



State of Wisconsin  
2021 - 2022 LEGISLATURE

LRB-2943/1  
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## 2021 ASSEMBLY BILL 937

January 31, 2022 - Introduced by Representatives DALLMAN, VORPAGEL, WITTKER, ALLEN, ARMSTRONG, AUGUST, BRANDTJEN, CABRAL-GUEVARA, CALLAHAN, DITTRICH, DUCHOW, EDMING, JAMES, KATZMA, KITCHENS, KNODL, KRUG, KUGLITSCH, MAGNAFICI, MOSES, PENTERMAN, PETERSEN, PLUMER, SCHRAA, SNYDER, SORTWELL, STEFFEN, TUSLER, ZIMMERMAN and BORN, cosponsored by Senators FEYEN, BERNIER, FELZKOWSKI, MARKLEIN and STROEBEL. Referred to Committee on Workforce Development.

\*\*\*AUTHORS SUBJECT TO CHANGE\*\*\*

1     **AN ACT to amend** 108.06 (1) and 108.142 (4); and **to create** 108.06 (1m) and  
2           227.01 (13) (yL) of the statutes; **relating to:** the amount of benefits received  
3           under the unemployment insurance law.

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### *Analysis by the Legislative Reference Bureau*

This bill changes the maximum number of weeks of regular unemployment insurance (UI) benefits payable to an eligible claimant who is totally unemployed to an amount that varies depending upon the seasonally adjusted statewide average unemployment rate for the first or third calendar quarter immediately preceding the beginning of the claimant's benefit year.

Currently, the maximum number of weeks of regular UI benefits payable to an eligible claimant who is totally unemployed and who earns sufficient wages to qualify for those benefits is fixed at 26 weeks.

Under the bill, the maximum number of weeks for claimants whose benefit years begin during the first half of a given year is based upon the unemployment rate for the third quarter of the preceding year, and the maximum number of weeks for claimants whose benefit years begin during the second half of a given year is based upon the unemployment rate for the first quarter of that year. Once a claimant begins a benefit year, the claimant's maximum number of weeks of regular benefits is fixed for that benefit year. Because the maximum number of weeks of state supplemental benefits payable to a claimant is calculated in part based upon the maximum number of weeks of regular benefits payable to a claimant, the change also affects the maximum number of weeks of state supplemental benefits payable to a

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claimant. Under the bill, the maximum number of weeks of regular benefits for total unemployment is determined as follows:

<u>Statewide unemployment rate</u>	<u>Maximum weeks of benefits</u>
Greater than 9.0 percent	26
Greater than 8.5 percent but less than or equal to 9.0 percent	25
Greater than 8.0 percent but less than or equal to 8.5 percent	24
Greater than 7.5 percent but less than or equal to 8.0 percent	23
Greater than 7.0 percent but less than or equal to 7.5 percent	22
Greater than 6.5 percent but less than or equal to 7.0 percent	21
Greater than 6.0 percent but less than or equal to 6.5 percent	20
Greater than 5.5 percent but less than or equal to 6.0 percent	19
Greater than 5.0 percent but less than or equal to 5.5 percent	18
Greater than 4.5 percent but less than or equal to 5.0 percent	17
Greater than 4.0 percent but less than or equal to 4.5 percent	16
Greater than 3.5 percent but less than or equal to 4.0 percent	15
Less than or equal to 3.5 percent	14

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.** 108.06 (1) of the statutes is amended to read:  
2           108.06 (1) Except as provided in sub. (6) and ss. 108.141 and 108.142, no  
3 claimant may receive total benefits based on employment in a base period greater  
4 than ~~26 times~~ the number of weeks determined under sub. (1m) multiplied by the  
5 claimant's weekly benefit rate under s. 108.05 (1) or 40 percent of the claimant's base  
6 period wages, whichever is lower. Except as provided in sub. (6) and ss. 108.141 and

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

8 **SECTION 2.** 108.06 (1m) of the statutes is created to read:

9 108.06 (1m) (a) The department shall determine the maximum number of  
 10 weeks of regular benefits under sub. (1) by calculating for the first and 3rd quarter  
 11 of each year the average of the seasonally adjusted statewide unemployment rates  
 12 for the months in the quarter, as determined by the bureau of labor statistics for the  
 13 U.S. department of labor. For claimants whose benefit years begin on or after  
 14 January 1 and before July 1 of any year, the department shall make the  
 15 determination by using the 3rd calendar quarter of the preceding year. For  
 16 claimants whose benefit years begin after June 30 and on or before December 31 of  
 17 any year, the department shall make the determination by using the first calendar  
 18 quarter of that year. For benefit years to which each determination applies, the  
 19 maximum number of weeks of regular benefits is as follows: [See Figure 108.06 (1m)  
 20 (a) following]

21 **Figure 108.06 (1m) (a):**

<u>Statewide average unemployment rate</u>	<u>Maximum weeks of benefits</u>
Greater than 9.0 percent	26
Greater than 8.5 percent but less than or equal to 9.0 percent	25

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Greater than 8.0 percent but less than or equal to 8.5 percent	24
Greater than 7.5 percent but less than or equal to 8.0 percent	23
Greater than 7.0 percent but less than or equal to 7.5 percent	22
Greater than 6.5 percent but less than or equal to 7.0 percent	21
Greater than 6.0 percent but less than or equal to 6.5 percent	20
Greater than 5.5 percent but less than or equal to 6.0 percent	19
Greater than 5.0 percent but less than or equal to 5.5 percent	18
Greater than 4.5 percent but less than or equal to 5.0 percent	17
Greater than 4.0 percent but less than or equal to 4.5 percent	16
Greater than 3.5 percent but less than 4.0 percent	15
Less than or equal to 3.5 percent	14

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

5           (c) The department shall publish on its Internet site a notice about the  
6 maximum number of weeks of regular benefits available as calculated in accordance  
7 with this subsection.

8           **SECTION 3.** 108.142 (4) of the statutes is amended to read:

9           108.142 (4) DURATION OF WISCONSIN SUPPLEMENTAL BENEFITS. During a  
10 Wisconsin supplemental benefit period, no claimant may receive total benefits based

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1 on employment in a base period greater than ~~34 times~~ the sum of the number of  
2 weeks determined under s. 108.06 (1m) and 8, multiplied by the claimant's weekly  
3 benefit rate under s. 108.05 (1) or 40 percent of wages paid or payable to the claimant  
4 in his or her base period under s. 108.04 (4) (a), whichever is lower.

5 **SECTION 4.** 227.01 (13) (yL) of the statutes is created to read:

6 227.01 (13) (yL) Determines, under s. 108.06 (1m), the maximum number of  
7 weeks of regular unemployment insurance benefits available under s. 108.06 (1).

8 **SECTION 5. Initial applicability.**

9 (1) This act first applies with respect to benefit years established on the  
10 effective date of this subsection.

11 **SECTION 6. Effective date.**

12 (1) This act takes effect on July 3, 2022.

13 (END)