

ing municipality, bearing interest at such rate and payable at such times as the governing body shall determine, not exceeding, however, five years from the date of such bonds or evidences of indebtedness. All money received by such municipality from such delinquent taxes shall be paid into a sinking fund for the sole purpose of paying said bonds or other evidences of indebtedness and the interest thereon until the amount of such sinking fund shall equal the amount of interest and principal due and unpaid on such bonds or other evidences of indebtedness. Such bonds or other evidences of indebtedness shall not be the general obligations of the municipality issuing the same. It shall not be necessary to submit the question of the issuance of such bonds or other evidences of indebtedness to the electors for approval.

(3) Subsections (1) and (2) of this section are severable and the invalidity of either of these subsections shall not affect the other.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 11, 1933.

No. 829, A.]

[Published July 12, 1933.]

CHAPTER 383.

AN ACT to amend paragraphs (c), (d), (f) and (m) of section 108.02, subsection (2) of section 108.03, subsections (3) and (4) and paragraph (d) of subsection (5) of section 108.04, subsection (1) of section 108.06, section 108.13, subsection (1) of section 108.15, subsection (5) of section 108.16, and section 108.23 of the statutes; and to create subdivision 9 of paragraph (e) of section 108.02, subsections (2m) and (9) of section 108.04, subsection (2m) of section 108.15, subsection (4m) of section 108.16, and subsection (3) of section 108.25 of the statutes, relating to unemployment reserves and compensation. *The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Paragraphs (c), (d), (f) and (m) of section 108.02, and subsection (2) of section 108.03 of the statutes, are amended to read: (108.02) (c) "Employee", except where the context clearly shows otherwise, shall mean any person * * * employed by an employer and in an employment *both* subject to this chapter; * * * provided, that * * * all persons em-

ployed by * * * a contractor or subcontractor under an "employer" subject to this chapter shall be deemed * * * the employer's "employees" for the purposes of this chapter to the extent that such persons are or have been employed in any work which is a part of the employer's usual trade, business, profession or occupation, unless the contractor or subcontractor is himself an "employer" subject to this chapter.

(d) "Employer", except where the context clearly shows otherwise, shall mean any person, partnership, association, corporation, (or legal representative of a deceased person, or a receiver or trustee of a person, partnership, association or corporation), including this state and any municipal corporation or other political subdivision thereof, who or whose predecessor in interest has * * * within each of eighteen or more calendar weeks lying wholly within the preceding calendar year employed ten or more persons in employments subject to this chapter. There shall be included in such calculation all persons thus employed by the employer throughout the entire state, and all of the several places of employment maintained within Wisconsin by the employer shall be treated as single "employer" for the purposes of this chapter; provided, moreover, that where any employer, either directly or through a holding company or otherwise, has a majority control or ownership of otherwise separate business enterprises employing persons in Wisconsin, all such enterprises shall be treated as a single "employer" for the purposes of this chapter.

(f) An employee's "weeks of employment" by an employer shall mean all those calendar weeks during each of which the employee has performed any wage-earning services * * * for the employer and during each of which all or the greater part of the employee's wage-earning services were performed both for the employer and within Wisconsin.

(m) "Reserve per employe" shall refer to the status of an employer's account at * * * any contribution date applicable to such employer. It shall be calculated by dividing the net amount such employer's account then has (or would have if all contributions due under this chapter had been paid) by the maximum number of employes * * * employed by such employer in any * * * payroll period lying wholly within the preceding * * * twelve months; except that there shall not be included in such maximum number any person receiving at the time of such payroll period a wage or salary of three hundred dollars or more per

month, or any employe or officer then employed on a contractual basis for a fixed term at a fixed monthly salary aggregating at least fifteen hundred dollars if said term was less than twelve months or amounting to at least fifteen hundred dollars per annum if said term was twelve months or more, provided such contract had been duly reported to the commission by the employer.

(108.03) (2) No benefits shall become payable from any employer's account, nor shall any employer's benefit liability begin to accrue under section 108.06, until one year after he has *become liable* * * * to make * * * contributions * * * under this chapter, except as otherwise provided in subsection (5) of section 108.15 and subsection (8) of section 108.16; provided, that at the end of such year period each employer's benefit liability shall begin to accrue and benefits shall accordingly become payable from this account.

