

No. 223, S.]

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CHAPTER 532.

AN ACT to repeal 108.02 (16m), 108.05 (2) and (3) (e) and 108.16 (13); to amend 108.02 (5) (g) 15 and (16), 108.04 (2) (a) and (3) (b) and (c), 108.05 (1) (schedule, line 19), 108.06 (1) (b) and (2) (b), 108.07 (1) and 108.16 (2m) and (3); to repeal and recreate 108.02 (7) (c) and 108.03 (3) and 108.07 (2); to create 108.02 (8) (c) and (d), 108.04 (7) (e) and (13) (d) and (14) and (15), 108.05 (1) (schedule, lines 20, 21, 22 and 23), 108.07 (3), 108.09 (2r), 108.14 (7m) and (8s) and (17) and 108.18 (8) of the statutes, constituting recommendations made to the 1951 legislature pursuant to 108.14 (5m) by the statutory advisory committee, relating to unemployment compensation, and therefore affecting the unemployment reserve fund.

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

SECTION 1. 108.02 (5) (g) 15 of the statutes is amended to read:
108.02 (5) (g) 15. Service performed in any calendar quarter as an officer or repre-

sentative of any organization exempt from federal income tax under section 101 of the Internal Revenue Code, if the remuneration for such service does not exceed * * * \$50.

SECTION 2. 108.02 (7) (c) of the statutes is repealed and recreated to read:

108.02 (7) (c) The commission may also apply paragraph (b) to any employe who would have no weekly benefit rate under paragraph (a).

SECTION 3. 108.02 (8) (c) of the statutes is created to read:

108.02 (8) (c) If the federal unemployment tax is amended to apply to a higher amount than the first \$3,000 of wages (paid to an individual during a calendar year), then such higher amount shall likewise apply under paragraph (b), as a substitute for the \$3,000 there specified, starting with the same period to which such federal amendment first applies.

SECTION 3A. 108.02 (8) (d) of the statutes is created to read:

108.02 (8) (d) If a higher amount is applied pursuant to paragraph (c), the employer contribution rates (on payroll) determined under section 108.18 for the second calendar year to which that higher amount applies shall be modified as follows. As to each employer to whom an experience rate then applies under section 108.18, the contribution rate determined for him under section 108.18 for that second calendar year shall be reduced by one-tenth of one per cent (on his payroll for that year), except where said rate is zero per cent.

SECTION 4. 108.02 (16) of the statutes is amended to read:

108.02 (16) PARTIAL UNEMPLOYMENT. An employe * * * is "partially unemployed" * * * in any week for which he receives some wages * * * but * * * less than his weekly benefit rate * * *.

SECTION 5. 108.02 (16m) of the statutes is repealed.

SECTION 6. 108.03 (3) of the statutes is repealed and recreated to read:

108.03 (3) When an employer, after due notice of a benefit claim against his account, has conceded liability thereunder or has failed to file the required report thereon or has failed to raise any eligibility issue thereunder, any benefits allowed under any resulting benefit determination shall be promptly paid; and any issue thereafter raised by the employer shall not affect benefits already paid.

SECTION 7. 108.04 (2) (a) and (3) (b) and (c) of the statutes, subject to the timing specified in section 23 of this act, are amended to read:

108.04 (2) (a) An employe shall be deemed eligible, for waiting period or benefit purposes * * *, as to any given week for which he receives no wages * * *, only if he has within such week registered for work in such manner as may then be prescribed by commission rules; provided that, if the commission finds that there are conditions under which an employe cannot reasonably be required to comply with the foregoing registration requirement, the commission may by general rule waive this requirement under such stated conditions. Each employer shall inform his employes of the foregoing registration requirement, in such reasonable manner as the commission may from time to time prescribe.

(3) (b) An employe shall become eligible to receive benefits for his weeks of unemployment ending within a given calendar year only after he has had * * * one waiting period * * * week, ending within such year, except as hereinafter provided.

