



1997 ASSEMBLY BILL 11

January 28, 1997 - Introduced by Representatives OURADA, AINSWORTH, BAUMGART, BOCK, BOYLE, DOBYNS, FREESE, GOETSCH, GRONEMUS, GUNDERSON, HASENOHRL, HUBER, KAUFERT, LADWIG, F. LASEE, LAZICH, M. LEHMAN, MUSSER, NOTESTEIN, OLSEN, OTT, PLALE, RYBA, SERATTI, SPRINGER, SYKORA, TURNER, WASSERMAN, R. YOUNG, ZUKOWSKI, R. POTTER and POWERS, cosponsored by Senators BRESKE, WIRCH, BUETTNER, COWLES, DECKER and GROBSCHMIDT. Referred to Committee on Insurance, Securities and Corporate Policy.

1 **AN ACT to amend** 109.07 (1m); and **to create** 601.41 (7) of the statutes; **relating**
2 **to:** requiring the office of the commissioner of insurance to provide information
3 and technical assistance to employes and former employes who lose health care
4 coverage and requiring information about an employe benefit plan in the notice
5 to the department of industry, labor and job development before a business
6 closing or mass layoff.

Analysis by the Legislative Reference Bureau

This bill requires the office of the commissioner of insurance (OCI) to provide information and technical assistance regarding continuation and conversion coverage options and the availability of individual health insurance plans in the area to employes and former employes who have lost health care coverage under a group health insurance plan or self-insured health plan. This situation would most commonly arise as a result of a loss of jobs from a business closing or layoffs, or if an employer discontinued health care coverage for its employes.

Under current law, an employer that has decided on a business closing or a mass layoff must provide notice of that action to, among others, any affected employe and the department of industry, labor and job development (DILJD). The notice must include information concerning the employer's payroll, the affected employes and the wages owed to those employes. DILJD must provide a copy of the notice to the department of commerce and cooperate with the department of commerce in the

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performance of responsibilities it has under the statutes to provide certain types of assistance to the employer and affected employees. The bill requires the notice that the employer must provide to DILJD to include information about any employee benefit plan provided by the employer. DILJD must provide a copy of the notice to OCI, in addition to the department of commerce, and must cooperate with OCI in the performance of its responsibilities created in the bill related to providing information and technical assistance regarding health insurance options and plans available to affected employees.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 109.07 (1m) of the statutes is amended to read:

2 109.07 (1m) Subject to sub. (5) or (6), an employer who has decided upon a
3 business closing or mass layoff in this state shall promptly notify the subunit of the
4 department that administers s. 106.15, any affected employee, any collective
5 bargaining representative of any affected employee, and the highest official of any
6 municipality in which the affected employment site is located, in writing of such
7 action no later than 60 days prior to the date that the business closing or mass layoff
8 takes place. The employer shall provide in writing all information concerning its
9 payroll, any employee benefit plan provided by the employer, affected employees and
10 the wages and other remuneration owed to such employees as the department may
11 require. The department may in addition require the employer to submit a plan
12 setting forth the manner in which final payment in full shall be made to affected
13 employees. The department shall promptly provide a copy of the notice required
14 under this subsection to the department of commerce and to the office of the
15 commissioner of insurance and shall cooperate with the department of commerce in
16 the performance of its responsibilities under s. 560.15 and with the office of the
17 commissioner of insurance in the performance of its responsibilities under s. 601.41

