

CHAPTER 61

AN ACT to repeal 108.15 (3m) (b); to amend 108.04 (1) (c) and (4) (a) and (c), 108.06 (1) (b) and 108.09 (6) (b); to repeal and recreate 108.06 (2); and to create 108.02 (7) (d), 108.04 (8) (af), 108.05 (2), 108.14 (16) and 108.20 (5) of the statutes; to repeal chapter 1, laws of the special session of 1958, section 9; and to amend chapter 1, laws of the special session of 1958, section 2 (intro. par.), constituting recommendations made to the 1959 legislature pursuant to 108.14 (5m) by the statutory advisory committee, relating to unemployment compensation and 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 (7) (d) of the statutes is created to read:

108.02 (7) (d) On recommendation by the advisory committee on this chapter the commission may by rule prescribe, in lieu of the standard procedure specified by par. (a), that each employe's average weekly wage with respect to a given employer and benefit determination shall be based on his gross wages for the weeks of employment, completed within the period specified by s. 108.06 (1) (a), reported for possible use in that determination.

SECTION 2. 108.04 (1) (c) and (4) (a) and (c) of the statutes are amended to read:

108.04 (1) (c) A pregnant woman shall be deemed unavailable for work and ineligible for benefits for the period which begins * * * 10 weeks before the week which includes the expected date of childbirth and which ends 4 weeks after the week which includes the date of childbirth. The commission may require any such claimant to submit a doctor's certificate to establish such dates.

(4) (a) An employe shall not be eligible to receive benefits for any given week of unemployment unless he has had a total of * * * 18 or more "weeks of employment" from one or more employers within the 52 weeks preceding the close of his most recent week of employment.

(c) An employe shall not be eligible to receive benefits from the account of an employer who is engaged in the canning of fresh perishable fruits or vegetables, based on his weeks of employment by such employer ending within a given calendar year, if during such year he has been employed by such employer *within fewer than 18 weeks and solely within the active canning season or seasons (as determined by the commission) of the establishment in which he has been employed by such employer, unless he had earned wages (for services performed for one or more other * * * covered employers, and submits adequate evidence of such wages) of \$200 or more during the 52 weeks preceding his first week of employment by such canning employer ending within such year.*

SECTION 3. 108.04 (8) (af) of the statutes is created to read:

108.04 (8) (af) If an employe fails to return to work with a former employer who has duly recalled him, and such failure was without good cause as determined by the commission, he shall be ineligible for benefits from that employer's account for the week in which such failure occurs

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and thereafter until he has again been employed within at least 4 weeks and has earned wages equalling at least 4 times his weekly benefit rate.

SECTION 4. 108.05 (2) of the statutes is created to read:

108.05 (2) SEMIANNUAL ADJUSTMENT OF MAXIMUM BENEFIT RATE.

(a) This chapter's maximum weekly benefit rate, as to benefit determinations whose first benefit check is issued in a given half year (starting January 1 or July 1), shall be based on the "average wages per average week" of the preceding "base year" (ended 6 months before the starting date of the given half year) pursuant to this subsection.

(b) The commission shall determine semiannually, by December 1 and by June 1, for the last completed "base year" (ended June 30 or December 31), from reports to the commission (including corrections thereof) filed within 3 months after the close of that year by employers (except government units) covered by this chapter as to their employes in employment covered by this chapter:

1. The gross wages thus reported by all such employers as paid in that year for such employment; and

2. The average of the 12 mid-month totals of all such employes in employment thus reported for that year; and

3. The quotient obtained by dividing said gross wages by said average; and

4. The amount (herein called "average wages per average week") obtained by dividing said quotient by 52.

(c) Based on the amount of "average wages per average week" thus determined, this chapter's maximum weekly benefit rate, as to benefit determinations whose first benefit check is issued in the ensuing half year (starting January 1 or July 1), shall equal the result obtained by rounding 52.5 per cent of said "average wages per average week" to the nearest multiple of one dollar.

(d) Whenever said result is higher or lower than the current half year's maximum weekly benefit rate, under the schedule which currently applies under this section, the commission shall change the closing lines of that schedule, for benefit determinations whose first benefit check is issued in the next half year, so that each such line will show an "average weekly wage class" two dollars higher and a "weekly benefit rate" one dollar higher than the preceding line, except that the new last line, showing the new maximum weekly benefit rate determined under par. (c), shall specify that "average weekly wage class" which ranges upward without limit and starts one cent above the higher wage figure of the next preceding line.