(c) Not more than * * * one of the weeks ending between October 31 and the following March 1 shall be required of an employe as waiting period * * *.

SECTION 8. 108.04 (7) (e) and (13) (d) and (14) and (15) of the statutes, subject to the timing specified in section 24 of this act, are created to read:

108.04 (7) (e) Any benefits paid pursuant to paragraph (c) or (d) based on the employment terminated shall be charged against the fund's balancing account; but the employer shall continue to be recognized as an interested party in any such case.

(13) (d) As to any benefits paid from one employer's account by reason of another employer's failure to file duly a report requested from him by the commission, the first week's benefits thus paid shall not be recovered from the employe but shall be credited to the one employer's account and charged to the employer's account.

(14) If the commission finds that the official war-time manpower policies of the United States are or may be materially hampered, in any clearly definable class of cases, by any application of subsection (7) or (8), so as to interfere with the effective war-time use of civilian manpower in Wisconsin, the commission may by general rule, after public hearing, modify or suspend such application accordingly.

(15) RETIREMENT PAYMENTS. If an employe claims benefits based on his past work for a covered employer, but such employer duly notifies the commission pursuant to subsection (13), and the commission determines, that the employe is receiving or has claimed and will receive retirement payments, as to any week covered by his benefit claim, under a

group retirement system to whose financing any employer has substantially contributed or under a government retirement (or old-age insurance) system or under both, then the benefits thus claimed:

(a) Shall be denied for any such week, from the account of such employer, if the employe left his employment with that employer to retire before he reached the compulsory retirement age used by that employer.

(b) Shall not be denied for any such week, from the account of such employer, if the employe is otherwise eligible and left or lost his employment with that (or any other) employer because he had reached the compulsory retirement age used by the employer in question.

(c) Shall, if payable, be determined for any such week by treating all but \$5 of the employe's weekly rate of such retirement payments as if it were "wages".

SECTION 9. 108.05 (1) (schedule, line 19) of the statutes, subject to the timing specified in section 25 of this act, is amended to read:

108.05 (1) SCHEDULE		
Line	Average Weekly Wage Class	Weekly Benefit Rate
19.	\$50.01 * * * to \$52	\$26

SECTION 10. 108.05 (1) (schedule, lines 20, 21, 22 and 23) of the statutes, subject to the timing specified in section 25 of this act, are created to read:

108.05 (1) SCHEDULE		
Line	Average Weekly Wage Class	Weekly Benefit Rate
20.	\$52.01 to \$54	\$27
21.	54.01 to 56	28
22.	56.01 to 58	29
23.	58.01 or more	30

SECTION 11. 108.05 (2) and (3) (c) of the statutes are repealed.

SECTION 12. 108.06 (1) (b) and (2) (b) of the statutes, subject to the timing specified in section 24 of this act, are amended to read:

108.06 (1) (b) In case an employe has had more than * * * 38 weeks of employment by an employer within the period specified in paragraph (a) 2, only * * * 38 of such weeks shall be counted as "credit weeks" with respect to such employer *under any one benefit determination.*

(2) (b) Based on each such credit week, the fund shall be liable to pay benefits to the employe (if otherwise eligible) in an amount equal to * * * *seven-tenths* of the weekly benefit rate applicable under the given benefit determination; except that the sum of the benefit credits thus resulting, based on all credit weeks under said determination, shall be adjusted to the nearest multiple of one-half of said weekly benefit rate.

