



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 02-088

AN ORDER to amend DWD 129.01 (1), relating to the extension of the time period allowed for filing an initial claim for unemployment insurance benefits.

Submitted by **DEPARTMENT OF WORKFORCE DEVELOPMENT**

06-13-2002 RECEIVED BY LEGISLATIVE COUNCIL.

07-01-2002 REPORT SENT TO AGENCY.

RNS:RJC

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]
Comment Attached YES NO
2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]
Comment Attached YES NO
3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]
Comment Attached YES NO
4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]
Comment Attached YES NO
5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]
Comment Attached YES NO
6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]
Comment Attached YES NO
7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]
Comment Attached YES NO



**State of Wisconsin
Department of Workforce Development
Unemployment Insurance Division**

NOTICE OF PUBLIC HEARING

**Extension of the Time Period Allowed for Filing an Initial
Claim for Unemployment Insurance Benefits**

NOTICE IS HEREBY GIVEN that pursuant to ss. 108.08(1), 2001 Wis. Act 35, sec. 72(2)(b), and 227.11, Stats., the Department of Workforce Development proposes to hold three public hearings to consider the amendment of s. DWD 129.01(1), relating to the extension of the time period allowed for filing an initial claim for unemployment insurance benefits.

Hearing Information

Monday, July 15, 2002
Job Center
Room 12
1819 Aberg, Madison WI
10:00 am. - 11:00 am

Tuesday, July 16, 2002
State Office Building
Room 45
819 North 6th Street
Milwaukee, WI
11:00 am - 12:00 pm.

Wednesday, July 17, 2002
Portage County Public Library
Pinery Room
1001 Main Street
Stevens Point, WI 54481
11:00 am - 12:00 pm.

Interested persons are invited to appear at the hearings and will be afforded the opportunity to make an oral presentation of their positions. Persons making oral presentations are requested to submit their facts, views, and suggested rewording in writing. If you have special needs or circumstances that may make communication or accessibility difficult at the hearings, please call (608) 267-1405 at least 10 days prior to the hearing date. Accommodations such as ASL

interpreters, English translators, or materials in audiotape format will be made available on request to the fullest extent possible.

Analysis Prepared by the Department of Workforce Development

Statutory authority: Section 108.08(1), Stats. and 2001 Wis. Act 35, sec. 72(2)(b).

Statutes interpreted: Section 108.08(1), Stats.

Pursuant to s. 108.08(1), Stats., a claimant must give notice to the department with respect to a week of unemployment "within such time and in such manner as the department may by rule prescribe" in order to receive benefits for that particular week.

Under the current s. DWD 129.01(1), a claimant must file his or her initial claim for benefits no later than the close of the week in which the claimant intends the claim to start. For example, a claimant who files two weeks late cannot obtain unemployment benefits retroactively unless the department waives the time limit under the exceptional circumstances provision in s. DWD 129.01(4). This proposed rule extends the time period for filing an initial claim by seven days beyond the end of the week for which the claimant expects to get the benefits.

Increasing the time frame within which a claimant may file a timely initial unemployment insurance benefit claim would reduce disparate treatment of claimants in like situations by removing the subjectivity of finding "exceptional circumstances" before allowing late claims and ease an increasing workload for the unemployment insurance division. This change would eliminate approximately 67% of untimely filing issues, which would translate into savings of 5 to 6 full-time employees (FTEs). These positions would then be able to turn attention and time to resolving other eligibility issues at a time when the unemployment insurance division is currently experiencing a sharp increase in workload and anticipates continued increase over the next three years.

The telephone initial claims system allows the department to be more lenient in proscribing filing deadlines due to its expanded accessibility and speed in identifying and resolving eligibility issues. Systems changes to the telephone initial claims system are estimated to require 50 hours at approximately \$50 to \$60 per hour for a total of \$2500 to \$3000.

Rule Text

SECTION 1. DWD 129.01 (1) is amended to read:

DWD 129.01 Notice of unemployment. (1) INITIATING A CLAIM. A claimant is eligible under s. 108.08, Stats., for benefit purposes for any week of total or partial unemployment only if, as of the first week being claimed, the claimant notifies the department in person, by telephone if authorized by the department, or as otherwise prescribed by the department, during that week or within 7 days after the close of that week, of the claimant's intent to initiate the claim and complies with the initial and weekly filing procedures as directed by the department.

