



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-3406/1
MED:cjs

2021 SENATE BILL 378

May 25, 2021 - Introduced by JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES. Referred to Committee on Labor and Regulatory Reform.

1 **AN ACT to amend** 108.04 (2) (bb) (intro.) and 108.04 (2) (bd) (intro.); and **to create**
2 108.04 (2) (be) of the statutes; **relating to:** work search requirements for
3 unemployment insurance and the suspension of a rule of the Department of
4 Workforce Development.

Analysis by the Legislative Reference Bureau

Under current law, a claimant for UI benefits is generally required to search for work each week in order to remain eligible, but the Department of Workforce Development is required to waive these requirements under certain circumstances. Under current law, DWD has limited rule-making authority to modify the availability of waivers or establish additional waivers if necessary to comply with a requirement under federal law or if specifically allowed under federal law. DWD has, by emergency rule, waived the work search requirement for all claimants to respond to the spread of COVID-19.

This bill prohibits DWD from waiving the work search requirement for any reason that is related to COVID-19 or the the COVID-19 pandemic or a public health emergency that is in response to or otherwise related to COVID-19.

The bill is introduced as required by s. 227.26 (2) (f), stats., in support of the action of the Joint Committee for Review of Administrative Rules in suspending DWD emergency rule 2106 on May 19, 2021. The suspended emergency rule provided

SENATE BILL 378

for a waiver of the work search requirement and addressed provisions governing claimants being able to work and available for work in order to claim UI benefits.

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

1 **SECTION 1.** 108.04 (2) (bb) (intro.) of the statutes is amended to read:

2 108.04 (2) (bb) (intro.) The department shall, except as provided under ~~par.~~
3 ~~pars.~~ (bd) and (be), waive the work search requirement under par. (a) 3. if any of the
4 following applies:

5 **SECTION 2.** 108.04 (2) (bd) (intro.) of the statutes is amended to read:

6 108.04 (2) (bd) (intro.) The Except as provided in par. (be), the department may,
7 by rule, do any of the following if doing so is necessary to comply with a requirement
8 under federal law or is specifically allowed under federal law:

9 **SECTION 3.** 108.04 (2) (be) of the statutes is created to read:

10 108.04 (2) (be) 1. In this paragraph:

11 a. "COVID-19" means the SARS-CoV-2 virus and any related disease.

12 b. "Public health emergency" includes any public health emergency declared
13 under s. 323.10, including any extension, any action by the department of health
14 services under ch. 252, any federally declared emergency, or any period in which this
15 state has been the subject of a major disaster declaration.

16 2. The department may not waive the work search requirement under par. (a)
17 3. for any reason that is related to COVID-19 or the COVID-19 pandemic or a public
18 health emergency that is in response to or otherwise related to COVID-19 or the
19 COVID-19 pandemic.

20 **SECTION 4. Initial applicability.**