SECTION 13. 108.07 (1) of the statutes is amended to read:

108.07 (1) (a) In case an employe is * * * unemployed and eligible * * * as to 2 or more employers in the same week, and has claimed benefits, he shall, for the purposes of this subsection and section 108.04 (13), be deemed to have claimed benefits from the account of each such employer; but his benefits for such unemployment in such week shall be paid only from the account of that one of such employers by whom he was most recently employed, except as provided in * * * *this section.*

(b) After an employe has become eligible for a benefit check under a given benefit determination, he shall, while it remains valid under section 108.06 (3), be eligible for benefits solely under that determination, except * * * *while it is suspended under section 108.04.*

SECTION 14. 108.07 (2) of the statutes is repealed and recreated to read:

108.07 (2) In case an employe has usually performed services in the same week for 2 or more employers, under an arrangement between such employers, the commission may combine his wages and his employment from such employers to determine his benefit rights under sections 108.05 and 108.06 as if such wages and employment had been from a single employer, and may pay benefits accordingly, and may pro-rate the resulting benefit charges between the accounts of such employers, by such methods as it deems fair and reasonable. The commission may temporarily charge such benefit payments to the fund's balancing account, pending their pro-rata allocation to the accounts of such employers.

SECTION 15. 108.07 (3) of the statutes is created to read:

108.07 (3) In case an employe, to whom no benefit determination then applies, becomes unemployed and eligible as to 2 or more employers, the commission may, if it finds that applying subsection (1) (a) would be grossly inequitable to the employe, determine and use first his most fairly representative benefit rights.

SECTION 15A. 108.09 (2r) of the statutes is created to read:

108.09 (2r) The employe's copy of any benefit determination may be given to him,

instead of being mailed to him; and he may in that event request a hearing as to any matter therein by duly filing such request within 10 days after such delivery.

SECTION 16. 108.14 (7m) and (8s) and (17) of the statutes are created to read:

108.14 (7m) To help assure the speediest practicable handling of benefit claims and payments under this chapter, the commission may rent a postoffice box in the city of Madison, for use by its unemployment compensation department, at the expense of the unemployment administration fund, despite the general prohibition of section 14.64.

(8s) If the agency administering another unemployment compensation law has overpaid benefits to an individual located in Wisconsin, and certifies to the commission the facts involved and that the individual is liable, under such law, to repay such benefits, and requests the commission to recover such overpayment, and agrees to reimburse the commission for any court costs incurred by it in such recovery efforts, the commission may in its own name, but acting as agent for such other agency, collect such overpayment by civil action, and shall pay the net amount recovered to such other agency. If benefits are currently payable under this chapter to such individual, the commission may, with notice to the individual, pay as much of such benefits to such agency as are necessary to satisfy the individual's indebtedness to such agency.

(17) To help provide suitable quarters for the administration of this chapter at the lowest practicable long-run cost, the commission may, with the governor's approval and subject to all relevant statutory requirements, use part of the moneys available for such administration under section 20.573 to buy suitable real property, or to help construct suitable quarters on any state-owned land, or for the long-term rental or rental-purchase of suitable land and quarters. In each such case full and proper use shall be made of any federal grants available for the administration of this chapter.

SECTION 17. 108.16 (2m) of the statutes is amended, as to the time limit on duly reimbursing the fund's balancing account in benefit overpayment cases, by striking the phrase "within 2 years" from the last sentence thereof.

SECTION 18. 108.16 (3) of the statutes is amended to read:

108.16 (3) (a) As to any benefit overpayment still outstanding * * * *more than 6 years after the claimant's liability to reimburse the fund was duly established under section 108.22 (8)*, the fund's treasurer * * * *shall write off and waive recovery of such overpayment, upon receipt of a certification by a commission deputy that reasonable efforts have been made to recover such overpayment* * * *.

(b) *Any such waiver shall be recorded as satisfying any warrant then outstanding under section 108.22 (8) as to such overpayment.*

SECTION 19. 108.16 (13) of the statutes is repealed.

SECTION 20. 108.18 (8) of the statutes is created to read:

108.18 (8) ADJUSTMENT OF RATES, IN BAD YEARS. (a) An adjusted schedule of experience rates shall apply for a given calendar year, to employers determined by the commission to be eligible therefor, under the conditions specified in this subsection, provided the fund's balancing account, as of the close of October 31 (namely 2 months before the start of such year), had a "net balance" (after allowing for the debit balances of any employer accounts then overdrawn) of \$25,000,000 or more.

