statutes, applications may be approved and funds may be allocated and expended for projects under this subsection before the 2009-11 biennial budget act is enacted. The amount of present value of the subsidy for financial assistance provided under this subsection equals \$105,948,300. This is in addition to any amounts specified under section 281.59 (3e) (b) of the statutes. The department of natural resources may establish a percentage limit on the amount of financial assistance available under this subsection that may be received by any eligible applicant.

(c) The department of natural resources and the department of administration may provide financial assistance under this subsection in the form of grants or loans. Eligibility for grants under this subsection is not limited to municipalities eligible under section 281.58 (13) of the statutes. The department of natural resources may waive the limit under section 281.58 (8) (g) of the statutes in providing financial assistance under this subsection to a municipality eligible for financial assistance under section 281.58 (13) of the statutes. Loans under this subsection may be provided at rates that differ from the rates under section 281.58 (12) of the statutes, including negative interest rates that result in total payments that are less than the principal amounts of the loans. A financial assistance agreement for a loan under this subsection may provide for forgiveness of a portion of the principal amount of the loan.

(d) The department of natural resources may establish a different deadline for submitting notice of intent to apply for financial assistance for the purposes of this subsection than the deadline in section 281.58 (8m) of the statutes. The department may also establish a deadline for submitting applications for financial assistance under this subsection.

(e) In determining which projects to provide financial assistance under this subsection, the department of natural resources may consider any of the following:

1. Readiness of a project to proceed to construction.
2. The unemployment rate in the county in which a project is located.
3. The extent to which a project promotes water efficiency or energy efficiency; is environmentally innovative; or uses natural systems or engineered systems that mimic natural processes, also called green infrastructure.
4. The geographic distribution of projects.

(f) Notwithstanding section 227.10 (1) of the statutes, the department of natural resources and the department of administration are not required to promulgate rules for the purposes of this subsection.

(2) AMERICAN RECOVERY AND REINVESTMENT ACT FUNDING FOR SAFE DRINKING WATER PROJECTS.

(a) If this state receives moneys under P.L. 111-5 as a capitalization grant under the federal Safe Drinking Water Act, the department of natural resources and the department of administration may, as provided in this subsection, obligate the funds before July 1, 2011, for financial assistance to local governmental units under section 281.61 of the statutes for projects eligible to receive financial assistance under that section.

(b) Notwithstanding sections 281.59 (3s) (a) and 281.61 (7) (d) of the statutes, applications may be approved and funds may be allocated and expended for projects under this subsection before the 2009-11 biennial budget act is enacted. The amount of present value of the subsidy for financial assistance provided under this subsection equals \$37,750,000. This is in addition to any amounts specified under section 281.59 (3s) (b) of the statutes. The department of natural resources may establish a percentage limit on the amount of financial assistance available under this subsection that may be received by any eligible applicant.

(c) The department of natural resources and the department of administration may provide financial assistance under this subsection in the form of grants or loans, notwithstanding section 281.61 (2r) of the statutes. Loans under this subsection may be provided at rates that differ from the rates under section 281.61 (11) of the statutes, including negative interest rates that result in total payments that are less than the principal amounts of the loans. A financial assistance agreement for a loan under this subsection may provide for forgiveness of a portion of the principal amount of the loan.

(d) The department of natural resources may establish a different deadline for submitting notice of intent to apply for financial assistance for the purposes of this subsection than the deadline in section 281.61 (3) of the statutes. If the department of natural resources has not received sufficient applications by the deadline under section 281.61 (5) of the statutes to use all of the funds described in paragraph (a), it may waive the deadline.

(e) In determining which projects to provide financial assistance under this subsection, the department of natural resources may consider any of the following:

1. Readiness of a project to proceed to construction.
2. The unemployment rate in the county in which a project is located.
3. The extent to which a project promotes water efficiency or energy efficiency; is environmentally innovative; or uses natural systems or engineered systems that mimic natural processes, also called green infrastructure.
4. The geographic distribution of projects.

(f) Notwithstanding section 227.10 (1) of the statutes, the department of natural resources and the department of administration are not required to promulgate rules for the purposes of this subsection.

SECTION 9139. Nonstatutory provisions; Public Instruction.

(1f) STATE AID; JUNE 2009. In the second fiscal year of the fiscal biennium in which this subsection takes effect, there is lapsed to the general fund \$291,000,000 from the appropriation account under section 20.255 (2) (ac) of the statutes. Notwithstanding sections 121.07 and 121.08 of the statutes, as affected by this act, the department of public instruction shall use the balance in that appropriation account and \$291,000,000 of the amount appropriated in the second fiscal year of the fiscal biennium in which this subsection takes effect under section 20.255 (2) (p) of the statutes, as created by this act, to make payments to school districts in June 2009 under section 121.15 (1) and (1g) of the statutes.

SECTION 9343. Initial applicability; Revenue.

(1) ENTERPRISE ZONE JOBS CREDIT. The treatment of sections 71.07 (3w) (a) 3., 5d., and 5e. and (b) 1. a. and b., 2., 3., and 5., 71.28 (3w) (a) 3., 5d., and 5e. and (b) 1. a. and b., 2., 3., and 5., and 71.47 (3w) (a) 3., 5d., and 5e. and (b) 1. a. and b., 2., 3., and 5. of the statutes, the renumbering and amendment of sections 71.07 (3w) (bm), 71.28 (3w) (bm), and 71.47 (3w) (bm) of the statutes, and the creation of sections 71.07 (3w) (bm) 2., 71.28 (3w) (bm) 2., and 71.47 (3w) (bm) 2. of the statutes first apply to taxable years beginning on January 1, 2009.