(e) The commission shall promptly record in its minutes, and shall have officially published within 10 days, the "average wages per average week" and the corresponding maximum weekly benefit rate thus determined by it, and the resulting schedule of average weekly wage classes and weekly benefit rates, which shall then apply to all benefit determinations whose first benefit check is issued in the ensuing half year.

(f) The commission shall certify such schedule to the revisor of statutes, who shall when publishing the statutes include the latest such schedule then available.

(g) The commission's first determination under par. (b) shall be made by December 1, 1959, for the "base year" ended June 30, 1959, and the resulting schedule shall apply to the half year beginning on January 1, 1960.

SECTION 5. 108.06 (1) (b) of the statutes is amended to read:

108.06 (1) (b) In case an employe has had more than * * * 45 weeks of employment by an employer within the period specified in par.

(a) 2, only * * * 45 of such weeks shall be counted *and available* as "credit weeks" with respect to such employer under any one benefit determination.

SECTION 6. 108.06 (2) of the statutes is repealed and recreated to read:

108.06 (2) DURATION OF BENEFITS, BASED ON CREDIT WEEKS. (a) Each benefit determination issued under s. 108.09 shall allow benefits to an employe, if otherwise eligible, based on the number of his credit weeks then available with respect to an employer.

(b) As to the first 20 credit weeks thus available, each such week shall, in determining the employe's total benefit credits, be valued at seven-tenths of his weekly benefit rate.

(c) As to additional credit weeks (over 20) thus available, each such week shall, in determining the employe's total benefit credits, be valued at eight-tenths of his weekly benefit rate.

(d) The total benefit credits thus resulting under any benefit determination, based on its credit weeks and weekly benefit rate, shall be adjusted to the nearest multiple of one-half of said weekly benefit rate.

(e) No such determination shall allow benefits totaling more than 34 times its weekly benefit rate.

SECTION 7. 108.09 (6) (b) of the statutes is amended to read:

108.09 (6) (b) Either party may petition the commission for review of an appeal tribunal decision, pursuant to general commission rules, within 10 days after it was mailed to his last known address. * * * *Promptly* after the filing of such a petition, the commission may either dismiss it as not timely at any level or may affirm, reverse, change, or set aside such decision, on the basis of the evidence previously submitted in such case, or direct the taking of additional testimony. * * *

SECTION 8. 108.14 (16) of the statutes is created to read:

108.14 (16) The commission shall have duplicated or printed, and shall distribute without charge, such employment security reports, studies and other materials (including the text of this chapter and instructional or explanatory pamphlets for employers or workers) as it deems necessary for public information or for the proper administration of this chapter; but the commission may collect a reasonable charge, which shall be credited to the unemployment administration fund, for any such item the cost of which is not fully covered by federal administrative grants.

SECTION 9. 108.15 (3m) (b) of the statutes is repealed, as of December 31, 1959.

SECTION 10. 108.20 (5) of the statutes is created to read:

108.20 (5) If and to the extent that moneys transferred under sub. (4) are unavailable to finance some or all of the capital costs involved in any employment security building project or in constructing office space for use by the commission in connection with its employment security operations, the moneys available under s. 20.440 (74) may be used for such financing.

SECTION 11. Chapter 1, laws of the special session of 1958, section 2 (intro.par.) is amended to read:

(Chapter 1, laws of the special session of 1958) Section 2. (intro. par.) 108.05 (1) (schedule) (lines 30, 31, 32 and 33) of the statutes are created, subject to sections 7 * * * and * * * 8 of this act, to read:

SECTION 12. Chapter 1, laws of the special session of 1958, section 9, is repealed.

SECTION 13. As to benefit determinations (under chapter 108 of the statutes) whose first benefit check is issued after July 19, 1959 and before January 1, 1960, the maximum weekly benefit rate under any such determination shall be \$41.

SECTION 14. S. 108.14 (13) of the statutes shall apply to all changes effected by this act.

SECTION 15. The changes effected by this act in s. 108.04 (4) (a) and (c) and in s. 108.06 of the statutes shall apply to all benefit determinations (under ch. 108 of the statutes) whose first benefit check is issued after the close of the calendar week in which this act is officially published.

SECTION 16. The changes effected by this act in s. 108.04 (1) (c) and (8) of the statutes shall apply to all calendar weeks which begin more than 21 days after this act is officially published.

SECTION 17. This bill is declared to be an emergency appropriation bill in accordance with the provisions of section 15.11 (2) of the statutes.

Approved June 2, 1959.
