



2011 ASSEMBLY BILL 197

July 7, 2011 – Introduced by Representatives BALLWEG and ENDSLEY, cosponsored by Senator WANGGAARD. Referred to Committee on Labor and Workforce Development.

1 **AN ACT** *to amend* 108.141 (1) (e) and 108.141 (1) (f) 3. b.; and *to create* 108.141
2 (1) (f) 4. of the statutes; **relating to:** payment of extended unemployment
3 insurance benefits during certain periods in this state.

Analysis by the Legislative Reference Bureau

Currently, the maximum number of weeks of unemployment insurance benefits that an eligible claimant may qualify to receive is normally 26 weeks. However, during certain periods of high unemployment in this state, as defined by law, a claimant who has exhausted all of his or her rights to receive benefits in a given benefit year (period during which benefits are payable to a claimant) may potentially qualify to receive up to 13 weeks of “extended benefits,” the cost of which, with certain exceptions, is normally shared between the federal government and employers in this state. Under recent federal legislation, the employer share is also paid by the federal government for private employers, including nonprofit organization employers but not including Indian tribal employers, during certain periods. For extended benefits to be paid in this state, there must be a Wisconsin “on” indicator, which is currently determined by calculating the rates of total or insured unemployment for various periods under one of three methods.

This bill adds a fourth method of determining a Wisconsin “on” indicator, which applies only for so long as the method is permitted under federal law and full federal funding is provided (currently, for claims filed before January 4, 2012). Under this method, 1) the rate of insured unemployment for the period consisting of the week in which the determination is made and the 12 preceding weeks must equal or exceed

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120 percent of the average of such rates for the corresponding 13-week periods ending in each of the preceding 3 calendar years and must equal or exceed 5 percent; or 2) the average rate of seasonally adjusted total unemployment for the period consisting of the most recent 3 months for which national data is available must equal or exceed 6.5 percent and must equal or exceed 110 percent of the average for any of the corresponding 3-month periods ending in the 3 preceding calendar years. Under the bill, if this state begins or extends an extended benefit period as a result of this “on” indicator, extended benefits are payable retroactively to qualifying claimants with respect to weeks of unemployment beginning on or after December 17, 2010.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 108.141 (1) (e) of the statutes is amended to read:

2 108.141 (1) (e) There Except with respect to any week described in par. (f) 4.,
3 there is a Wisconsin “off” indicator for a week if, for the period consisting of that week
4 and the immediately preceding 12 weeks, there is not a Wisconsin “on” indicator.

5 **SECTION 2.** 108.141 (1) (f) 3. b. of the statutes is amended to read:

6 108.141 (1) (f) 3. b. The average rate of total unemployment in this state,
7 seasonally adjusted, as determined by the U.S. secretary of labor for the period
8 consisting of the most recent 3 months for which data for all states are published
9 before the close of that week equals or exceeds 110 percent of the average for either
10 or both of the corresponding 3-month periods ending in the 2 preceding calendar
11 years; or

12 **SECTION 3.** 108.141 (1) (f) 4. of the statutes is created to read:

13 108.141 (1) (f) 4. With respect to weeks of unemployment beginning on or after
14 the date of enactment of P.L. 111-312 and ending on or before the earlier of the latest
15 date permitted under federal law or the end of the 4th week prior to the last week

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1 in which federal sharing is provided as authorized by section 2005 (a) of P.L. 111-5
2 and any amendments to such federal laws:

3 a. The rate of insured unemployment for the period consisting of that week and
4 the immediately preceding 12 weeks equaled or exceeded 120 percent of the average
5 of such rates for the corresponding 13-week periods ending in each of the preceding
6 3 calendar years, and equaled or exceeded 5 percent; or

7 b. The average rate of total unemployment, seasonally adjusted, as determined
8 by the U.S. secretary of labor, for the period consisting of the most recent 3 months
9 for which data for all states are published before the close of that week equals or
10 exceeds 6.5 percent and equals or exceeds 110 percent of the average for any of the
11 corresponding 3-month periods ending in the preceding 3 calendar years.

12 **SECTION 4. Initial applicability.**

13 (1) This act first applies retroactively with respect to weeks of unemployment
14 beginning on or after December 17, 2010.

15 (END)