SECTION 9356. Initial applicability; Workforce Development.

(1) TERMINATIONS OF EMPLOYMENT. The treatment of sections 108.04 (7) (c), (h), (s) 1. a., b., bn., d., and e. and 2. a., b., and c., and (t), 108.14 (8n) (e) and 108.141 (7) (a) of the statutes first applies with respect to terminations of employment occurring on the effective date of this subsection.

(2) BENEFITS. The treatment of section 108.06 (1), (2) (c) and (cm), (3), (6) (intro.), and (7) of the statutes first applies with respect to weeks of unemployment beginning on the effective date of this subsection.

SECTION 9400. Effective dates; general.

(1) Except as otherwise provided in SECTIONS 9401 to 9457 of this act, this act takes effect on the day after publication.

SECTION 9408. Effective dates; Children and Families.

(1) ELIGIBILITY FOR COMMUNITY ACTION AGENCY PROGRAMMING. The repeal and recreation of section 49.265 (1) (b) of the statutes takes effect on October 1, 2010.

SECTION 9456. Effective dates; Workforce Development.

(1) UNEMPLOYMENT INSURANCE TRAINING BENEFITS. The treatment of section 108.06 (1), (2) (c) and (cm), (3), (6) (intro.), and (7) of the statutes and SECTION 9356 (2) of this act take effect on the first Sunday following the 90th day after publication.

(2) UNEMPLOYMENT INSURANCE. The treatment of sections 108.04 (7) (c), (h), (s) 1. a., b., bn., d., and e. and 2. a., b., and c., and (t), 108.14 (8n) (e), and 108.141 (1) (a), (b) 2. and 2m., (dm), (e), and (f), (5), and (7) (a) of the statutes and SECTION 9356 (1) of this act take effect on the first Sunday after publication.

Wisconsin Statutory Provisions Relating to UI Modernization

“Compelling Family Reasons”

1. Domestic abuse

§108.04(7) VOLUNTARY TERMINATION OF WORK. (a) If an employee terminates work with an employing unit, the employee is ineligible to receive benefits until 4 weeks have elapsed since the end of the week in which the termination occurs and the employee earns wages after the week in which the termination occurs equal to at least 4 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. For purposes of requalification, the employee’s weekly benefit rate shall be that rate which would have been paid had the termination not occurred. This paragraph does not preclude an employee from establishing a benefit year by using the base period wages paid by the employer from which the employee voluntarily terminated, if the employee is qualified to establish a benefit year under s. 108.06 (2) (a).

* * *

§108.04 (7)(s) 1. In this paragraph:

- a. “Domestic abuse” means physical abuse, including a violation of s. 940.225 (1), (2) or (3), or a threat of physical abuse by an adult family or adult household member against another family or household member; by an adult person against his or her spouse or former spouse; or by an adult person against a person with whom the person has a child in common; or by an adult person against an unrelated adult person with whom the person has had a personal relationship.
- b. “Family member” means a spouse, parent, child or person related by blood or adoption to another person.
- bn. “Health care professional” has the meaning given in s. 180.1901 (1m).
- c. “Household member” means a person who is currently or formerly residing in a place of abode with another person.
- d. “Law enforcement agency” has the meaning given in s. 165.83 (1) (b) and includes a tribal law enforcement agency as defined in s. 165.83 (1) (e).
- e. “Protective order” means a temporary restraining order or an injunction issued by a court of competent jurisdiction.

2. Paragraph (a) does not apply if the employee:

- a. Terminates his or her work due to domestic abuse, concerns about personal safety or harassment, concerns about the safety or harassment of his or her family members who reside with the employee or concerns about the safety or harassment of other household members; and
- b. Provides to the department a protective order relating to the domestic abuse or concerns about personal safety or harassment issued by a court of competent jurisdiction, a report by a law enforcement agency documenting the domestic abuse or concerns, or evidence of the domestic abuse or concerns provided by a health care professional or an employee of a domestic violence shelter.

2. Health of an Immediate Family Member

§108.04(7)(c) Paragraph (a) does not apply if the department determines that the employee terminated his or her work but had no reasonable alternative because the employee was unable to do his or her work, or that the employee terminated his or her work because of the verified

illness or disability of a member of his or her immediate family and the verified illness or disability reasonably necessitates the care of the family member for a period of time that is longer than the employer is willing to grant leave; but if the department determines that the employee is unable to work or unavailable for work, the employee is ineligible to receive benefits while such inability or unavailability continues.

3. Accompany a Spouse Relocating for Employment

§108.04(7)(t) Paragraph (a) does not apply if the department determines that 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.

Extended Training (ET) Benefits

§108.06 (7) (a) In this subsection:

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

2. "Training program" means any program of a type specified in s. 108.04 (16).

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

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

2. 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 benefits under this subsection;

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

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

5. Was separated from employment in a declining occupation or involuntarily separated from employment as a result of a permanent reduction in operations by his or her employing unit, if the separation occurred no earlier than the beginning of the base period for the claimant's applicable benefit year; and

6. Is being trained for entry into a high-demand occupation.

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

(d) No claimant may receive total benefits under this subsection greater than 26 times the claimant's weekly benefit rate that applied to the claimant's applicable benefit year.

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

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

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

(h) The occupations that qualify as declining or high-demand for purposes of this subsection shall be determined by the department.

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

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

Provisions cross-referenced in domestic abuse quit exception

§165.83(1)(b) "Law enforcement agency" means a governmental unit of one or more persons employed full time by the state or a political subdivision of the state for the purpose of preventing and detecting crime and enforcing state laws or local ordinances, employees of which unit are authorized to make arrests for crimes while acting within the scope of their authority.