SECTION 2. Subsections (3) and (4) and paragraph (d) of subsection (5) of section 108.04 of the statutes are amended to read: (108.04) (3) An employe shall be deemed partially unemployed in any calendar week * * * *of employment in which his week's wages are less than the amount of weekly benefit to which he would be entitled under this chapter if totally unemployed. An employe shall be deemed totally unemployed in any calendar week when he performs no wage-earning services whatsoever during such week.*

(4) * * * An employe thus *partially or totally unemployed* shall be eligible for benefits * * * for each week of * * * *such unemployment occurring subsequent to a waiting period of two * * * weeks of total unemployment, or to an equivalent waiting period (to be calculated on the basis of benefits payable) of partial unemployment or of partial and total unemployment combined.* No benefit shall be or become payable for this required waiting period, but not more than two * * * weeks of * * * *total unemployment (or their equivalent in lost benefits)* per employer shall be required of any employe in any * * * *fifty-two consecutive calendar weeks as a waiting period* to establish his eligibility for * * * benefits under this section. The commission may approve, in an approved voluntary *or exempted* unemployment benefit plan, such longer or shorter waiting period as will comply with the requirements of subsection (2) of section 108.15.

(5) (d) For any period during which he is out of employment because of an act of God, *fire or other catastrophe or act of civil or military authority directly affecting his place of employment*;

SECTION 3. Subsection (1) of section 108.06, section 108.13, and subsection (1) of section 108.15 of the statutes are amended to read: (108.06) (1) An employer's account shall be liable to pay benefits to an employe in the ratio of one week of total unemployment benefit (or an equivalent amount of partial unemployment benefit) to each four weeks of employment of such employe by such employer *occurring after the probationary service period specified in subsection (9) of section 108.04 and within the fifty-two calendar weeks preceding the * * * close of the employe's most recent week of employment by such employer. * * **

108.13 No claim for benefit under this chapter or under any approved voluntary unemployment benefit plan *nor any interest in any unemployment benefit fund or reserve* shall be assignable before payment, *except for recovery as a wage claim under subsection (14) of section 101.10 of the statutes, which subsection is hereby made applicable to such claims*, but this provision shall not affect the survival thereof; nor shall any claim for benefit awarded, adjudged, or paid, *nor any interest in any unemployment benefit fund or reserve*, be subject to be taken for the debts of the party entitled thereto.

(108.15) (1) The commission shall exempt, from the provisions of this chapter, except sections 108.101, 108.12, 108.14, 108.15, 108.19, 108.21, 108.22, 108.23 and 108.24, any employer or group of employers who guarantees, under a plan approved by the commission, to all his eligible employes *employed at the time of his commencing such guaranty* (and to each new eligible employe thereafter * * *), in advance for * * * stated one-year * * * periods, at least forty-two weeks of work * * * and wages, for at least * * * two-thirds in each such week of the full-time weekly hours normally worked in the employer's establishment, as determined by the commission, if satisfied that the employer can and will make good such promise under all circumstances. *Where an employer guarantees to his employes more than forty-two weeks per year, for each such extra guaranteed week one hour shall be deducted (as to all guaranteed weeks) from the number of guaranteed weekly hours otherwise applicable, except that in no case shall an employer's guaranty under this section amount to less than twenty guaranteed hours per guaranteed*

week. The words "eligible employe" in this subsection shall mean an employe who if unemployed would not be barred from eligibility for benefits by any of paragraphs (e), (f) and (g) of subsection (5) of section 108.04 or by subsection (8) or subsection (9) of section 108.04. But such employer shall not be required to make good such guarantee in the case of any individual employe who loses his employment under any of the conditions enumerated in subsection (5) of section 108.04. *The employer's guaranty plan shall commence on the date provided for the beginning of contributions under section 108.17; or shall, in the case of an employer thereafter shifting from a benefit plan to a guaranteed employment plan, commence at a time and under conditions approved by the commission. The employer's guaranty to an employe under such approved guaranteed employment plan shall specify the one-year period applicable to such employe, the total wage rate or basis guaranteed the employe for all work done by him for the employer during such year period and guaranteed him as a deficiency wage for each hour short of the number of guaranteed hours in a guaranteed week, the manner of extending or renewing such guaranty, and such other matters as the commission finds necessary to safeguard and carry out guaranteed employment plans submitted under this section. Unpaid deficiency or other wages due an employe under such a guaranty may be recovered in accordance with subsection (14) of section 101.10 of the statutes, which subsection is hereby made applicable to such wage claims. The commission may determine under what conditions an employer may substitute a benefit plan for his guaranteed employment plan. The commission may approve, in an approved guaranteed employment plan, a service probationary period longer than that provided in subsection (9) of section 108.04, but not to exceed twenty-six weeks of employment; provided, that the plan guarantees to each employe laid off prior to the completion of such probationary service period the benefits to which he would be entitled under the unemployment benefit provisions of this chapter.*