(b) The commission shall determine, annually, by November 20, the gross wages paid in the most recent one-year period ended on June 30 by employers (except government units) covered by this chapter for their employment covered by this chapter, based on reports to the commission (including corrections thereof) filed by such employers within 3 months after said June 30, and shall record such determination in its minutes.

(c) The commission shall compare the gross wages thus determined for said one-year period with the gross wages similarly determined, by the preceding November 20, for the preceding one-year period ended June 30. If such gross wages for the most recent of those one-year periods were lower than such gross wages for the preceding one-year period, the commission shall compute and determine and record in its minutes the percentage of decrease.

(d) If such percentage of decrease was 5 per cent or more, and if the close-of-October "net balance" of the fund's balancing account was \$25,000,000 or more, the commission shall record in its minutes and have officially published, by December 15, the adjusted schedule of experience rates which applies hereunder for the ensuing calendar year.

(e) Before applying any such adjusted schedule, the commission shall compute, for each employer eligible for an experience rate for such calendar year, the "normal" rate (percentage) which would apply on his payroll for such year under subsections (1) through (7). The commission shall then use the applicable adjusted schedule, by applying to that payroll, in lieu of the relevant "normal" rate shown on line 1 thereof, the corre-

sponding "adjusted" rate (percentage) shown on line 2 thereof directly below said "normal" rate.

(f) If the percentage of decrease determined under paragraph (c) was 5 per cent or more but less than 10 per cent, the adjusted rates on payroll shown on line 2 shall apply, in lieu of the normal rates on payroll shown on line 1, as follows:

	Percentage on Payroll								
Line 1. Normal:	0	0.5	1.0	1.5	2.0	2.5	3.0	3.5	4.0
Line 2. Adjusted:	0	0.5	0.9	1.3	1.8	2.2	2.6	3.1	3.6

(g) If the percentage of decrease determined under paragraph (c) was 10 per cent or more but less than 15 per cent, the adjusted rates on payroll shown on line 2 shall apply, in lieu of the normal rates on payroll shown on line 1, as follows:

	Percentage on Payroll								
Line 1. Normal:	0	0.5	1.0	1.5	2.0	2.5	3.0	3.5	4.0
Line 2. Adjusted:	0	0.4	0.8	1.2	1.6	2.0	2.4	2.8	3.2

(h) If the percentage of decrease determined under paragraph (c) was over 15 per cent, the adjusted rates on payroll shown on line 2 shall apply, in lieu of the normal rates on payroll shown on line 1, as follows:

	Percentage on Payroll								
Line 1. Normal:	0	0.5	1.0	1.5	2.0	2.5	3.0	3.5	4.0
Line 2. Adjusted:	0	0.3	0.7	1.1	1.4	1.7	2.1	2.5	2.9

(i) This subsection shall affect contribution rates only after 1952.

SECTION 21. Section 108.14 (13) of the statutes shall apply to all changes, in chapter 108 of the statutes, effected by this act.

SECTION 22. The changes effected by this act in sections 108.04 (2) (a) and (3) (b) and (c) and (15), 108.05 (3) (c) and 108.07 (1) (b) of the statutes shall apply to any claim, as to a completed week of unemployment, which is filed under chapter 108 of the statutes after the close of the calendar week in which this act is officially published.

SECTION 23. The changes effected by this act in sections 108.04 (7) (e), 108.06 and 108.09 of the statutes shall apply to all determinations under chapter 108 of the statutes issued after the effective date of this act.

SECTION 24. The changes effected by this act in section 108.05 (1) (schedule) of the statutes shall apply only to those benefit determinations, issued under chapter 108 of the statutes, which include one or more credit weeks (as defined in said chapter) ending after June 1951 and also after the close of the calendar month which follows the calendar month in which this act is officially published.

Approved July 6, 1951.