§165.83(1)(e) "Tribal law enforcement agency" means any of the following:

1. An agency of a tribe that is established for the purpose of preventing and detecting crime on the reservation or trust lands of the tribe and enforcing the tribe's laws or ordinances, that employs full time one or more persons who are granted law enforcement and arrest powers under s. 165.92 (2) (a), and that was created by a tribe that agrees that its law enforcement agency will perform the duties required of the agency under this section and s. 165.84.
2. The Great Lakes Indian Fish and Wildlife Commission, if the Great Lakes Indian Fish and Wildlife Commission agrees to perform the duties required under this section and s. 165.84.

§180.1901(1m) "Health care professional" means an individual who is licensed, registered or certified by any of the following:

- (ag) The department of regulation and licensing under ch. 460.
- (am) Chiropractic examining board under ch. 446
- (ar) Board of nursing under ch. 441.
- (at) Dentistry examining board under ch. 447.
- (b) Medical examining board under subch. II of ch. 448.
- (bg) Physical therapists affiliated credentialing board under subch. III of ch. 448.
- (bk) Podiatrists affiliated credentialing board under subch. IV of ch. 448.
- (br) Dietitians affiliated credentialing board under subch. V of ch. 448.
- (bs) Athletic trainers affiliated credentialing board under subch. VI of ch. 448.
- (bu) Occupational therapists affiliated credentialing board under subch. VII of ch. 448.
- (c) Optometry examining board under ch. 449.
- (d) Pharmacy examining board under ch. 450.
- (e) Psychology examining board under ch. 455.
- (f) Marriage and family therapy, professional counseling, and social work examining board under ch. 457.
- (g) Hearing and speech examining board under subch. II of ch. 459.

§940.225 Sexual assault. (1) FIRST DEGREE SEXUAL ASSAULT.

Whoever does any of the following is guilty of a Class B felony:

- (a) Has sexual contact or sexual intercourse with another person without consent of that person and causes pregnancy or great bodily harm to that person.
- (b) Has sexual contact or sexual intercourse with another person without consent of that person by use or threat of use of a dangerous weapon or any article used or fashioned in a manner to lead the victim reasonably to believe it to be a dangerous weapon.
- (c) Is aided or abetted by one or more other persons and has sexual contact or sexual intercourse with another person without consent of that person by use or threat of force or violence.

(2) SECOND DEGREE SEXUAL ASSAULT. Whoever does any of the following is guilty of a Class C felony:

- (a) Has sexual contact or sexual intercourse with another person without consent of that person by use or threat of force or violence.

(b) Has sexual contact or sexual intercourse with another person without consent of that person and causes injury, illness, disease or impairment of a sexual or reproductive organ, or mental anguish requiring psychiatric care for the victim.

(c) Has sexual contact or sexual intercourse with a person who suffers from a mental illness or deficiency which renders that person temporarily or permanently incapable of appraising the person's conduct, and the defendant knows of such condition.

(cm) Has sexual contact or sexual intercourse with a person who is under the influence of an intoxicant to a degree which renders that person incapable of giving consent if the defendant has actual knowledge that the person is incapable of giving consent and the defendant has the purpose to have sexual contact or sexual intercourse with the person while the person is incapable of giving consent.

(d) Has sexual contact or sexual intercourse with a person who the defendant knows is unconscious.

(f) Is aided or abetted by one or more other persons and has sexual contact or sexual intercourse with another person without the consent of that person.

(g) Is an employee of a facility or program under s. 940.295 (2) (b), (c), (h) or (k) and has sexual contact or sexual intercourse with a person who is a patient or resident of the facility or program.

(h) Has sexual contact or sexual intercourse with an individual who is confined in a correctional institution if the actor is a correctional staff member. This paragraph does not apply if the individual with whom the actor has sexual contact or sexual intercourse is subject to prosecution for the sexual contact or sexual intercourse under this section.

(i) Has sexual contact or sexual intercourse with an individual who is on probation, parole, or extended supervision if the actor is a probation, parole, or extended supervision agent who supervises the individual, either directly or through a subordinate, in his or her capacity as a probation, parole, or extended supervision agent or who has influenced or has attempted to influence another probation, parole, or extended supervision agent's supervision of the individual. This paragraph does not apply if the individual with whom the actor has sexual contact or sexual intercourse is subject to prosecution for the sexual contact or sexual intercourse under this section.

(j) Is a licensee, employee, or nonclient resident of an entity, as defined in s. 48.685 (1) (b) or 50.065 (1) (c), and has sexual contact or sexual intercourse with a client of the entity.

(3) THIRD DEGREE SEXUAL ASSAULT. Whoever has sexual intercourse with a person without the consent of that person is guilty of a Class G felony. Whoever has sexual contact in the manner described in sub. (5) (b) 2. or 3. with a person without the consent of that person is guilty of a Class G felony.

Disqualification for Misconduct

§108.04(5) DISCHARGE FOR MISCONDUCT. Unless sub. (5g) results in disqualification, an employee whose work is terminated by an employing unit for misconduct connected with the employee's work is ineligible to receive benefits until 7 weeks have elapsed since the end of the week in which the discharge occurs and the employee earns wages after the week in which the discharge occurs equal to at least 14 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. For purposes of requalification, the employee's weekly benefit rate shall be that rate which would have been paid had the discharge not occurred. The wages paid to an employee by an employer which terminates employment of the employee for misconduct connected with the employee's employment shall be excluded from the employee's base period wages under s. 108.06 (1) for purposes of benefit entitlement. This subsection does not preclude an employee who has employment with an employer other than the employer which terminated the employee for misconduct from establishing a benefit year using the base period

wages excluded under this subsection if the employee qualifies to establish a benefit year under s. 108.06 (2) (a). The department shall charge to the fund's balancing account any benefits otherwise chargeable to the account of an employer that is subject to the contribution requirements under ss. 108.17 and 108.18 from which base period wages are excluded under this subsection.

