



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-2720/1
MED:skw

2023 SENATE BILL 235

April 14, 2023 - Introduced by Senators FEYEN, FELZKOWSKI, NASS and STROEBEL, cosponsored by Representatives O'CONNOR, BEHNKE, BRANDTJEN, BROOKS, EDMING, GUNDRUM, KNODL, MACCO, MOSES, NEDWESKI, PETERSEN, PETRYK, PLUMER, ROZAR, SORTWELL, WICHGERS, GUSTAFSON, STEFFEN, RETTINGER and DUCHOW. Referred to Committee on Economic Development and Technical Colleges.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to create* 108.14 (10m), 108.14 (23m), 108.14 (29) and 108.14 (30) of the
2 statutes; **relating to:** various changes to the unemployment insurance law and
3 authorizing the secretary of administration to transfer employees from any
4 executive branch agency to the Department of Workforce Development for
5 certain purposes.

Analysis by the Legislative Reference Bureau

UNEMPLOYMENT INSURANCE

This bill makes various changes in the unemployment insurance (UI) law, which is administered by the Department of Workforce Development. Significant changes include all of the following:

Identity proofing

The bill requires DWD to implement identity-proofing measures for UI claimants who are engaging in benefit-related transactions with DWD that 1) require a claimant to verify his or her identity prior to filing an initial claim for benefits and when engaging in other transactions with DWD, and 2) achieve the IAL2 and AAL2 standards adopted in the National Institute of Standards and Technology's Digital Identity Guidelines.

Education and informational materials

Current law requires DWD to compile and provide to employers certain information about how the UI system works, including a handbook on the UI system

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for employers and information concerning the financing of the UI system that is published on DWD's website. The bill requires DWD to also provide certain training materials for employers and claimants on the UI system. The bill requires DWD to publish training videos on its website and also to provide live training seminars for employing units that are free of charge and provided on a quarterly basis.

Assistance call center

The bill requires DWD to operate a call center to assist claimants for UI benefits or similar federal payments. Under the bill, if the volume of calls has increased by 300 percent or more over the same week during the previous year or if there is a declared state of emergency for the state that causes or relates to an increase in UI claims, DWD is required to increase the hours for the call center to include evening hours after 5 p.m. and weekend hours.

Database comparisons

The bill requires DWD to perform a comparison of state and national databases that track death records, employment records, and prison records against recipients of UI benefits for the purposes of detecting fraud or erroneous payments. The bill requires DWD to perform the comparison on at least a weekly basis. The bill provides that DWD may also make such comparisons with other databases.

OTHER CHANGES***Transfer of employees to DWD***

The bill authorizes the secretary of administration to temporarily transfer employees from any executive branch agency to DWD to assist in deciding UI appeals. Under the bill, DWD must pay all salary and fringe benefit costs of that employee during the time the employee is at DWD.

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.** 108.14 (10m) of the statutes is created to read:
- 2 108.14 (**10m**) The department shall implement identity-proofing measures for
- 3 claimants who are engaging in benefit-related transactions with the department
- 4 that satisfy all of the following:
- 5 (a) The measures require a claimant to verify his or her identity prior to filing
- 6 an initial claim for benefits and when engaging in other transactions with the
- 7 department.

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1 (b) The measures achieve the IAL2 and AAL2 standards adopted in the
2 National Institute of Standards and Technology's Digital Identity Guidelines.

3 **SECTION 2.** 108.14 (23m) of the statutes is created to read:

4 108.14 **(23m)** The department shall provide training materials on the
5 unemployment insurance system, including all of the following:

6 (a) Training videos for claimants and employing units published on the
7 department's website.

8 (b) Live training seminars for employing units that are free of charge and
9 provided on a quarterly basis. The seminars may be in-person, online, or both.

10 **SECTION 3.** 108.14 (29) of the statutes is created to read:

11 108.14 **(29)** (a) The department shall maintain a call center to provide
12 assistance and support by telephone to claimants for benefits under this chapter or
13 payments under federal assistance programs for unemployment.

14 (b) The department shall, during each of the following periods, extend the call
15 center hours to include hours after 5 p.m. on weekdays and at least 16 hours on
16 weekends:

17 1. During a declared state of emergency for the state that causes or relates to
18 an increase in unemployment claims.

19 2. For 90 days after any week in which the call center experiences an increase
20 of at least 300 percent in calls compared to the same week during the previous year,
21 and for 90 days after each subsequent week in which such an increase occurs.

22 **SECTION 4.** 108.14 (30) of the statutes is created to read:

23 108.14 **(30)** (a) The department shall, on at least a weekly basis, perform a
24 comparison of recipients of benefits under this chapter against all of the following for
25 the purpose of detecting fraud or erroneous payments:

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1 1. Nationally recognized databases that contain information on death records,
2 including the federal social security administration's death master file.

3 2. The National Association of State Workforce Agencies' integrity data hub.

4 3. The national directory of new hires maintained by the office of child support
5 enforcement in the U.S. department of health and human services.

6 4. Prisoner databases maintained by the department of justice, the department
7 of corrections, and the U.S. department of justice.

8 (b) The department may perform comparisons of recipients of benefits under
9 this chapter against public or private databases in addition to those specified in par.

10 (a) 1. to 4.

11 **SECTION 5. Nonstatutory provisions.**

12 (1) (a) In this subsection, "allowable period" means the period described in par.

13 (c).

14 (b) During the allowable period, the secretary of administration may transfer
15 any employee to the department of workforce development from any other state
16 agency to provide services for the department of workforce development that are
17 needed to hear and decide appeals under s. 108.09 (4). Such an employee may,
18 notwithstanding s. 108.09 (3) (a), serve as an appeal tribunal under ss. 108.09 to
19 108.10, subject to approval by the secretary of workforce development. The
20 department of workforce development shall pay all salary and fringe benefit costs of
21 the employee during the time he or she is providing services for the department of
22 workforce development. Any action by the secretary of administration under this
23 paragraph shall remain in effect until rescinded by the secretary or 90 days after the
24 last day of the allowable period, whichever is earliest.

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1 (c) A transfer under par. (b) may be made at any time during the period
2 beginning on the effective date of this paragraph and ending on the 120th day after
3 the effective date of this paragraph, except that the joint committee on finance may,
4 upon request of the secretary of administration, extend the period by not more than
5 an additional 120 days.

6 (d) If an employee is transferred under par. (b), the department of workforce
7 development may not increase the employee's salary at the time of transfer or during
8 the time he or she is providing services for the department of workforce development,
9 and the agency from which the employee was transferred may not increase the
10 employee's salary at the time the employee returns to the agency.

11 (e) The secretary of administration shall submit a report to the joint committee
12 on finance, no later than the first day of the 2nd month beginning after the effective
13 date of this paragraph and on the first day of each subsequent month during the
14 allowable period, that provides information on all employee transfers under par. (b).
15 Each report shall specify the number of employees transferred, the title of each
16 employee transferred, the title the employee assumed at the department of
17 workforce development, and the reasons for each employee transfer.

18 **SECTION 6. Effective date.**

19 (1) This act takes effect on the Sunday after publication.

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(END)