



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBa2214/1
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**SENATE AMENDMENT 1,
TO 2011 SENATE BILL 352**

January 30, 2012 – Offered by Senator WANGGAARD.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 3, line 2: delete “of the state” and substitute “of the employer that is
3 providing that training”.

4 **2.** Page 3, line 5: delete lines 5 to 12 and substitute:

5 “**SECTION 4g.** 102.11 (1) (c) of the statutes is amended to read:

6 102.11 (1) (c) In the case of persons a person performing service without fixed
7 earnings or a person participating in special occupational training under s. 108.04
8 (16m), or where when normal full-time days or weeks are not maintained by the
9 employer in the employment in which the employee worked when injured, or ~~where,~~
10 when, for other reason, earnings cannot be determined under the methods
11 prescribed by par. (a) or (b), the earnings of the injured person shall, for the purpose
12 of calculating compensation payable under this chapter, be taken to be the usual
13 going earnings paid for similar services on a normal full-time basis in the same or

1 similar employment in which earnings can be determined under the methods set out
2 in par. (a) or (b).

3 **SECTION 4h.** 102.11 (1) (c) of the statutes, as affected by 2011 Wisconsin Act
4 (this act), is amended to read:

5 102.11 (1) (c) In the case of a person performing service without fixed earnings
6 ~~or a person participating in special occupational training under s. 108.04 (16m), or~~
7 when normal full-time days or weeks are not maintained by the employer in the
8 employment in which the employee worked when injured, or when, for other reason,
9 earnings cannot be determined under the methods prescribed by par. (a) or (b), the
10 earnings of the injured person shall, for the purpose of calculating compensation
11 payable under this chapter, be taken to be the usual going earnings paid for similar
12 services on a normal full-time basis in the same or similar employment in which
13 earnings can be determined under the methods set out in par. (a) or (b).”.

14 **3.** Page 3, line 12: after that line insert:

15 “**SECTION 6m.** 108.02 (12) (dp) of the statutes is created to read:

16 108.02 (12) (dp) Paragraph (a) does not apply to an individual who receives a
17 stipend for participation in a special occupational training program under s. 108.04
18 (16m).

19 **SECTION 6n.** 108.02 (12) (dp) of the statutes, as created by 2011 Wisconsin Act
20 (this act), is repealed.

21 **SECTION 6p.** 108.02 (26) (c) 17. of the statutes is created to read:

22 108.02 (26) (c) 17. A stipend received by an individual who is participating in
23 a special occupational training program under s. 108.04 (16m).

1 **SECTION 6q.** 108.02 (26) (c) 17. of the statutes, as created by 2011 Wisconsin
2 Act (this act), is repealed.

3 **SECTION 6r.** 108.04 (2) (a) (intro.) of the statutes is amended to read:

4 108.04 **(2)** (a) (intro.) Except as provided in par. (b) and ~~sub.~~ subs. (16) (am) and
5 (b) and (16m) (f) and as otherwise expressly provided, a claimant is eligible for
6 benefits as to any given week only if:

7 **SECTION 6s.** 108.04 (2) (a) (intro.) of the statutes, as affected by 2011 Wisconsin
8 Act (this act), is amended to read:

9 108.04 **(2)** (a) (intro.) Except as provided in par. (b) and ~~subs.~~ sub. (16) (am) and
10 (b) ~~and (16m) (f)~~ and as otherwise expressly provided, a claimant is eligible for
11 benefits as to any given week only if:

12 **SECTION 6t.** 108.04 (8) (dm) of the statutes is created to read:

13 108.04 **(8)** (dm) A claimant has good cause under par. (a) if the claimant is
14 participating in special occupational training under sub. (16m) at the time that the
15 claimant receives an offer of suitable work and the department determines that there
16 is a reasonable expectation that the claimant will receive an offer of full-time work
17 at the end of the training period.

18 **SECTION 6u.** 108.04 (8) (dm) of the statutes, as created by 2011 Wisconsin Act
19 (this act), is repealed.”.

20 **4.** Page 4, line 2: after “fill.” insert “If the department finds that an employer
21 providing placements under this subsection has not hired a reasonable percentage
22 of qualified trainees, the department may decline to accept further applications for
23 placements from that employer.”.

1 **5.** Page 4, line 7: delete “6-week period” and substitute “period not exceeding
2 6 weeks”.

3 **6.** Page 4, line 10: after “any” insert “period that includes a”.

4 **7.** Page 4, line 13: delete “A” and substitute “The department may suspend a
5 claimant’s obligation to be available for work during those hours in which the
6 claimant participates in special occupational training but the claimant shall
7 maintain his or her availability for work during other hours of the work week. Except
8 as authorized in s. 108.04 (8) (dm) and this subsection, a”.

9 **8.** Page 4, line 18: after “training” insert “unless the claimant declines the
10 stipend for the entire period of a placement by notifying the department in writing
11 of the declination”.

12 **9.** Page 5, line 14: delete lines 14 and 15 and substitute:

13 “(1) SPECIAL OCCUPATIONAL TRAINING; SUNSET. The treatment of sections 102.11
14 (1) (c) (by SECTION 4h) and 108.04 (2) (a) (intro.) (by SECTION 6s) of the statutes and
15 the repeal of sections 20.445 (1) (fw), 102.07 (19), 108.02 (12) (dp) and (26) (c) 17. and
16 108.04 (8) (dm) and (16m) of the statutes take effect on July 1, 2015.”.

17 **(END)**