Disqualification for Excessive Absenteeism or Tardiness

§108.04(5g) DISCHARGE FOR FAILURE TO NOTIFY EMPLOYER OF ABSENTEEISM OR TARDINESS. (a) If an employee is discharged for failing to notify his or her employer of absenteeism or tardiness that becomes excessive, and the employer has complied with the requirements of par. (d) with respect to that employee, the employee is ineligible to receive benefits until 6 weeks have elapsed since the end of the week in which the discharge occurs and the employee earns wages after the week in which the discharge occurs equal to at least 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. For purposes of requalification, the employee's weekly benefit rate shall be the rate that would have been paid had the discharge not occurred.

(b) For purposes of this subsection, tardiness becomes excessive if an employee is late for 6 or more scheduled workdays in the 12-month period preceding the date of the discharge without providing adequate notice to his or her employer.

(c) For purposes of this subsection, absenteeism becomes excessive if an employee is absent for 5 or more scheduled workdays in the 12-month period preceding the date of the discharge without providing adequate notice to his or her employer.

(d) 1. The requalifying requirements under par. (a) apply only if the employer has a written policy on notification of tardiness or absences that:

- a. Defines what constitutes a single occurrence of tardiness or absenteeism;
- b. Describes the process for providing adequate notice of tardiness or absence; and
- c. Notifies the employee that failure to provide adequate notice of an absence or tardiness may lead to discharge.

2. The employer shall provide a copy of the written policy under subd. 1. to each employee and shall have written evidence that the employee received a copy of that policy.

3. The employer must have given the employee at least one warning concerning the employee's violation of the employer's written policy under subd. 1. within the 12-month period preceding the date of the discharge.

4. The employer must apply the written policy under subd. 1. uniformly to all employees of the employer.

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

(em) If an employee is not disqualified under this subsection, the employee may nevertheless be subject to the disqualification under sub. (5).

Disqualification for Disciplinary Suspension

§108.04(6) DISCIPLINARY SUSPENSION. An employee whose work is suspended by an employing unit for good cause connected with the employee's work is ineligible to receive benefits until 3 weeks have elapsed since the end of the week in which the suspension occurs

or until the suspension is terminated, whichever occurs first. This subsection does not preclude an employee from establishing a benefit year during a period in which the employee is ineligible to receive benefits under this subsection if the employee qualifies to establish a benefit year under s. 108.06 (2) (a).

Approved Training

§108.04(16) APPROVED TRAINING. (a) The department shall not reduce benefits under sub. (1) (a) 1., or deny benefits under sub. (1) (a) 2., (2) (a) or (d), or (8) or s. 108.141 (3g) to any otherwise eligible individual for any week as a result of the individual's enrollment in a course of vocational training or basic education which is a prerequisite to such training, provided the department determines that:

1. The course is expected to increase the individual's opportunities to obtain employment;
2. The training is given by a school established under s. 38.02 or other training institution approved by the department;
3. The individual is enrolled full time as determined by the training institution;
4. The course does not grant substantial credit leading to a bachelor's or higher degree; and
5. The individual is attending regularly and making satisfactory progress in the course. The department may require the training institution to file a certification showing the individual's attendance and progress.

(b) The department shall not apply any benefit reduction or disqualification under sub. (1) (b), (7) (c), or (8) (e) or s. 108.141 (3g) that is not the result of training or basic education under par. (a) while an individual is enrolled in a course of training or education that meets the standards specified in par. (a).

(c) If an individual is enrolled in an a program administered by the department for the training of unemployed workers that was in existence on October 1, 2003, other than the Youth Apprenticeship Program under s. 106.13 or a plan for training of youth approved under 29 USC 2822, then notwithstanding any failure of the program to meet the standards specified in par.

(a):

1. The department shall not reduce benefits under sub. (1) (a)1. or deny benefits under sub. (1) (a) 2., (2) (a) or (d), or (8) or s. 108.141 (3g) to an otherwise eligible individual as a result of the individual's enrollment in such training; and
2. The department shall not apply any benefit reduction or disqualification under sub. (1) (b), (7) (c), or (8) (e) or s. 108.141 (3g) that is not the result of the training while the individual is enrolled in the training.

(d) If an individual is enrolled under the plan of any state for training under 19 USC 2296 or a plan for training of dislocated workers approved under 29 USC 2822:

1. The department shall not deny benefits under sub. (7) as a result of the individual's leaving unsuitable work to enter or continue such training; and
2. The requalifying requirements under subs. (7) and (8) do not apply while the individual is enrolled in such training.

(e) The department shall charge to the fund's balancing account the cost of benefits paid to an individual that are otherwise chargeable to the account of an employer that is subject to the contribution requirements of ss. 108.17 and 108.18 if the individual receives benefits based on the application of par. (b), (c) 2., or (d).

Confidentiality

§108.14(7) (a) The records made or maintained by the department or commission in connection with the administration of this chapter are confidential and shall be open to public inspection or disclosure only to the extent that the department or commission permits in the interest of the unemployment insurance program. No person may permit inspection or disclosure of any record provided to it by the department or commission unless the department or commission authorizes the inspection or disclosure.