Any claimant who stops filing weekly certifications for one or more weeks or who files a late weekly certification must comply with the requirements of this subsection to resume a claim.

EFFECTIVE DATE. This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Initial Regulatory Flexibility Analysis

The proposed rule does not affect small business.

Fiscal Impact

The rule will have an immediate cost of approximately \$3000 for an automation change. The extension of the time period for filing a claim is expected to eliminate approximately 67% of untimely filing issues. This translates into savings of 5 to 6 full-time employees who would have otherwise been needed to determine these issues.

Contact Information

For substantive questions concerning the proposed rule, contact Tom Smith, Research Attorney, UI Bureau of Legal Affairs, 266-9641.

Written Comments

Written comments on the proposed rules received at the following address no later than July 19, 2002, will be given the same consideration as testimony presented at the hearing.

Elaine Pridgen
Office of Legal Counsel
Dept. of Workforce Development
P.O. Box 7946
Madison, WI 53707-7946
(608) 267-9403



Secretary or designee

6/12/02

Date

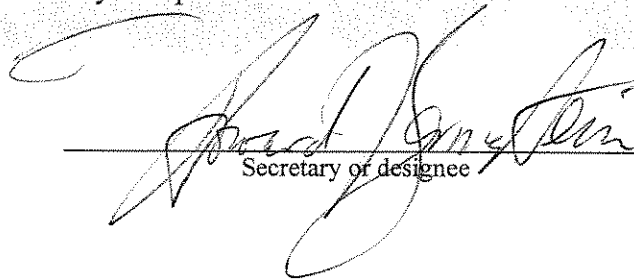
Rules Certificate

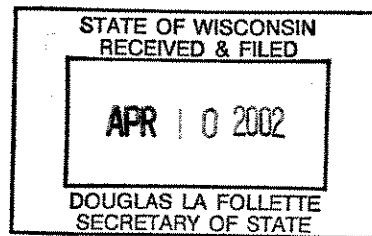
STATE OF WISCONSIN)
) SS
DEPARTMENT OF WORKFORCE DEVELOPMENT)

I, Jennifer Reinert, Secretary of the Department of Workforce Development, and custodian of the official records, certify that the annexed rules relating to extension of the time period allowed for filing an initial claim for unemployment insurance benefits were duly approved and adopted by this department on April 9, 2002.

I further certify that this copy has been compared by me with the original on file in this department and that it is a true copy of the original and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the of the Department of Workforce Development at 201 E. Washington Avenue in the city of Madison, this 9th day of April 2002.


Secretary of designee



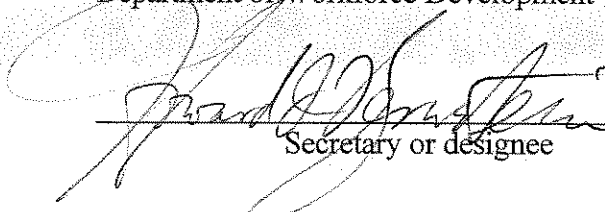
Order Adopting Rules

Pursuant to authority vested in the Department of Workforce Development by s. 108.08(1), Stats., and 2001 Wisconsin Act, sec. 72(2)(b), the Department of Workforce Development amends rules of Wisconsin Administrative Code s. DWD 129.01(1), relating to extension of the time period allowed for filing an initial claim for unemployment insurance benefits. The attached rules shall take effect on publication in the official state newspaper pursuant to s. 227.24, Stats.

Adopted at Madison, Wisconsin this

Date: April 9, 2002

Department of Workforce Development


Secretary or designee

**State of Wisconsin
Department of Workforce Development**

EMERGENCY RULE

**Extension of the Time Period Allowed for Filing an Initial
Claim for Unemployment Insurance Benefits**

The Wisconsin Department of Workforce Development proposes an order to amend DWD 129.01(1), relating to extension of the time period allowed for filing an initial claim for unemployment insurance benefits.