SECTION 4. Subsection (5) of section 108.16 and section 108.23 of the statutes are amended to read: (108.16) (5) The unemployment reserve fund shall be invested by the annuity and investment board in the following readily marketable classes of securities: (a) Bonds or other interest bearing obligations of the United States of America: * * * (b) bonds which are the direct obligations of this state, * * * or of any Wisconsin city,

county or other governmental subdivision of this state, * * * which has not defaulted in the payment of any of its bonded indebtedness during the twenty years preceding such investment, provided that such bonds shall mature within five years from the date of purchase except where the board acquires for the fund an entire new issue of such bonds maturing in serial installments and within twenty years from their date of issue. The investments of the fund shall be so made that all the assets of the fund shall always be readily convertible into cash when needed. When so directed by the industrial commission, the board shall dispose of securities belonging to the fund to secure cash needed for the payment of benefits. All expenses of the annuity and investment board in the investment of the unemployment reserve fund shall be paid from the interest earnings of said fund, as provided in subsection (1) of section 20.725.

108.23 BANKRUPTCY. In the event of * * * an employer's dissolution, bankruptcy, adjudicated insolvency, receivership, assignment for benefit of creditors, judicially confirmed extension proposal or composition, or any analogous situation, * * * claims for benefits and * * * amounts due the fund under this chapter or to a fund or reserve under any approved voluntary or exempted unemployment benefit plan and any reserve or security duly required by the commission under any approved voluntary or exempted guaranteed employment plan shall have the same preference as is accorded in such situation * * * to claims for labor, but this section shall not impair the lien of any judgment entered upon any award.

SECTION 5. A new subdivision is added to paragraph (e) of section 108.02, to read: (108.02) (e) 9. Employment of a physically handicapped person by an institution which the commission finds is financed largely by charitable donations and organized not for profit but primarily for the relief and rehabilitation of such handicapped persons.

SECTION 6. Two new subsections are added to section 108.04 of the statutes to read: (108.04) (2m) Where an employe leaves his employment because of physical incapacity, and his employer employs a substitute to fill his place, the employer's benefit liability with respect to the incapacitated employe (as determined under subsection (3) of section 108.05 and subsection (1) of section 108.06) shall be reduced in the ratio of one full week of benefits to each four weeks of such employment of the substitute occur-

ring after the substitute's probationary service period under subsection (9) of this section.

(9) An employe shall not be deemed eligible for benefits from a given employer's account until the employe has, after the employer becomes liable for contributions, been employed by such employer either a total of more than four weeks of employment and on at least twelve working days, or on a monthly salary basis for more than one month. Where the commission finds, as to any exceptional class of employes, such as indentured apprentices, that the fitness of the employe to learn the given type of work cannot reasonably be determined within such four weeks or one month, the commission may by general rule approve such longer probationary service period subject to such restrictions as the commission deems reasonable under the circumstances.

SECTION 7. A new subsection is added to section 108.15 of the statutes to read: (108.15) (2m) In the case of an employer having two or more distinct establishments, the commission may, subject to the limitations of subsections (1) and (2) of this section, approve for each establishment a distinct unemployment benefit plan or guaranteed employment plan, provided the commission finds that the employer's proposed plans will be on the whole as beneficial to all his employes as would a single plan.

SECTION 8. A new subsection is added to section 108.16 of the statutes to read: (108.16) (4m) During the first year of contribution payments under this chapter all moneys received by the fund shall be invested in accordance with subsection (5) of this section. Of the moneys thereafter received, not less than twenty nor more than forty per cent, as determined from time to time by the commission, shall either be deposited with Federal reserve banks if authorized to receive such deposits, or shall be held in earmarked cash by the treasurer or by trust depositories selected by the treasurer. The balance of the fund shall be invested in accordance with subsection (5) of this section.

SECTION 9. A new subsection is added to section 108.25 of the statutes to read: (108.25) (3) Any employer, by filing suitable notice with the commission, may contract out from the provisions of this section for future periods specified in such notice and approved by the commission.

SECTION 10. This act shall take effect upon passage and publication.

Approved July 11, 1933.