Wis. Admin. Code DWD 149 Disclosure of Unemployment Insurance Records

DWD 149.001 Definitions.

DWD 149.01 Purpose.

DWD 149.02 Confidentiality of records.

DWD 149.03 Disclosure of records to individuals, employing units, their agents, and authorized third parties.

DWD 149.04 Mandatory disclosure of unemployment insurance records.

DWD 149.05 Permissive disclosure of unemployment insurance records.

DWD 149.06 Confidentiality safeguard requirements and disclosure of records to third parties.

DWD 149.07 Record disclosure agreements.

DWD 149.08 Fee for disclosing unemployment insurance records.

DWD 149.09 Penalties.

DWD 149.001 Definitions. (1) IN GENERAL. Except as provided in sub. (2), unless the context clearly indicates a different meaning, the definitions in ch. DWD 100 apply to this chapter.

(2) IN THIS CHAPTER. Notwithstanding ch. DWD 100 and unless the context clearly indicates a different meaning, in this chapter:

(a) "Claim information" means information about all of the following:

1. Whether an individual is receiving, has received, or has applied for unemployment insurance.
2. The amount of unemployment insurance the individual is receiving or is entitled to receive.
3. The individual's current or most recent home address.
4. For purposes of s. DWD 149.04 (2) (h) to (m), "claim information" also includes all of the following:

a. Whether the individual has refused an offer of work and, if so, a description of the job offered including the terms, conditions, and rate of pay.

b. Any other information contained in the department's unemployment insurance records that is needed by the requesting agency to verify eligibility for, and the amount of, benefits.

(b) "Government unit" has the meaning designated in s. 108.02 (17), Stats., and also includes any unit of the federal government and the governing body of a federally recognized American Indian tribe or band in this state.

(c) "Public domain information" means all of the following:

1. Information about the organization of the department's unemployment insurance division and the labor and industrial review commission.
2. Federal and state unemployment insurance statutes, rules, regulations, statements of general policy, and interpretations of general applicability.
3. Interstate agreements and agreements with the department of labor relating to administration of the unemployment insurance program.
4. Decisions of the labor and industry review commission.

(d) "Public official" means an official, agency, or public entity within the executive branch of the federal, state, tribal, or local government with responsibility for administering or enforcing a law, or an elected official in federal, state, tribal, or local government.

(e) "Wage information" means information in the department's unemployment insurance records about wages paid to an individual; the individual's social security number; and name, address, state, and federal employer identification number of the employing unit that paid the wages to the individual.

DWD 149.01 Purpose. The purpose of this chapter is to implement s. 108.14 (7), Stats., and to comply with 20 CFR Part 603. Under s. 108.14 (7), Stats., the unemployment insurance records made or maintained by the department are confidential and shall be open to public inspection or disclosure only to the extent that the department permits in the interest of the unemployment insurance program. This chapter specifies the conditions and circumstances under which the

department may permit unemployment insurance records to be disclosed. This chapter shall be interpreted and applied consistently with the requirements of 20 CFR Part 603.

DWD 149.02 Confidentiality of records. (1) Unemployment insurance records made or maintained by the department are confidential and not open to public inspection or disclosure, except as provided in subs. (2) and (3).

(2) The department may disclose the following unemployment insurance records if the disclosure is in the interest of the unemployment insurance program and does not interfere with the efficient administration of the program:

(a) Public domain information.

(b) Appeals records and decisions with social security numbers redacted as provided in s. DWD 140.09.

(c) Any unemployment insurance record that has been screened to prevent identification of the individual or employing unit that is the subject of the record or which could foreseeably be combined with other publicly available information to reveal any identifying particulars of an individual or employing unit.

(d) Unemployment insurance records as provided in ss. DWD 149.03 and 149.05.

(3) The department shall disclose unemployment records as provided in s. DWD 149.04.

(4) The department shall notify every claimant at the time of application and periodically thereafter that confidential unemployment insurance information pertaining to the claimant may be requested and used for other governmental purposes, including verification of eligibility for other government programs.

(5) The department shall notify every employer subject to ch. 108, Stats., annually that wage information and other confidential unemployment insurance information may be requested and used for other governmental purposes, including verification of an individual's eligibility for other government programs.

DWD 149.03 Disclosure of records to individuals, employing units, their agents, and authorized third parties.

(1) CLAIMANTS AND EMPLOYING UNITS. Except as otherwise provided under s. DWD 140.09, the department shall make the following records available to the following persons upon request:

(a) An unemployment insurance record concerning an individual is available to that individual.
130 WISCONSIN ADMINISTRATIVE CODE

(b) An unemployment insurance record concerning an individual's work for an employing unit is available to that employing unit.

(c) An unemployment insurance record concerning a determination to which an employing unit is identified as a party of interest under s. 108.09, Stats., is available to that employing unit.

(d) An unemployment insurance record concerning an employing unit's status or liability under ch. 108, Stats., is available to that employing unit.

(2) AGENTS AND ATTORNEYS. (a) The department may disclose an unemployment insurance record to an attorney or agent of an individual or employing unit under sub. (1), only if the attorney or agent furnishes a written statement from the individual or employing unit authorizing release of the record or if the department verifies that the attorney or agent represents the individual or employing unit.

(b) An elected official or the elected official's staff assistant is an agent when acting in response to a constituent's inquiry about an unemployment insurance issue. The department may release only that portion of the records relating solely to the requesting constituent's case.

(c) A union representative is an agent when acting for a claimant.