Finding of Emergency

Pursuant to 2001 Wisconsin Act 35, sec. 72(2)(b), the Department is not required to provide evidence that promulgating this 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 this rule.

Analysis Prepared by the Department of Workforce Development

Statutory authority: Section 108.08(1), Stats. and 2001 Wis. Act 35, sec. 72(2)(b).

Statutes interpreted: Section 108.08(1), Stats.

Pursuant to s. 108.08(1), Stats., a claimant must give notice to the department with respect to a week of unemployment "within such time and in such manner as the department may by rule prescribe" in order to receive benefits for that particular week.

Under the current s. DWD 129.01(1), a claimant must file his or her initial claim for benefits no later than the close of the week in which the claimant intends the claim to start. For example, a claimant who files two weeks late cannot obtain unemployment benefits retroactively unless the department waives the time limit under the exceptional circumstances provision in s. DWD 129.01(4). This emergency rule extends the time period for filing an initial claim by seven days beyond the end of the week for which the claimant expects to get the benefits.

Increasing the time frame within which a claimant may file a timely initial unemployment insurance benefit claim would reduce disparate treatment of claimants in like situations by removing the subjectivity of finding "exceptional circumstances" before allowing late claims and ease an increasing workload for the unemployment insurance division. The institution of this change would eliminate approximately 67% of untimely filing issues. This would translate into savings of 5 to 6 full-time employees (FTEs). These positions would then be able to turn attention and time to resolving other eligibility issues at a time when the unemployment insurance division is currently experiencing a sharp increase in workload and anticipates continued increase over the next three years.

The telephone initial claims system allows the department to be more lenient in proscribing filing deadlines due to its expanded accessibility and speed in identifying and resolving eligibility issues. Programming changes to the telephone initial claims system are estimated to require 50 hours at approximately \$50 to \$60 per hour for a total of \$2500 to \$3000.

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DWD 129.01 Notice of unemployment. (1) INITIATING A CLAIM. A claimant is eligible under s. 108.08, Stats., for benefit purposes for any week of total or partial unemployment only if, as of the first week being claimed, the claimant notifies the department in person, by telephone if authorized by the department, or as otherwise prescribed by the department, during that week or within 7 days after the close of that week, of the claimant's intent to initiate the claim and complies with the initial and weekly filing procedures as directed by the department. Any claimant who stops filing weekly certifications for one or more weeks or who files a late weekly certification must comply with the requirements of this subsection to resume a claim.

EFFECTIVE DATE. This rule shall take effect upon publication in the official state newspaper, as provided in s. 227.24(1)(c), Stats.

LRB or Bill No./Adm. Rule No.
DWD 129.01(1)
Amendment No. if Applicable

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

FISCAL ESTIMATE
DOA-2048 N(R03/97)

Subject
Extension of the time period allowed for filing an initial claim for unemployment insurance benefits

Fiscal Effect
State: No State Fiscal Effect
Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.
 Increase Existing Appropriation Increase Existing Revenues
 Decrease Existing Appropriation Decrease Existing Revenues
 Create New Appropriation
 Increase Costs - May be possible to Absorb Within Agency's Budget Yes No
 Decrease Costs

Local: No local government costs
1. Increase Costs
 Permissive Mandatory
2. Decrease Costs
 Permissive Mandatory
3. Increase Revenues
 Permissive Mandatory
4. Decrease Revenues
 Permissive Mandatory
5. Types of Local Governmental Units Affected:
 Towns Villages Cities
 Counties Others _____
 School Districts WTCS Districts

Fund Sources Affected
 GPR FED PRO PRS SEG SEG-S
Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate
The rule will have an immediate cost of approximately \$3000 for an automation change. The extension of the time period for filing a claim is expected to eliminate approximately 67% of untimely filing issues. This translates into savings of 5 to 6 full-time employees who would have otherwise been needed to determine these issues.

Long-Range Fiscal Implications
The extension of the time period for filing an initial claim is expected to reduce the need for 5-6 FTEs who would have been needed to determine whether the claimant met an "exceptional circumstances" provision.

Agency/Prepared by: (Name & Phone No.)
DWD/Elaine Pridden 267-9403
Authorized Signature/Telephone No. *[Signature]* 267-9403
Date 4/9/02