(3) AUTHORIZED THIRD PARTIES. (a) The department may disclose an unemployment insurance record to an authorized third party that is not an agent of an individual or employing

unit if the third party provides a written release signed by the individual or employing unit to whom the information pertains. The release shall contain the following information:

1. The specific information sought.
2. The purpose for which the information is sought.
3. All parties who may receive the information.
4. A statement that the information obtained under the release will be used only for the purpose provided under subd. 2.
5. A statement that the department's unemployment insurance files will be accessed to obtain the information.

(b) The department may disclose an unemployment insurance record under this subsection only if the purpose specified under par. (a) 2. is limited to one or more of the following:

1. Providing a service to the individual such that the individual expects to receive a benefit as a result of signing the release.
2. Carrying out administration or evaluation of a public program to which the release pertains.

DWD 149.04 Mandatory disclosure of unemployment insurance records. (1) DISCLOSURE REQUIRED BY LAW. The department shall disclose unemployment insurance records to any person or agency as required by state or federal law.

(2) FEDERALLY-MANDATED DISCLOSURES TO CERTAIN AGENCIES.

The department shall disclose unemployment insurance records to the following:

- (a) The internal revenue service for purposes of unemployment insurance tax administration.
- (b) The U.S. citizenship and immigration services for purposes of verifying an individual's immigration status.
- (c) A federal official for purposes of unemployment insurance program oversight and audits.
- (d) Wage and claim information to the U.S. department of health and human services for purposes of the National Directory of New Hires under 42 USC 653a.
- (e) Any other state to properly administer its unemployment insurance program.
- (f) The name, address, ordinary occupation, and employment status of each recipient of unemployment insurance and a statement of the recipient's rights to further insurance under ch. 108, Stats., to any governmental unit for purposes of administering a program of public works or public assistance through public employment.
- (g) The railroad retirement board.
- (h) Wage and claim information to any government unit in the administration of a food stamp program under 7 USC 2011 to 2029 for purposes of determining an individual's eligibility for and amount of benefits.
- (i) Wage and claim information to any state or local child support enforcement agency for purposes of locating individuals owing child support obligations and establishing and collecting child support.
- (j) Wage and claim information to the U. S. department of housing and urban development or representatives of a public housing agency for purposes of determining an individual's eligibility for benefits or amount of benefits under a housing assistance program of the department of housing and urban development, provided the individual has signed a consent form.
- (k) Wage and claim information to a government unit in the administration of a program funded under Temporary Assistance for Needy Families under 42 USC 601 to 619.
- (L) Wage and claim information to any governmental unit administering the provisions of a Medicaid state plan approved under Title XIX of the Social Security Act.
- (m) Wage and claim information to any governmental unit in the administration of Federal Old-Age, Survivors, and Disability Insurance and Supplemental Security Income for the Aged, Blind, and Disabled.

(3) OTHER REQUIRED DISCLOSURES. (a) The department shall disclose to the lottery board, upon request, information regarding any delinquency in the payment of contributions under ch.

108, Stats., by any person who desires to contract with the lottery board for the retail sale of lottery tickets as provided under s. 565.10 (3) (b), Stats.

(b) The department shall disclose wage and claim information to any government unit in the administration of a program of general relief or general assistance.

(c) The department shall disclose unemployment insurance records to the labor and industry review commission to perform its review functions.

DWD 149.05 Permissive disclosure of unemployment insurance records. (1) The department may disclose unemployment insurance records to the following persons or government units if the department approves the purposes for which the records are requested:

(a) The U. S. department of labor, including for purposes of the Workforce Investment Act, and the bureau of labor statistics.

(b) The Unemployment Insurance Advisory Council when reasonably necessary in the course of its duties under s. 108.14 (5), Stats.

(c) A local, state, tribal, or federal government official, other than a clerk of court on behalf of a litigant, with authority to obtain the information pursuant to a subpoena or court order.

(d) A public official or its agent or contractor for use in the performance of official duties, including the following:

1. Any division of the department or corresponding unit in another state agency, the government of another state, or the federal government.

2. Any legislative service agency listed under ch. 13, Stats.

3. Any taxing authority of the United States or of this state or any of its political subdivisions.

4. Colleges, universities, government units, or other organizations or persons for research projects of a public nature that benefit the unemployment insurance program, only if on behalf of a public official.

5. Any federal law enforcement agency or law enforcement agency of the state or any of its political subdivisions, if the worker or employing unit whose record is being sought is the subject of a criminal investigation.

6. Any person whom the department authorizes to use, print, or otherwise reproduce unemployment insurance records for purposes of demonstrating services or equipment in connection with the administration of the unemployment insurance program.

(2) The department may make any other disclosure as provided in this chapter.

(3) The department may disclose only that portion of the records and information as is necessary to complete the request.

DWD 149.06 Confidentiality safeguard requirements and disclosure of records to third parties.

(1) Third party recipients of unemployment insurance records shall comply with all of the following confidentiality safeguard requirements:

(a) Safeguard disclosed information against unauthorized access or redisclosure.

(b) Use the disclosed information only for the purposes authorized by law and consistent with any applicable record disclosure agreement under s. DWD 149.07.

(c) Store disclosed information in a safe place physically secure from unauthorized access.

(d) Store and process information in electronic format in a way that unauthorized persons cannot obtain the information by any means.

(e) Ensure that only authorized persons are given access to disclosed information stored in a computer system.

(f) For third parties authorized to receive information by an individual or employing unit under s. DWD 149.03 (3), maintain a copy of the written release authorizing each access and ensure that access to disclosed information will be only to those authorized under the release.

(g) Instruct all persons having access to disclosed information of the confidentiality requirements and the penalties for unauthorized disclosure, and have these persons sign an acknowledgement that they have been so instructed and agree to report any infraction promptly.

(h) Dispose of all disclosed records and copies after the purpose for which the information was disclosed has been served or when the department considers appropriate, except for disclosed information possessed by any court.

(i) Allow the department to conduct on-site inspections of the disclosed records and to audit for compliance with this section.

(2) No information provided to a public official under this chapter may be used for solicitation of contributions or expenditures to or on behalf of a candidate for public or political office or a political party.

(3) No person, government unit, or other entity to which the department discloses an unemployment insurance record under s. DWD 149.03 (2) or (3), 149.04, or 149.05 may redisclose information obtained from that record without the prior written approval of the department. Any redisclosure is subject to the requirements in sub. (1).

(4) This section does not apply to disclosures of unemployment insurance records to a unit of the federal government that has safeguards in place that meet the confidentiality requirements of

42 USC 303(a)(1), as determined by the department of labor with notice published in the Federal Register.

(5) This section does not apply to disclosures of the following:

(a) Public domain information.

(b) Disclosures exclusively for statistical purposes under a cooperative agreement with the bureau of labor statistics.

(c) Disclosures to the internal revenue service for purposes of unemployment insurance tax administration.

(d) Disclosures to the U.S. citizenship and immigration services for purposes of verifying a claimant's immigration status.

(e) Disclosures to the U.S. department of labor for the purpose of oversight and audits of the unemployment insurance program.

(f) Disclosures of unemployment insurance appeal records under s. DWD 149.02 (2) (b) and disclosures to individuals and employing units under s. DWD 149.03 (1).

DWD 149.07 Record disclosure agreements.

(1) The department shall require a record disclosure agreement to be in effect before disclosing unemployment insurance records under ss. DWD 149.03 (3), 149.04 (2) (e) to (m) and (3), and 149.05 (1) (d).

(2) The department may require a record disclosure agreement to be in effect before disclosing unemployment insurance records to any person, government unit, or entity not listed in sub.

(1).

(3) Any record disclosure agreement with an agent of a public official for disclosure must be made with the public official and hold the public official responsible for ensuring the agent complies with the confidentiality requirements in s. DWD 149.06 (1).

(4) A record disclosure agreement shall be in writing for a prescribed period of time and include all of the following provisions:

(a) A statement of the purpose for which the record is sought, description of the specific information to be furnished, the methods and timing of requests and responses for information, and the format to be used.

(b) A requirement that the person, government unit, or entity that is a party to the agreement comply with all of the following:

1. Use the information only for purposes authorized by law and as stated in the agreement and limit access to the information to those with a need to access it for the stated purpose.
2. Pay all of the department's costs in providing information from unemployment insurance records, unless the agreement provides for the reciprocal sharing of costs.
3. Comply with the confidentiality safeguards requirements of s. DWD 149.06 and not release information obtained from any unemployment insurance record to a third party without prior written approval of the department.
4. Verify the information in an unemployment insurance record released by the department if the person, government unit, or entity may take any action detrimental to the interests of the employee or employing unit that is the subject of the record.
5. Maintain a system of security that includes a procedure for the destruction of confidential information and report any infraction of the confidentiality safeguard requirements under s. DWD 149.06 or the agreement under this section fully and promptly.
6. Allow for on-site inspections by the department to ensure the confidentiality safeguard requirements of the agreement are met.

(c) For authorized third parties under s. DWD 149.03 (3), the information may be accessed only by those persons with authorization under the release, and the purpose for the release of information shall be limited to providing a service to benefit the individual.

(5) If the person, government unit, or entity fails to comply with the agreement, including failure to pay or reimburse the department for costs, the agreement shall be suspended. If no corrective action is taken and completed promptly following a suspension, the department shall cancel the agreement and all confidential information shall be surrendered to the department. The department may seek damages, penalties, and restitution as allowed by law.

(6) The requirements of this section do not apply to disclosures of unemployment insurance records to a federal agency that has in place safeguards adequate to satisfy the confidentiality requirements of 42 USC 303(a)(1), as determined by the department of labor and published in the Federal Register.

DWD 149.08 Fee for disclosing unemployment insurance records. (1) (a) The department shall charge a fee for disclosing an unemployment insurance record when the disclosure is for a third party, government unit, or entity that requests the record and disclosure is not necessary for the proper administration of the unemployment insurance program, unless only incidental staff time and nominal processing costs are involved in making the disclosure.

(b) The department may charge a fee for disclosure in the following circumstances:

1. Disclosure of public domain information.
2. Disclosure to an individual, employing unit, or agent.
3. The purpose of the disclosure is program oversight or audit.
4. The disclosure is pursuant to a court order or is to officials with subpoena authority.

(c) The fee for disclosure may not exceed the actual, necessary, and direct costs of location and disclosure of the record, including photocopy, postage, computer reprogramming, and labor costs, except a record location fee may be charged if the costs of location exceed \$50. The department shall require the fee for disclosure to be paid in advance except for good reason.

(2) The department may permit an individual who is entitled to an unemployment insurance record to photograph the record or the department may photograph the record for the individual, if the form of the record does not permit copying.

(3) The department may impose reasonable restrictions on the manner of access to an original unemployment insurance record if the record is irreplaceable or easily damaged.

(4) Payment of the fee for disclosure on a one-time or an ongoing basis may be arranged under a record disclosure agreement under s. DWD. 149.07.

DWD 149.09 Penalties. Any person who permits inspection or disclosure of an unemployment insurance record provided to that person by the department without authorization of the department shall be subject to the penalties provided under s. 108.24 (4), Stats.

UID-M (Manual Update)
Wisconsin Act 11
2009 Law Changes

UID Number **09-09 (Revised)**
Date **06/09/09**
Rev. 08/17/09
Manual **Disputed Claims**

1. **Purpose:** To provide staff with a revised directive regarding the UI law changes included in [Wisconsin Act 11](#) that includes related updates to the Discharge and Disciplinary Suspension manual sections and additional guidance for determining eligibility for Extended Training (ET) Benefits. Minor clarifications were also made to the voluntary termination manual section.
2. **Background:** [Wisconsin Act 11](#), which was effective 05/24/09, included several changes to Chapter 108. Below is a brief description and the applicability date of each change.

Quit Provisions - Effective with Terminations Occurring in Week 22/09 or later

- The quit exception under 108.04(7)(c) was modified with regard to quitting to care for a family member. The illness or disability of the family member who requires care must be verified but the provision no longer requires that reasonable alternatives be exhausted first.

"Immediate family" includes parents, spouses, children, and other persons for whom the employee is and has been the sole source of care.

"Disability" includes mental and physical, permanent and temporary, and partial and total disabilities.

Benefits will still be denied if the claimant does not meet the able and available requirements.

When applying DWD 128.01(4)2 to an able and available restriction resulting from care of a family member, the "essential care" and "uniquely and actually provided by the claimant" elements of this provision will be considered met as long as the illness/disability of the family member is verified. This application applies to any able and available determination with a week of issue of 22/09 or later.

Note: The application of 108.04(7)(c) with regard to quitting due to the claimant's inability is unchanged. Reasonable alternatives to quitting must still be exhausted before applying the exception to these situations.

- The quit exception under 108.04(7)(s) for quitting due to domestic abuse was modified to remove the requirement that a temporary restraining order be secured prior to quitting. The claimant must verify the existence of the abuse by providing a copy of **either** a protective order related to the abuse or a report by a law enforcement agency, health care professional or an employee of a domestic violence shelter.
- A new quit exception was created under 108.04(7)(t) for employees who quit to relocate with a spouse because the spouse changed jobs and it would be impractical to commute from the new residence.

The revised/new resolution codes to use when one of the above quit exceptions

applies are in production.

When entering a quit disqualification using VL102, adjudicators are reminded to enter code "c", "s", or "t" on the effect screen if one of the above exceptions was considered.

Discharge and Disciplinary Suspension Provisions - Effective with Terminations Occurring in Week 22/09 or later

Consistent with the revisions made to the above quit exceptions, employees must not be disqualified for employer initiated separations that are due to 1) the verified illness or disability of a member of his or her immediate family, 2) domestic abuse or safety/harassment concerns of family & other household members, or 3) relocation with a spouse to a place it was impractical to commute after the spouse changed jobs.

These situations will normally arise when the employee was discharged or suspended due to absenteeism or tardiness. Absence and tardiness that are the result of family situations mentioned above must not be considered when determining whether misconduct applies under 108.04(5), a disqualification for failing to give notice of absenteeism or tardiness applies under 108.04(5g), or good cause for a disciplinary suspension applies under 108.04(6).

Example: The claimant is hospitalized as a result of domestic violence and unable to contact the employer to advise of his absence. As a result he is discharged. Neither the absences nor the failure to notify the employer of the absence can be considered when determining eligibility under 108.04(5) and (5g).

Extended Training (ET) Benefits - Effective with weeks of unemployment beginning week 35/09 or later.

Claimants who are enrolled in training for entry into a high demand occupation may receive up to 26 additional weeks of benefits if they were separated from a job in a declining occupational field or were involuntarily separated from employment as a result of a permanent reduction in operations. Some additional conditions that must be met to receive ET include:

- The claimant must have exhausted all rights to other state or federal unemployment benefits, including TRA benefits.
- The claimant must start receiving ET within 52 weeks after the end of the applicable benefit year.
- The claimant must enroll in the training by the end of the applicable benefit year or within 52 weeks of the applicable benefit year if it ends while any state or federal extended benefits are in effect.
- The training in which the claimant is enrolled must be either:
 - approved training under 108.04(16), or
 - **any** job training program under the Workforce Investment Act of 1998 (WIA).
- The claimant cannot be receiving other similar stipends or training

allowances for non-training costs.

- The claimant must be making satisfactory progress in the training program.

The terms "declining occupation" and "high-demand occupation" will be defined and complete procedures will be disseminated prior to the effective date of the provision.

High Extended Benefits (HEB)

Wisconsin Extended Benefit provisions were modified to allow for additional weeks based on the State's Total Unemployment Rate (TUR). When Wisconsin is in an HEB period, claimants will be eligible for 20 weeks or 80% of their regular entitlement (whichever is less), rather than 13 weeks or 50% of their regular entitlement.

Wisconsin's TUR met the requirements to trigger an HEB period **as of week 24/09**. More details about HEB will be included in the Extended Benefits UID.

3. **Action Required:** All staff should be made aware of these changes.
4. **Inquiries:** Benefit Center staff should address all inquiries to their lead worker or supervisor. Inquiries from other areas should be directed to Disputed Claims.
5. **Attachment:** The following sections of the on-line Disputed Claims Manual have been updated.
 - [Voluntary Terminations](#)
 - [Able & Available](#)
 - [Discharge](#)
 - [Disciplinary Suspension](#)
 - [Approved Training](#)
6. **Reference:** [Wisconsin Act 11](#).

Hal Bergan, Administrator
Division of Unemployment Insurance

HB:CBreber

[UID INDEX](#)

[TOP OF PAGE](#)